



MAYOR & COUNCIL COMMUNICATION

DATE: September 15, 2015
REGULAR
ITEM # 24
RESOLUTION 2015-070

AGENDA ITEM: Savona 3rd Addition Residential Subdivision – Final Plat

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Planning Commission
Jack Griffin, City Engineer

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission is recommending that the City Council approve a final plat request from Lennar Corporation for the third phase of a planned 310 unit residential development to be located on 112.6 acres west of Keats Avenue and within the City’s I-94 corridor planning area. The final plat will include 21 single-family lots and 99 single-family attached units (townhouses) all of which will be accessed via 5th Street.

The Planning Commission considered the final plat at its August 24, 2015 meeting and a summary of the Commission’s report and recommendation is included below.

FISCAL IMPACT: TBD – the City will be asked to review a developer’s agreement concerning the final plat at its September 1, 2015 meeting. The subdivision is included in the Section 34 utility project area, and therefore the developer has been assessed for the costs of the project to bring sewer and water to the site.

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request from Lennar Corporation for approval of a final plat for the third phase of the Savona

residential development. The final plat includes 21 single-family residential lots, 99 single-family attached townhouse units, and the related construction plans for the improvements necessary to serve these homes. The City Council approved the Savona Preliminary Plat on August 6, 2013, which covered approximately 113 acres of land within the I-94 Corridor planning area. There are 310 single family and multi-family residential units planned within the entire subdivision, and the final plat covers only a portion of the overall total of units that will eventually be platted.

The Planning Commission considered this matter at its August 24th meeting and recommended approval of the final plat as presented and subject to conditions of approval.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2015-070 approving the final plat for Savona 3rd Addition”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The Planning Commission considered the final plat at its August 25th meeting, and recommended approval of the request with modifications to the conditions of approval as drafted by Staff. In particular, the Commission:

- Added safety fencing to the list of improvements in Condition #8.
- Included a condition that requires the Parks Commission to review the proposed private park improvements within the townhouse area.
- Added a condition that all special assessments for the property to be subdivided with third addition be paid off with the final plat.
- Added a condition that the City’s landscape architecture consultant review the area around the retaining wall in the southeast portion of the site.

In order to provide the City Council with a complete description of the information considered by the Planning Commission, Staff has attached the detailed report that was submitted to the Commission in advance of its meeting. These reports include detailed information concerning the final plat in addition to the staff review and analysis of the request.

Since the Planning Commission meeting, the developer has submitted an updated landscape plan for all portions of Savona, including the third addition, to incorporate the final landscaping details for 5th Street as recently approved by the City Council. The updated plan is included as part of the Council Packet.

The Planning Commission adopted a motion to recommend approval of the final plat consistent with the findings as noted in the attached resolution and including all conditions of approval as listed in the resolution. The motion passed unanimously (7 ayes and 0 nays).

BACKGROUND INFORMATION (SWOT):

- | | |
|----------------------|--|
| Strengths | <ul style="list-style-type: none">• The proposed plat is consistent with preliminary plat subject to the conditions being recommended by Staff and the Planning Commission. |
| Weaknesses | <ul style="list-style-type: none">• Several conditions of approval must be met by the applicant, including revisions to the final construction plans to address comments from the City Engineer. |
| Opportunities | <ul style="list-style-type: none">• Building activity within Savona is progressing at a very steady pace; platting of the third addition will help Lennar keep up with the demand. |
| Threats | <ul style="list-style-type: none">• None |

RECOMMENDATION: The Planning Commission and Staff are recommending that the City Council approve the final plat for Savona 3rd Addition with 13 conditions of approval. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2014-070 approving the final plat for Savona 3rd Addition”

ATTACHMENTS:

1. Resolution No. 2014-070
2. Planning Commission Staff Report – 8/24/15
3. Application Forms
4. City Engineer Review Letter
5. Valley Branch Watershed District Review
6. Permanent Public Street Easement Agreement
7. Savona 3rd Addition Final Plat
8. Construction Plans: Grading, Drainage, and Erosion Control
9. Construction Plans: Sanitary Sewer, Water Main, Storm Sewer and Streets
10. Savona 3rd Addition Landscape Plans (Updated Since Planning Commission Meeting)

**CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2015-070

A RESOLUTION APPROVING A FINAL PLAT FOR SAVONA 3RD ADDITION

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, U.S. Home Corporation (d/b/a Lennar), 16305 36th Avenue North, Suite 600, Plymouth, MN (Applicant) has submitted an application to the City of Lake Elmo (City) for a Final Plat for Savona 3rd Addition, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on July 22, 2013 to consider the Savona Preliminary Plat and continued discussion on the Preliminary Plat until its July 29, 2013 meeting; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council for the August 6, 2013 City Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat request at its August 6, 2013 meeting and adopted Resolution No. 2013-064 approving the Preliminary Plat; and

WHEREAS, the Lake Elmo Planning Commission met on August 24, 2015 to review the Final Plat for Savona 3rd Addition consisting of 21 single-family detached residential lots and 99 single-family attached residential units; and

WHEREAS, on August 24, 2015 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Final Plat for Savona 3rd Addition with conditions; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the Final Plat for Savona 3rd Addition at a meeting held on September 1, 2015; and

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedure for obtaining approval of said Final Plat is found in the Lake Elmo City Code, Section 153.08.
- 2) That all the requirements of said City Code Section 153.07 related to the Final Plat have been met by the Applicant.
- 3) That the proposed Final Plat for Savona 3rd Addition consists of the creation of 21 single-family detached residential lots and 99 single-family attached residential units.
- 4) That the Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on August 8, 2013 and revised on November 25, 2013.
- 5) That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 6) That the Final Plat complies with the City's Urban Low Density Residential and Medium Density Residential zoning districts.
- 7) That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachments thereof.
- 8) That the Final Plat complies with the City's subdivision ordinance.
- 9) That the Final Plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer.
- 10) That the Permanent Public Street Easement Agreement as filed and recorded with Washington County sufficiently addresses previous conditions of approval for Savona that required the platting of 5th Street to coincide with future project phases.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat for Savona 3rd Addition subject to the following conditions:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in review memo dated 8/20/15 shall be incorporated into these documents before they are approved.

- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore. These improvements shall include the play equipment located in the private park area north of Block 11.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 4) A Common Interest Agreement concerning management of the common areas of Savona and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant must create a separate agreement for the single-family attached lots. Said agreements shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 5) The final landscape plan shall be updated to address the review comments from the City's landscape architecture consultant and shall incorporate all design elements as specified in the City's 5th Street Standard Details and Design Book.
- 6) The developer shall provide signed easement documents to verify that the proposed grading activity on property presently owned by MFC Properties, Walter Ebertz, and DPS-Lake Elmo, LLC will be allowed.
- 7) All multi-purpose trails that are depicted on the approved preliminary development plans shall be constructed as part of any subsequent final plat within Savona.
- 8) The proposed retaining wall east of Block 13 must be designed by a professional engineer registered in the state of Minnesota and must comply with all applicable building codes and any other authorities with jurisdiction for the wall, safety fencing, and proposed grading adjacent to the wall.
- 9) The final plat must be updated to document the recorded access and roadway easement over the future extension of 5th Street adjacent to the Savona subdivision.
- 10) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within Savona 3rd Addition.
- 11) Staff and the Park Commission will review and approve plans for the equipment to be located in the private townhouse park area and these improvements shall be installed at the time Block 11 of the townhouse area is constructed.

12) The City's landscape architect shall review the plans for the retaining wall and pond within the Southeast portion of the townhouse area and shall make recommendations for landscaping that will soften the views and/or screen the wall from Keats Avenue.

13) All special assessments for the property to be subdivided with Savona 3rd Addition shall be paid in full with the final plat.

Passed and duly adopted this 1st day of September 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk



PLANNING COMMISSION
DATE: 8/24/15
AGENDA ITEM: 5B – BUSINESS ITEM
CASE # 2015-28

ITEM: Savona 3rd Addition Residential Subdivision – Final Plat
SUBMITTED BY: Kyle Klatt, Planning Director *KK*
REVIEWED BY: Jack Griffin, City Engineer

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a Final Plat request from Lennar Corporation for the third phase of a planned 310 unit residential development to be located on 112.6 acres west of Keats Avenue and within Stage 1 of the City’s I-94 Corridor Planning Area. The final plat will include 21 single-family lots and 99 single-family attached units, all of which will be accessed via the 5th Street Parkway off of Keats Avenue. The City has previously granted approval of a Conditional Use Permit to allow the single-family attached units that are accessed via a series of private roads. Staff is recommending approval of the request subject to compliance with a series of conditions as listed in this report.

GENERAL INFORMATION

Applicant: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN
Property Owners: U.S. Home Corporation, D/B/A Lennar, 16305 36th Avenue North, Suite 600, Plymouth, MN
Location: Outlots C and F of Savona 2nd Addition, north of I-94, west of Keats Avenue, and south of the Hammes West development site and Goose Lake. PID Numbers 34.029.21.42.0073 and 34.029.21.41.0055.
Request: Application for final plat approval of a 120-unit residential subdivision to be named Savona 3rd Addition, which is comprised of 99 single-family attached units and 21 single family detached lots.
Existing Land Use and Zoning: Agricultural land, land that has been mass graded for residential development. Current Zoning: LDR and MDR
Surrounding Land Use and Zoning: North – active mining and gravel operation that has been reclaimed for a future residential subdivision; west and south – agricultural land; east – Savona 1st and 2nd Additions.
Comprehensive Plan: Urban Low Density Residential (2.5 – 3.99 units per acre) and Urban Medium Density Residential (4 – 7 units per acre)

History: Sketch Plan review by Planning Commission on 12/10/12. EAW approved by the City Council on 7/2/13. Preliminary Plat approved on 8/6/13. Final Plat for first addition approved on 2/18/14. Final Plat for second addition approved on 9/16/14.

Deadline for Action: Application Complete – 8/12/15
60 Day Deadline – 10/11/15
Extension Letter Mailed – No
120 Day Deadline – N/A

Applicable Regulations: Chapter 153 – Subdivision Regulations
Article 10 – Urban Residential Districts (LDR)
§150.270 Storm Water, Erosion, and Sediment Control

REQUEST DETAILS

The City of Lake Elmo has received a request from Lennar Corporation for final plat approval of the third phase of the Savona residential development (Savona 3rd Addition). The final plat includes 21 single family residential lots, 99 single family attached units (townhouses), and the infrastructure necessary to support the future homes on these lots. The City Council approved the Savona Preliminary Plat on August 6, 2013, which covered 113 acres of land within the I-94 Corridor planning area. There are 310 single family and multi-family residential units planned within the entire subdivision, and the final plat covers portion of the overall total of units that will eventually be platted. Lennar has finalized its purchase of the land included in the final plat area, and is acting as the sole applicant for this request.

With the third addition, the total number of homes that will have been platted within the Savona development is 233 residential units, which includes 112 single family lots and 121 single-family attached lots. Upon approval of the final plat, there will be 77 single family lots remaining in the subdivision to be platted.

The majority of the third addition comprises the remaining build-out of the townhouse area south of 5th Street. The initial 22 townhouses were platted with the second addition, along with the initial leg of 5th Street Lane North that will provide a public road connection to all of the private townhouse access streets. Because of revisions to the storm water plan that have previously been required by the watershed district, there have been some changes to the ponding and infiltration system within the preliminary plat area. The most significant of these changes resulted in an expansion of the storm water pond in the southeast corner of the townhouse area (Outlot J of 2nd Addition). In order to accommodate a larger pond in this area, some of the townhouse lots around the pond were reconfigured to provide the needed room for the pond. The location of the public road through this area remains unchanged, and the reconfiguration resulted in one less townhouse unit than was approved at the preliminary plat stage. Staff has deemed that the overall changes are consistent with the preliminary plat as approved.

The applicant has submitted detailed construction plans for related to sanitary sewer, water main, storm sewer, grading, drainage, erosion control, landscaping, and other details that have been reviewed by the City Engineer. The grading plans cover the remaining portions of Savona that have not yet been developed, and the applicant has entered into a grading agreement with the City to start this work prior to final plat approval. All of the other construction and development plans are specific to the third addition lots. Please note that the applicant's grading plans require grading work to occur on adjacent property, but the approved plans only authorize work on the Lennar site. The

applicant has indicated that they will be securing temporary grading easements from any affected neighboring parcels, and the City's approval of this work will need to be contingent upon the securing of these easements.

One of the issues that had been a significant part of the discussions between the developer and the City concerning Savona is the construction and platting of 5th Street through the subdivision area. The City has maintained a position that 5th Street is an integral component of development within the I-94 corridor, and that private developers will need to build this road as part of their subdivisions. The first leg of 5th Street west of Keats Avenue is being constructed as part of the first addition plans, while another further extension is under construction as part of the second addition (up to Junco Road North). The City further adopted a condition of approval in response to a request by Lennar to change the preliminary plat requirements for secondary access that required Lennar to plat and build 5th Street to the furthest extent west that any lot is platted. The proposed development plans for third addition have therefore been updated to depict plans for 5th Street that will extend to the western boundary of the third addition. The developer has secured an easement for public access and maintenance for all future portions of 5th Street through Savona, and Staff has found that this easement meets the spirit and intent of the City's previous conditions related to the construction of 5th Street. The road will need to be platted once the Dale property to the south of Savona is developed.

The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Savona Preliminary Plat did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. There are no public hearing requirements for a final plat.

The City's zoning map for all of the area included in the preliminary plat for Savona has been updated to be consistent with the City's Comprehensive Plan. The portions of the plat that are planned for single family detached housing are zoned LDR – Low Density Residential, while the proposed townhouses are located within a MDR – Medium Density Residential Zoning District. As noted in the City's preliminary plat review, the single family and townhouse lots fall within the density ranges allowed in the Comprehensive Plan. Please note that as part of the MDR zoning district requirements, townhouses that do not have frontage on a public street may only be allowed with a Conditional Use Permit (CUP). The townhouses shown in the attached plat will have access to a private road which then connects to a proposed public road that will loop through the portion of the site south of 5th Street. The City has previously approved a Conditional Use Permit that allows the use of a private road to serve the individual townhouse lots in Savona.

In order to provide further clarity concerning the future phases of the townhouse area, the applicant has previously prepared updated plans for the overall townhouse area as part of the second addition submittal. These plans were found to not substantially alter the preliminary plat for the townhouses, and the 3rd Addition plans are consistent with this submission.

Staff has reviewed the final plat and found that it is consistent with the preliminary plat that was approved by the City. The developer has previously updated the preliminary plan submissions to comply with the conditions of approval, and the final plat application incorporates these updates as well. Please note that the final plat now includes proposed street names as recommended by the Planning Department.

The City Engineer has reviewed the final plat, and his comments are attached to this report. Although there are some additional revisions to the final construction plans that will need to be addressed by the applicant, the majority of these revisions can be made before the City releases the

final plat for recording and authorizes construction to commence on the site. The other requirements concerning grading easements will need to be addressed prior to the start of street and utility construction.

REVIEW AND ANALYSIS

The preliminary plat for Savona was approved with several conditions, which are indicated below along with Staff's comments on the status of each. There are additional comments concerning the overall development in addition to any general items and issues that have not otherwise been addressed. Staff is recommending approval of the final plat with conditions intended to address the outstanding issues that will require additional review and/or documentation. In order to assist the Planning Commission with its review, Staff is also including a summary the critical issues that need to be resolved for the subdivision to move forward.

Critical Issues Summary:

- 1) **Secondary Access.** The preliminary plat included a condition that requires the construction of a secondary access into Savona, and that no more than half of the planned lots (155) could be platted until such time that this access was provided. The developer successfully petitioned the City to amend this condition earlier this year; however, there were two conditions attached to this approval. The first required that 5th Street be platted and constructed to the western most portion future subdivisions and the second required all necessary utility work to be completed for the second addition (this work is now part of the second addition plans). The limit was also changed from a platting restriction to a building permit restriction. In practice, this means that the City will not issue more than 155 permits within Savona (out of the 233 total lots that would be final platted upon the approval of the third addition) until a second access is provided. Lennar has indicated that the fourth and final project phase will include all remaining lots and the rest of 5th Street to the western boundary with Boulder Ponds. Because Boulder Ponds includes a connection to Hudson Boulevard, the fourth addition will satisfy building permit restriction.
- 2) **5th Street.** Lennar has previously granted an easement to the City for all portions of 5th Street within the Savona subdivision that is located outside of the first addition. Although the conditions noted the preceding section specify that 5th Street must be *platted* as part of future additions, Staff has found that the existing easement will provide for proper public access and the ability to maintain this road indefinitely into the future and that the spirit and intent of this requirement has therefore been met by the applicant. The third addition plans include the construction of 5th Street to the western-most extent of the plat. When development occurs on the parcel south of Savona, 5th Street will need to be incorporated into any future subdivisions on this land.
- 3) **Grading Easements.** The grading plans as approved by the City do not allow any grading work to occur on adjacent parcels. The developer's ultimate plans for these areas do include some grading activity on these adjacent parcels. As noted in the City Engineer's review comments, temporary off-site grading easements must be secured from MFC Properties, the Ebertz family, and DPS-Lake Elmo (Alan Dale) to allow this grading to occur. The Engineer is recommending that signed easement documents be provided to the City prior to the start of any street and utility construction work within Savona 3rd Addition.

- 4) **Other Issues.** All other recommended conditions of approval relate to final details that must be addressed by the applicant and can be handled prior to release of the final plat for recording.

Please also note that the applicant provided a response to the preliminary plat conditions with the first addition final plat; this response has not been duplicated for this report.

Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):

- 1) Within six months of preliminary plat approval, the applicant shall complete the following: a) the applicant shall provide adequate title evidence satisfactory to the City Attorney; b) the applicant shall pay all fees associated with the preliminary plat; c) the applicant shall submit a revised preliminary plat and plans meeting all conditions of approval. All of the above conditions shall be met prior to the City accepting an application for final plat and prior to the commencement of any grading activity on the site. ***Comments: a) all title work has previously been reviewed by the City Attorney; b) the applicant has submitted an escrow payment related to the preliminary plat and final plat applications that are being used to cover Staff and consultant expenses related to the City's review; c) a revised preliminary plat and plans has been approved by the City and was found to address all previous comments. The applicant has commenced mass grading of the site and updated the grading plans in accordance with changes required by the two watershed districts and City Engineer..***
- 2) The applicant shall dedicate a minimum of 30 feet of land around the "Exception" parcel in the northwest portion of the Savona subdivision to allow for the construction of an eight-foot bituminous trail to the western edge of the subdivision and to allow for sufficient room for drainage and utilities adjacent to "Street A". ***Comments: The preliminary plat and plans have been revised to address this condition. Although the applicant is proposing to use a portion of the street right-of-way for the trail, there is a 30-foot area around all portions of the exception parcel for the trail. This proposed configuration is a reasonable compromise to still provide access to the exception parcel. The 3rd Addition does not include any of the area around the exception parcel.***
- 3) The applicant shall provide for a minimum green belt/buffer of 100 feet around all of the adjacent Stonegate subdivision, and must revise the preliminary plat in the vicinity of Lots 1 and 2 of Block 10 to properly account for this buffer. ***Comments: The plat has been adjusted in this area, but there are still two lots (Lots 1 and 2, Block 1 of the final plat) that are within 65 feet of the boundary with Stonegate. The second addition plat was updated to depict an outlot in the place of two buildable parcels in this area. The developer will need to secure a buffer easement or otherwise make revisions to the planned lots in order to comply with this requirement. This condition does not impact any lots within the third addition.***
- 4) The eight-foot bituminous trail located within Outlot A shall be moved off of the property line of the adjacent Stonegate subdivision and shall be designed to continue into the property to the north and to provide a connection to "Street A". ***Comments: The preliminary plans have been updated to address this requirement. The construction plans for 3rd Addition do not show any trails – these will need to be included in the plans for the fourth addition.***
- 5) The trail within the green belt/buffer area is encouraged to be located within the southern one-third or eastern one-third of the buffer and as close as possible to the lots within the Savona

subdivision. *Comments: The preliminary plans have been updated to address this requirement. The applicant has noted that the “design and plans have been revised to shift the trail to the southern portion of the buffer outlot, except as otherwise required due to grading, drainage, and topography challenges. The trail meanders to provide for a pleasant user experience, avoids the existing wetland, and minimizes impacts on property owners on either side”. No portion of this trail is located within the third addition.*

- 6) The sidewalk along “Street A” must continue along this street until its termination point at the northern boundary of the subdivision. *Comments: The preliminary plans have been updated accordingly, and this condition was addressed as part of the second addition review.*
- 7) The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Keats Avenue. *Comments: A trail alignment is planned for construction as part of the first addition. No trail is planned south of 5th Street.*
- 8) The landscape plan shall be updated to include tree protection fencing in all areas where grading will be near trees intended for preservation. *Comments: Tree preservation fencing is depicted on the plans for the trees within Outlot G of the 1st Addition. This outlot is located within the townhouse area and is being grading as part of the third addition.*
- 9) The landscape plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans. *Comments: Staff has previously reviewed the tree preservation and protection plan and found the plan to be in compliance with the City Code. The proposed boulevard plantings conform to the City’s planting requirements for streets. The City’s landscape architecture consultant has previously reviewed the overall landscape plan for Savona.*
- 10) Sidewalks shall be required on both sides of the public street providing access to the multi-family housing portion of the subdivision. *Comments: The preliminary plans have been updated and the final construction plans for the townhouses within 3rd Addition include a sidewalk on both sides of the street.*
- 11) The applicant shall be responsible for the construction of all improvements within the Keats Avenue (CSAH 19) right-of-way as required by Washington County and further described in the review letter received from the County dated July 3, 2013. The required improvements shall include, but not be limited to: construction of a new median crossing, closure and restoration of the existing median crossing in this area, continuation of the planned ten-foot bituminous trail through the median, turn lanes, and other improvements as required by the County. *Comments: This requirement was addressed with the first addition.*
- 12) The applicant shall observe all other County requirements as specified in the Washington County review letter dated July 3, 2013. *Comments: The final construction plans have been revised in response to these comments.*
- 13) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site. *Comments: The applicant has received a permit from the Valley Branch Watershed District (attached) for the*

grading work proposed in the final plans. This permit includes conditions that must be met prior to the commencement of any grading work on the site. Any revisions to the preliminary plans required by the watershed district are included in the attached plans.

- 14) The applicant shall submit revised preliminary plans that incorporate the changes made to the western portion of the preliminary plat, and specifically, the rearrangement of lots around the "Exception" parcel. *Comments: The revised lot configuration has been included in the updated preliminary plans, this condition is not applicable to the 3rd Addition.*
- 15) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat. *Comments: The applicant has indicated that there will be a homeowner's association created for this development; the declarations and HOA documents have been created and recorded with the first addition final plat. A maintenance agreement and evidence that the HOA has been established should be retained as a condition of approval for the final plat. A separate agreement between the City and developer concerning these areas was created for the first and second additions, this agreement should also be used for the 3rd Addition.*
- 16) The developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. *Comments: The developer paid a cash payment in lieu of land dedication in the amount of \$209,429 as part of the developer's agreement for the first addition. This amount covers all of the area included in the preliminary plat.*
- 17) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision. *Comments: The dedication of land associated with was reviewed in accordance with the preceding condition.*
- 18) The applicant shall provide for an active recreation area (either public or private) within the multi-family portion of the subdivision. This area shall be sufficient for a small play structure or other similar improvement subject to review and approval by the Planning Director. *Comments: The revised preliminary plans include a small play area within the multi-family area. The play is included as part of the third addition plans, and Staff is recommending that these improvements be installed at the time the townhouses on Blocks 11 and 12 are constructed.*
- 19) No more than half of the residential units depicted on the preliminary plat (155) may be approved as part of a final plat until a second access is provided to the subdivision, either via a connection to Hudson Boulevard to the south, Inwood Avenue (CSAH 13) to the west, or back to Keats Avenue (CSAH 19) through the property to the north of Savona. *Comments: This condition was revised as noted in the summary of critical conditions. As amended, the developer will be able to obtain up to 155 building permits for the entire subdivision until a secondary access out of the development is provided.*
- 20) A future realignment of 5th Street along the western border of the plat may be considered by the City Council as part of the final plat submission for this are provided the realignment does not

result in any significant modifications to the preliminary plat. *Comments: the City has approved a lot line adjustment that will allowed for this realignment. The road right-of-way for 5th Street within Savona now aligns with the right-of-way within the adjacent Boulder Ponds development.*

- 21) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site. *Comments: The applicant did enter into this agreement and has been grading the site in accordance with the approved plans. The grading work for first and second addition has been completed and homes are under construction in each of the earlier subdivisions. The grading work for third addition has commenced in accordance with the approved plans.*
- 22) The preliminary grading, drainage and erosion control plan must be revised to address the comments from the City Engineer in his review letter dated July 9, 2013 regarding the size of specific ponds in relation to the drainage areas that are served by these ponds. *Comments: The revised grading, erosion control, and storm water management plans address these comments. The plan has been subject to further revisions based on comments from the Valley Branch Watershed District.*
- 23) The preliminary plans must be revised to incorporate all proposed improvements within the 5th Street right-of-way. All improvements as requested by the City shall be included in these plans and the design shall be consistent with City specifications and with the concept plan prepared for the City by Damon Farber and Associates. *Comments: The City Council recently approved a final set of design standards for 5th Street, and these standards must be included in the landscape plan for 5th Street for all portions of the project area, including the third addition.*
- 24) All required modifications to the plans as requested by the City Engineer in a review letter dated July 9, 2013 shall be incorporated into the plans prior to consideration of a final plat. Specific requirements include, but are not limited to, the following:
- a. The applicant must provide the city a letter of approval to perform the proposed work in the BP Pipeline easement. Work includes installation of storm sewer pipe, grading activities, and relocation of the High Pressure Gas line, if necessary.
 - b. The applicant must provide the city a letter of approval to perform the proposed work in the Electrical Transmission easement areas. Work includes installation of storm sewer pipe, grading activities, and storm water ponding.

Comments: Neither of these conditions are pertinent to the 2nd Addition.

- 25) The City will not accept an application for final plat approval until the 429 public improvement project for Section 34 has been ordered by the City Council. If the City Council does not order this project, the applicant must revise the preliminary plans to provide adequate utilities to serve the subdivision. Any such plan revisions will be subject to review and approval by the City Council. *Comments: The Section 34 public improvement project has been ordered by the City and the project is complete.*

- 26) The applicant shall secure any necessary permits for the multi-family area, including but not limited to a conditional use permit to allow for single family detached residences that do not have frontage on a public street, at the time a final plat is submitted for this area. *Comments: The City has previously approved a Conditional Use Permit for the townhouses.*
- 27) The applicant is encouraged to preserve or re-use as many trees as possible that are currently located on the former golf facility property and to incorporate these trees as part of the landscape plan for the Savona subdivision. *Comments: The applicant has stated their intent to preserve these trees if possible, however, based on observed site conditions, it does not appear that many of these trees will be salvageable due to the sandy soil conditions.*
- 28) The applicant shall work with the Planning Director to name all streets in the subdivision prior to submission of a final plat. *Comments: The applicant has agreed to the street names as proposed by Staff. The proposed names have been designed to comply with the County's uniform addressing system.*

Staff is recommending that the conditions noted above that pertain to the final plat and that have not yet been addressed by the applicant should be adopted with the final plat. The City Engineer's review letter does identify several issues that need to be addressed by the developer in order for the City to deem the final plans complete; however, nearly all of these concerns are related to the construction plans and should not have any bearing on the final plat. Staff is recommending that City Officials not sign the final plat mylars until the City's construction plan review is finalized and all necessary easements are documented on the final plat.

Other general comments from Staff concerning the proposed final plat include the following:

- **Townhouse Area.** The final plat includes the remainder of the planned townhouses within Savona that were not platted with the 2nd Addition. The townhouses have been designed to comply with the City's minimum requirements for lot area and common open space within such developments. The preliminary plat was approved with the private street concept, and the proposed layout will provide adequate access to each home while minimizing the amount of public infrastructure needed to serve each home.
- **Trails.** Both the 2nd and 3rd Addition subdivision included portions of the land on which the planned trail system within Savona will be located, but did not include all of the land that will be necessary to complete the trail system. Staff is recommending that all trails that have not been constructed with previous additions be completed as part of any subsequent plats.
- **Townhouse Area Retaining Wall.** The revised grading and storm water plan for Outlot J in the southeast portion of the townhouse area now depicts a 10-12 foot retaining wall that will separate the storm water pond from the back of the planned townhouses. This wall must be designed in accordance with engineering standards and will need to comply with any applicable building codes concerning setbacks and public safety measures. Although the retaining wall is not a preferred option for grading in this area, the developer is requesting the proposed wall in order to accommodate the expanded pond without substantial revisions to the layout of the townhouses.

Based on the above Staff report and analysis, Staff is recommending approval of the final plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

The recommended conditions are as follows:

Recommended Conditions of Approval:

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in review memo dated 8/20/15 shall be incorporated into these documents before they are approved.
- 2) Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore. These improvements shall include the play equipment located in the private park area north of Block 11.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
- 4) A Common Interest Agreement concerning management of the common areas of Savona and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. The applicant must create a separate agreement for the single-family attached lots. Said agreements shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The applicant shall also enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat.
- 5) The final landscape plan shall be updated to address the review comments from the City's landscape architecture consultant and shall incorporate all design elements as specified in the City's 5th Street Standard Details and Design Book.
- 6) The developer shall provide signed easement documents to verify that the proposed grading activity on property presently owned by MFC Properties, Walter Ebertz, and DPS-Lake Elmo, LLC will be allowed.
- 7) All multi-purpose trails that are depicted on the approved preliminary development plans shall be constructed as part of any subsequent final plat within Savona.
- 8) The proposed retaining wall east of Block 13 must be designed by a professional engineer registered in the state of Minnesota and must comply with all applicable building codes and any other authorities with jurisdiction for the wall and proposed grading adjacent to the wall.
- 9) The final plat must be updated to document the recorded access and roadway easement over the future extension of 5th Street adjacent to the Savona subdivision.

- 10) The developer is encouraged to incorporate elements from the Lake Elmo Theming Study into the final design of the community mailboxes within InWood.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Savona 2nd Addition Final Plat:

- That the proposed Final Plat for Savona 3rd Addition consists of the creation of 21 single-family detached and 99 single-family attached residential structures.
- That the Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on August 8, 2013 and revised on November 25, 2013.
- That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the Final Plat complies with the City's Urban Low Density Residential and Medium Density Residential zoning districts.
- That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachments thereof.
- That the Final Plat complies with the City's subdivision ordinance.
- That the Final Plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer.
- That the Permanent Public Street Easement Agreement as filed and recorded with Washington County sufficiently addresses previous conditions of approval for Savona that required the platting of 5th Street to coincide with future project phases.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Final Plat for Savona 3rd Addition with the 10 conditions of approval as listed in the Staff report. Suggested motion:

“Move to recommend approval of the Savona 3rd Addition Final Plat with the 10 conditions of approval as drafted by Staff”

ATTACHMENTS:

1. Application Forms
2. City Engineer Review Letter
3. Valley Branch Watershed District Review
4. Permanent Public Street Easement Agreement
5. Savona 3rd Addition Final Plat

- 6. Construction Plans: Grading, Drainage, and Erosion Control
- 7. Construction Plans: Sanitary Sewer, Water Main, Storm Sewer and Streets
- 8. Savona 3rd Addition Landscape Plans

ORDER OF BUSINESS:

- Introduction Planning Staff
- Report by Staff Planning Staff
- Questions from the Commission Chair & Commission Members
- Public Comments Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members

Date Received: _____
Received By: _____
LU File #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

FINAL PLAT APPLICATION

Applicant: PAUL TABONE - LENNAR CORPORATION
Address: 16305 36th AVE N, STE 600, PLYMOUTH, MN 55446
Phone #: 952-249-3086
Email Address: PAUL.TABONE@LENNAR.COM

Fee Owner: U.S. HOME CORPORATION DBA LENNAR
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): SAVONIA -
TOWNHOME PORTION IN 3rd ADDITION (REFER TO PLAT)

General information of proposed subdivision: SUBSEQUENT PHASE OF
SAVONIA - FINAL PLAT.

WE ALSO REQUEST EASEMENT VACATION ALONG
SOUTH SIDE OF TOWNHOME DRIVE

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Paul J. Tabone Date: 5/12/2015

Fee Owner Signature: [Signature] Date: 5/12/2015



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant PAUL TARONE - LEKNAK
(Please Print)

Street address/legal description of subject property 3AUXIA - 3rd ADDITION


Signature

5/12/2015
Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant Paul J. Tabone Date 5/15/2015

Name of applicant PAUL TABONE - LEGAL Phone 952-249-3086
(Please Print)

Name and address of Contact (if other than applicant) _____

MEMORANDUM

FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261
Jack Griffin, P.E. 651.300.4264
Ryan Stempski, P.E. 651.300.4267
Chad Isakson, P.E. 651.300.4283

Date: August 20, 2015

To: Kyle Klatt, Planning Director
Cc: Ryan Stempski, P.E., Assistant City Engineer
From: Jack Griffin, P.E., City Engineer

Re: Savona 3rd Addition – Final Plat Review

The submittal for this review included the following items:

- Savona 3rd Addition Final Plat, Sheets 1-5, not dated.
- Construction Plans for Sanitary Sewer, Water Main, Storm Sewer and Streets prepared by Westwood Professional Services, Inc. dated 08.12.2015.
- Construction Plans for Grading and Erosion and Sedimentation Control, dated 08.06.2015.
- Landscape Plans, dated 07.20.2015. Not reviewed.

STATUS/FINDINGS: An engineering review has been completed for the Savona 3rd Addition Final Plat and Construction Plans. Please see the following comments relating to the Final Plat application.

FINAL PLAT – SAVONA 3RD ADDITION

- Off-site grading easements are required from MFC Properties, Ebertz, and DPS-Lake Elmo LLC. Signed easement documents for all off-site easements and right-of-way necessary for the project must be submitted to the City to verify that the project can be constructed as proposed. Signed easement documents must be provided before the construction plans can be approved and the start of any construction work.
- The Final Plat is not complete as submitted. Final Plat approval must be contingent upon an updated Final Plat to include the permanent street easement for 5th Street North.
- The Final Grading Plans are not complete as submitted. Final grading plans must be updated to show final grades for the project including any off-site grading on adjacent properties necessary to complete the project. Off-site grading easements must be shown on the grading, site and utility plans.
- The Street and Utility Construction Plans must be updated to show the construction of 6th Street to the 3rd Addition plat boundary along Lot 1, Block 1.
- The proposed temporary turnaround location for 6th Street Lane must be extended beyond the Savona 3rd Addition boundary to accommodate final site conditions for Lots 1 and 8, Block 2. The temporary turnaround detail must be changed from City Standard Detail No. 807A to No. 807B. A temporary access and utility easement must be provided to the City accordingly.
- Sheet No. 15 – A minimum 15 foot easement is required around all sides of CB-253 and along each side of the storm sewer run from CB-253 to CBMH-252.
- The temporary utility easement for the trunk watermain along the west side of Lot 1, Block 2 must be expanded to a minimum of 15 feet from the pipe centerline.

FINAL CONSTRUCTION PLANS & SPECIFICATIONS

- No construction, except for on-site grading operations may occur until the applicant has received City Engineer approval for the Final Construction Plans for Grading, Drainage and Erosion Control and Final Construction Plans for Street and Utilities; the applicant has obtained and submitted to the City all applicable permits needed for the project; and a preconstruction meeting has been held by the City's engineering department.
 - The Final Plat shall not be recorded until final construction plan approval is granted.
 - Final Construction Plans and Specifications must be prepared in accordance with the City Engineering Design Standards Manual using City details and specifications and meeting City Engineering Design Guidelines.
 - Final Construction Plans for Grading, Drainage and Erosion Control and Final Construction Plans for Street and Utilities must be revised to show the permanent street easement for 5th Street North.
 - The Specifications must include the following statement as the first clause of the supplementary provisions, *"The City Standard Specifications for Public Infrastructure, dated February 2015, shall apply to the work performed under this contract. Any supplemental specifications are intended to supplement the City Standard Specifications, however they do NOT supersede the City Standard Specifications, Details, Design Standards, or ordinances unless specific written approval has been provided by the City."*
-

The following comments have been provided to direct plan corrections necessary for final construction plan approval. When submitting revised plans, please provide a point by point response letter that details the changes made to the plans.

STORM SEWER:

- Sheet 9 – CB-247 must be revised to allow the draitile invert to be above the top of effluent pipe.
- Sheet No. 9 – Remove "CB-250" text on Lot 3, Block 2.
- Sheet No. 10 – CB-405, CB-408, CBMH-94, CBMH-411A, CBMH-411 and CBMH-412 must be revised to allow the draitile invert to be above the top of effluent pipe.
- Sheet No. 10 – Add draitile at the low point on the southeast corner of the 5th Street Lane and 5th Street intersection.
- Sheet No. 15 – Storm sewer along Profile D must be a minimum of 15 feet from the backside of the proposed retaining wall and must be a minimum 15 inches in diameter.
- An updated Rational Storm Sewer Design Tabulation must be provided to include all storm sewer structures in Savona 3rd Addition.

STREETS:

- Sheet No. 10 – Revise the Typical Section for 5th Street Lane (with Landscaped Median) to have an asphalt grade B and Traffic Level 2 (consistent with the remaining 5th Street Lane bituminous mix design).
- Sheet No. 11 – Private Drive 14 and 15 cannot have a breakover (rollover) angle in excess of 5%. This means the maximum difference between the slope of 5th Street Lane and the slope of the private drive cannot exceed 5%.
- Sheet 19 – Type III Barricades should remain on 5th Street at Junco Road.
- Sheet 19 – A paved turnaround must be accommodated at STA 29+70 on 5th Street.
- Sheet 20 – Signage for the left turn land must be added to the plan.

LANDSCAPE PLAN AND OTHER AMENTIES:

- Sheet No. 2 – Revise Street Lighting Plan Note require a nominal 30-foot pole with Evans-Style lamp type.
- The Landscape Plan must updated to include landscaping for 5th Street North per the 5th Street Collector Street Standards and Guidelines, dated August 2015.
- This review does not cover the Landscape Plan. Plan review to be completed by other City representatives.