



## **STAFF REPORT**

DATE: 4/21/2020

**TO:** City Council  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** Union Park Addition – Final Plat Recording Time Extension  
**REVIEWED BY:**

---

### **BACKGROUND:**

On September 3, 2019, the City Council approved a final plat and easement vacations for Pulte Homes for the Union Park development. The final plat will create lots for 62 townhomes located on 7.92 acres and is the first phase of a 240 townhouse residential development.

The First Addition includes 62 lots for town houses, street rights-of-way and storm water ponding areas that are located within a 7.92 acre area. The approved final plat also includes the street right-of-way for 5<sup>th</sup> Street North, for future Julia Avenue and would create outlots for future development.

### **ISSUE BEFORE THE CITY COUNCIL:**

The City Council is now being asked to consider a request by Pulte Homes of Minnesota (Pulte) for approval of a time extension for the recording of the final plat for the Union Park Addition. (Please see the attached letter from David Von Ruden of Pulte Homes explaining this request.)

### **GENERAL INFORMATION:**

*Applicant:* Pulte Homes of Minnesota, 7500 Flying Cloud Drive, Suite 670, Eden Prairie, MN 55344

*Property Owner:* DPS – Lake Elmo, LLC (Alan Dale), 6007 Culligan Way, Minnetonka, MN 55345

*Location:* South Side of 5<sup>th</sup> Street North, east of future Julia Avenue North

*PID#s:* 34-029-21-34-0011 (west property) and 34-029-21-43-0010 (east property)

*Request:* **Time Extension to record the approved Final Plat**

*Site Area:* 7.92 acres (total for first townhouse phase)

*Total Dev. Area:* 22.79 acres (overall final plat area)

*Surrounding Area:* North – Savona (Urban Low Density Residential); West – Multi-tenant strip mall and Lampert’s lumber yard (Commercial); East – Vacant land (Commercial) and Savona townhomes (Urban Medium Density); South – Vacant land (guided Mixed Use Commercial in the 2040 Comprehensive Plan and includes the site of the 300 unit Springs Apartments)

*Comprehensive Plan (2040):* MDR - Medium Density Residential (4-8 units per acre)

*History:* On March 19, 2019, the City Council approved the proposed preliminary plat and zoning map change (to MDR) for Bentley Village by Resolution 2019 – 020. This approval was for up to 240 townhouses on 41.6 acres lying south of 5<sup>th</sup> Street North.

*Action Deadline:* Application Submittal – 4/03/2020  
60 Day Deadline – 6/01/2020  
Extension Letter Mailed – No  
120 Day Deadline – N/A

*Regulations:* Chapter 153 – Subdivision Regulations  
Article 10 – Urban Residential Districts (MDR)

## **TIME EXTENSION REQUEST - REVIEW AND ANALYSIS**

### **City Code Requirements**

Section 153.10 (B) (4) of the City Code has the requirements for recording a final plat. It states in part “If not filed within 180 days, approval of the final plat shall be considered void, unless a request for a time extension is submitted in writing and approved by the Council.”

### **2020 Request**

The City approved the final plat for Union Park on September 3, 2019. Since then the developer has been working with the property owner and contractors to determine the best time start the project. They also had to coordinate the timing of their final plat recording with the minor subdivision that Continental Development and the property owner requested for the area. This minor subdivision created 4 lots for the property between 5<sup>th</sup> Street North and Hudson Boulevard – including the site for the Union Park final plat and the property Continental purchased to develop the Springs of Lake Elmo. Because of the delays in creating their development site with the review and City approval of the minor subdivision, Pulte determined in late 2019 that recording the final plat and starting the project in the spring of 2020 would be best for the success of the project. The City held a grading pre-con with the developer in March 2020 and they have started grading the site.

The developer submitted a letter to the City on April 3, 2020 asking for a time extension to record the final plat for Union Park. They requested to have six months, until October 20, 2020, to record the final plat. The City Code is silent, however, on what if any considerations, requirements or criteria the City should use when considering such a time extension request. As such, the City should review each time extension request on a case-by-case basis.

### **Request Details**

In their letter of request, the developer outlined several reasons why they want to wait to record the final plat for 6 months (until October 2020) and why they want the City to grant the time extension. They include:

1. The effects the COVID-19 virus has had by wreaking havoc on the work force.
2. The current economic uncertainty.

The developer also notes in their letter that they intend to proceed with the development later this year but they are being cautious with their work force and employees when it comes to starting new jobs that take more oversight.

Staff does not see a problem with this request as it would be better to not have a developer create lots and start construction of a project until they are sure that it will succeed. In addition, this delay should not negatively affect any of the neighbors or other developments as the site will remain undeveloped for now.

## **2019 REVIEW – FINAL PLAT AND EASEMENT VACATION**

**Changes since Preliminary Plat since City Council approval.** The most significant change to the project plans and proposed final plat are the scope of the property that the developer is including in the final plat. As originally proposed, the Union Park final plat would have divided the area between 5<sup>th</sup> Street North and Hudson Boulevard into several lots and outlots and includes the rights-of-way for 5<sup>th</sup> Street and Julia Avenue. The property owner recently recorded a minor subdivision that divided this area into four large parcels – including the property for Union Park. As shown, the final plat for Union Park now includes 62 lots for townhouses, outlots for future development or phases of development and the street rights-of-way for 5<sup>th</sup> Street North and Julia Avenue.

As for the part of the final plat that will be for the first phase of the Pulte townhouses, the proposed final plat is consistent with the approved preliminary plat.

**Lot Sizes and Widths.** The proposed lot layout and sizes for the townhouses are consistent with the approved preliminary plat.

**Landscape and Tree Preservation Plans.** The City's Landscape Architect reviewed the landscape plans and tree for this phase of the development. I have attached his report. He found that the First Phase landscape plans as submitted to the City are consistent with the preliminary approval and all City requirements. As such, he is recommending approval of those plans.

**Streets.** All the local streets in this development will have a 53 foot right-of-way and are 28 feet wide – consistent with the standards the City approved with the preliminary plat. The developer is showing no parking on one side of the neighborhood streets – primarily along the side of the street with the driveways for the townhouses. The proposed street names are consistent with the street names as approved by the City with the preliminary plat.

**Outlots.** The proposed final plat has several outlots. Outlots A, B, C and D will be owned and maintained by the HOA and are consistent with the preliminary plat. The plans indicate that Outlot B will be owned by the HOA but it also will be for a storm water pond. Outlot E will be for the second phase of the townhouse development while Outlot F will be for Phases 3 and 4 of the townhouse development.

Outlots G and H incorporate the remainder of the underlying property and will be for future development. The City recently gave preliminary approval for the Springs Apartment development for Outlot H.

**Park Dedication.** The proposed development is within a Neighborhood Park search area of the Comprehensive Plan. Savona Park meets the needs of this search area, as it is located just over 500 feet from the northern edge of the proposed development. The developer is proposing and Staff recommends that fees in lieu of land be paid in order to satisfy the park dedication requirements. As per the City's Subdivision Regulations, the required cash equivalent payment shall be an amount equal to the fair market value of the percentage land dedication for the zoning district in which the subdivided property is located (the MDR zoning district requires 10% of the total acreage being developed), and the amount is to be determined by reference to current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser. In summary, the developer will be required to 10% of the value of land as park dedication.

**Subdivision Signs.** Section 154.212(G) (1) (c) of the Zoning Code allows each residential subdivision to have one subdivision identification sign per entrance. The maximum size for subdivision identification sign is 32 square feet in area for the main entrance and a maximum sign area of 24 square feet per sign for all other locations.

The developer has not yet submitted a proposal for an entrance monument or subdivision identification sign for this site. Any signs would require a permit from the City.

**Fire Chief and Building Official Comments.** Planning staff provided the Fire Chief and Building Official copies of the proposed Union Park First Addition final plat. They offered the following comments:

Fire Chief Malmquist:

Some of the following comments are continued from my project review of January 31, 2019

- All aspects of this project must comply with the 2015 MN State Fire Codes as applicable.
- Determination of sprinkler requirements per code.
- Location of FDC (Fire Department Connection) approved by Fire Chief for all sprinkled buildings.
- Location of hydrants. I met with City Engineer Jack Griffin on May 21, 2019 to review hydrant locations. Recommendations were forward to the developer with one follow up revision. I will rely on our Engineer to ensure compliance based on the master set of plans.
- Roads – private or public, proper widths, allowable parking, proper signage? Reviewed plans for Parking and No Parking areas with City Engineer Jack Griffin on May 21, 2019. I will rely on our Engineer to ensure compliance based on the master set of plans.
- Proper access for emergency vehicles. Based on City Engineers review based on City Standards.
- Chemical storage for pool. Has pool been eliminated? (NOTE – It has been eliminated).
- Any additional items identified as the project moves forward.

Building Official:

1. Fire hydrant spacing/locations, street signage, etc. shall be in accordance with City regulations.
2. Provide temporary turn-arounds or temporary cul-de-sac and street ends where necessary.
3. Street signs shall be installed before any (home) construction may be begin.

**City Engineer Comments.** The City Engineer memo dated August 1, 2019 is attached to this report. He had several comments about the ownership and platting of the various outlots and the easements the City should require from the developer as this project moves forward.

#### **Other Concerns.**

Watering Ban. Due to shortage of water, the City may need to implement severe watering restrictions in the City for this year and into the future. This could include limiting or prohibiting the use water outside including for vehicle washing and for watering grass. This could affect future home builders and buyers as there may be a limited supply of water available for outdoor uses. It may be wise for the City to put a condition on this phase of the plat to require the home builders to inform the buyers about the possible watering restrictions.

Off-Site Easements. Condition 23 of the preliminary plat approve states: “The applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat application.” For Union Park, there are two areas from the development that discharge storm water to adjoining properties – to the south and to the east. The property to the south is currently owned by the same property owner as the development site so grading along the southern edge of the site and discharging storm water to the south is not a major concern of City staff. The property to the east of the site, lying south of the Savona townhouses, however, is owned by a different person. The development plans show a storm water pond along the eastern edge of the site to collect the storm water run-off before it discharges to the east. The existing overland flow in this

area is generally from northwest to the southeast. The pond discharges are shown to be a reduced discharge rate in the storm water model that satisfies the storm water permit requirements for the development. However, the discharge is changed from a broader sheet flow to two single point discharges, with one of the discharges being moved roughly 200 feet south of the existing drainage way on the adjoining property. This discharge location may create a different storm water flow pattern over a portion of the neighboring property.

It is consistent with City ordinances and practices to require developers to obtain written permission or easements from neighboring properties for storm water impacts to those adjoining properties. The developer has not agreed to get an easement for their storm water discharge stating that an easement is not necessary since there already is storm water going onto that property. The City Attorney provided staff with an opinion that in this case the developer does not need to obtain an easement from the neighboring landowner. However, the City will want to ensure the City is not liable or responsible for any damages caused by the change in the storm water flow if this plan moves forward. The best way to ensure this is to require the developer to get an easement before the City releases the final plat for recording or before issuing a grading permit for the project. If the City does not require Pulte to get an off-site easement, then the City should require Pulte to indemnify the City from any liability in this case.

**Final Plat Approval Process.** 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 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.

In order to provide the City Council with an update concerning the conditions associated with the preliminary plat for Union Park (formerly known as Bentley Village), Staff has prepared the following:

**Preliminary Plat Conditions of Approval for Bentley Village as designated by Council Resolution 2019-020 - with Staff Update Comments (updated information in bold):**

1. That the City approves a Zoning Map Amendment to rezone the site from RT (Rural Development Transitional) to MDR (Medium Density Residential). **(DONE)**
2. That the preliminary plat includes parcels with the PID#s 34-029-21-34-0006 and 34-029-21-43-0003.
3. That all comments and conditions of approval in the City Engineer's Memorandum dated February 17, 2019 be addressed and included with the revised project plans for City approval. **(The City Engineer reviewed the latest project plans and has provided the City comments dated August 1, 2019.)**
4. That revised preliminary plat plans include an overall tree planting and landscape plans for each phase of the development. Landscaping must not conflict with utilities and with pond maintenance access. Boulevard trees are not allowed in the 10-foot-wide drainage and utility easements along the public streets. All landscaping and tree plans shall incorporate the comments and conditions in the Landscape Architect's memos dated February 15, 2019 and March 6, 2019 and shall be approved by the City's Landscape Architect. **(The City's Landscape Architect has reviewed the latest project tree and landscape plans and is recommending their approval).**
5. That the developer shall incorporate each phase of Bentley Village into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association that shall be submitted in final form to the Planning Director before the City will issue a building permit for any structure in any phase of the development. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to

- the future property owners. The HOA documents shall include required maintenance of all private amenities including open space and trails. **(Still pending).**
6. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed for each platted phase of the development. **(Still pending – City staff will work with the applicant to prepare the necessary agreement).**
  7. That the HOA be responsible for the ownership and maintenance of all landscape (retaining) walls within the development.
  8. That the developer shall install an HOA owned and maintained children’s play structure or other similar improvement on Outlot H as shown on the preliminary plat submittal.
  9. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with each final plat. **(Done – fee is noted in the Development Agreement)**
  10. That the revised preliminary plat plans include a parking area for the HOA pool/recreation area (if the developer constructs the pool) that meets all applicable standards. **(Not applicable – the developer has changed the pool to a dog park).**
  11. That the HOA documents include architectural requirements that require 4-sided architecture on all buildings and garage doors shall not have flat panels. The City encourages the builder to include windows and/or other architectural features in all exterior doors and garage doors. City staff shall approve all building exterior designs including colors and materials before the City issues building permits for the town houses. **(Still pending – needs City approval).**
  12. That the developer submit a sidewalk and trail phasing plan to be approved by City Staff and that the developer/contractor construct the public sidewalks and trails within each phase before the City issues building permits for that phase of development.
  13. That the developer install a six-foot-wide concrete public sidewalk on one side of every street in the development. **(These are shown on the construction plans).**
  14. That the Applicant place storm water ponds within outlots including the 100-year high water flood level and all maintenance access. All outlots are to be owned and maintained by the HOA with drainage and utility easements placed over all of each Outlot.
  15. All storm water facilities shall be publicly owned and maintained. A storm water maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat. **(Still pending – City staff will work with the developer to prepare the necessary agreements. These will cover all the outlots within the development site).**
  16. That if the applicant/developer wants to reuse storm water for private irrigation within the development that the project engineer submit details to the City about the proposed storm water reuse system and ongoing operations that will be subject to approval by the City. The applicant must clearly define the proposed ownership, maintenance and ongoing operational responsibilities for the proposed system and City acceptance of storm water reuse will be contingent upon the City agreeing to the ongoing ownership, maintenance and operation plan, including the execution of a storm water maintenance agreement that addresses storm water reuse. In addition, all storm water system plans and specifications shall be subject to approval by the City Engineer and must address recommended reuse water quality, storm water pond pump intake design, pond draw down guidelines, filtration recommendations, backflow prevention design, and potable water back-up supply design. **(Still pending – the developer has proposed reuse in the approved storm water management plan so the City will need to approve the design details for the reuse systems. Should the developer choose not to implement storm water reuse, a revised storm water management plan and revised VBWD permit will be required.).**
  17. The Preliminary Plat approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in these conditions.
  18. The revised preliminary plat and Final Plat(s) shall include all necessary public right-of-way and easements for 5<sup>th</sup> Street North and for Road G. **(Done).**

19. The revised preliminary plat plans shall include a storm water management plan including a summary report describing the overall management plan and performance criteria for all required storm events. **(In process – plan will need final City approval).**
20. That the applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District approval before starting any grading or construction activities.
21. That the preliminary plat plans be approved by Valley Branch Watershed District and that the applicant provide the City evidence that all conditions attached to a Valley Branch Watershed District permit will be met before the starting any grading activity on the site. **(Complete).**
22. The applicant must provide the City a letter of approval from the owner of the gas main to perform the proposed work in the gas pipeline easement as a condition of preliminary plat approval and before the contractor starts any site work or site grading. **(Not needed for Phase 1 or 2 unless the developer chooses to grade the entire site with the First Addition).**
23. The applicant shall provide the City with a copy of written permission for any off-site grading work and storm sewer discharges to adjacent properties before starting any site work, grading and as part of any final plat application. **(Still pending – see discussion on staff report).**
24. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of buildings and fire hydrants, street and driveway design, on-street parking and emergency vehicle access within the site. **(Done).**
25. That the applicant revise the project plans to show storm sewer easements and effective maintenance areas with a minimum width of 30 feet with a minimum of 15 feet of clearance from the pipe centerline. This includes locations where underground pipes run between buildings. **(Done – subject to the City Engineer’s review of the final project plans).**
26. That there shall be no encroachments into drainage and utility easements and corridors other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, landscaping, retaining walls, buildings and storm water retention.
27. That the developer prepare exhibits for City staff approval that clearly identifies the property lines, easements, proposed building locations and the required and proposed setbacks for each of the lots and each building site within the development. **(Done).**
28. That all garage doors be setback at least 25 feet from the street right-of-way to provide off street parking on the driveway to allow vehicle parking without blocking a public sidewalk. **(Done).**
29. That the applicant update the preliminary plat plans to include street names that are consistent with the City’s street naming policy with the names listed herein. All street names shall be approved by the City Council. **(The proposed street names are consistent with the street names the City approved with the preliminary plat).**
30. The Applicant(s) or developers shall submit a photometric plan for the development for staff review and approval. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code. **(Still pending – City staff will need to approve this plan before the City issues building permits).**
31. Before to the installation or construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans to the City for review and obtain a sign permit from the City.
32. That the applicant provide the City a detailed construction and staging plan with the construction plans and final plat for each phase of the development. These plans are to clearly indicate the phasing of the site grading, the phasing of the construction of each public infrastructure component (including required turn lanes, trails and sidewalks) and shall address access to that phase of the development for construction purposes and for residents. The City may require temporary cul-de-sacs at the end of streets with the first and third phases of the development. **(The phasing plans are complete and the City is requiring the developer provide the City with temporary easements for the temporary cul-de-sacs).**

33. Before the execution and recording of a final plat for any phase of the development, the developer or applicant shall enter into a Developer's Agreement with the City for that phase or project. The Developer's Agreement must be approved by the City Attorney and by the City Council. Each such Developer's Agreement shall delineate who is responsible for the design, construction and payment for the required improvements with financial guarantees therefore. **(Pending – City staff as prepared a draft development agreement for City Council consideration).**
34. The applicant or developer shall enter into a separate grading agreement with the City before starting any grading activity in advance of final plat 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. **(Pending – City staff will work with the developer to prepare the necessary agreement).**
35. That the applicant submit revised preliminary plat and project plans meeting all conditions of approval for City review and approval. The revised applicant/developer project plans shall meet all of the above conditions before the City will accept a final plat application for any phase of the development and before the start of any clearing or grading activity on the site. **(The City Engineer has completed his review of the proposed final plat and the proposed construction plans. They are mostly ready and approved – subject to minor corrections and changes).**

### **EASEMENT VACATIONS**

**Easement Vacations.** The applicant is requesting the City vacate two existing drainage and utility easements that are now on the property. These easements are both just south of 5<sup>th</sup> Street – one running from northwest to the southeast and the other runs from the northeast to the southwest. They were put into place when Savona was developed. (Please see that attached exhibits showing the two existing easements.) The City will not need these easements as the developer will be constructing new utility systems and will be dedicating new easements with the final plat. In addition, the developer could not record a new final plat (or replat) with the existing easements in place.

Minnesota Statue outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

**Recommended Findings.** Staff recommends approval of the Union Park First Addition Final Plat based on the following findings:

1. That all the requirements of City Code Section 153.10 related to the Final Plat have been met by the Applicant.
2. That the proposed Final Plat and for the Union Park First Addition will create 62 lots for townhouses (Attached) residential units.
3. That the Union Park First Addition Final Plat is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on March 19, 2019 by Resolution 2019-020.
4. That the Union Park Addition Final Plat and Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
5. That the Union Park First Addition Final Plat and Plans comply with general intent of the City's Medium Density Residential zoning district regulations.
6. That the Union Park First Addition Final Plat and Plans comply with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other



ordinances with the exception of issues identified in the August 12, 2019 Staff report to the Planning Commission.

7. That the Union Park First Addition Final Plat and Plans comply with the City's subdivision ordinance.
8. That Union Park First Addition Final Plat and Plans are generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City about the Union Park First Addition Final Plat and Plans dated August 1, 2019.
9. That the Union Park First addition final plat will create 62 lots for townhouses, will include the dedication public street right-of-way for 5<sup>th</sup> Street North and for Julia Avenue as well as eight outlots – Outlots A, B, C, D, E, F and G.

**Recommended Conditions of Approval.** The City Engineer's review memo dated August 1, 2019 identified several issues the developer needs to address in order for the City to deem the final plans complete. 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 and if necessary, obtained for any off-site impacts.

Staff recommends the City Council adopt the following conditions of approval for the Union Park First Addition Final Plat **and** for Union Park final plat recording time extension (NOTE: Conditions 1-12 are from the City's 2019 Final Plat approval):

1. Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable Staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandums addressing Union Park Final Plat and Plans dated August 1, 2019 shall be incorporated into these documents before they are approved.
2. All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials.
3. Final Plat must be contingent upon the City receiving separate drainage and utility easements in the City's standard form of easement agreement for all off-site development improvements (beyond the plat limits). All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained before the start of grading or construction.
4. Before the execution of the Final Plat by City officials, the Developer shall enter into a Development 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 and shall include the payment of required park dedication fees for the Union Park First Addition Final Plat with financial guarantees therefore.
5. A Landscape License Agreement shall be executed for the maintenance of commonly held homeowners' association-owned and City-owned outlots, right-of-ways, and medians before the release of the final plat by City Officials.
6. That the Landscape Plans for this phase of the development be approved by the City's Landscape Architect before recording of final plat.

7. That the applicant include in the Architectural Control guidelines the requirements that villa lots utilize 4-sided architecture and garages facing the public right-of-ways to have windows and/or other architectural features.
8. That the applicant address all Fire Chief and Building Official comments in their final development plans.
9. That the applicant pay the City the required parkland dedication fee applicable to this phase of the development (based on 7.92 acres of land) before the City releases the final plat for recording.
10. That the applicant notify all home builders and home buyers about possible City outdoor watering restrictions and that the developer notify all home buyers that the City may impose limits on outdoor water use including no vehicle washing and no watering of grass, sod or landscaping.
11. That applicant obtain any necessary approvals or easements from adjoin property owners for any private off-site work or impacts the development may have, including, but not limited to, storm water drainage and utility work.
- ~~12. That the applicant record the Final Plat with Washington County within 120 days of City Council approval (as required by the City Code).~~
13. That the developer or applicant record with Washington County the final plat for the Union Park by October 20, 2020.

### **RECOMMENDATION:**

Staff recommends that the City Council approve the requested time extension for the recording of the Union Park Final Plat. This approval grants the developer until October 20, 2020 to record the final plat. This recommended approval is based on the findings of fact and is subject to the conditions of approval outlined in the Staff Report.

***“Move to approve the requested time extension to October 20, 2020 to record the Union Park Final Plat. This approval is based on the findings of fact and is subject to the conditions of approval outlined in the Staff Report.”***

### **ATTACHMENTS:**

1. Final Plat recording Time Extension letter dated April 3, 2020
2. Proposed Union Park Final Plat (3 pages)



7500 Flying Cloud Drive Ste 670  
Eden Prairie, MN 55344

Phone: 952-936-7833  
Fax: 952-936-7839

April 3<sup>rd</sup>, 2020

City of Lake Elmo  
3880 Laverne Avenue North, Suite 100  
Lake Elmo, MN 55042

RE: Request for an extension on Union Park Final Plat recording

This letter is to formally request an extension on recording the Final Plat for the Union Park development. Pulte Homes Minnesota LLC is asking that considering the current market and working conditions that the Union Park Final Plat be extended 6 months. The Plat was approved in the fall of 2019 with the anticipation of developing it this spring. As the COVID-19 virus has wreaked havoc on the work force and left economic uncertainty we ask that the City Council allow for the extension. Pulte Homes Minnesota LLC still plans on developing it this year but are being cautious with our work force and employees when it comes to starting new jobs that take more oversight. This extension will give us time to allow for lock down conditions to cease and development to start again. The current state of the world is unprecedented, and we ask that you consider this when allowing the extension.

Sincerely,

*David Von Ruden*

David Von Ruden

Land Project Manager  
Pulte Homes Minnesota LLC  
7500 Flying Cloud Drive Ste 670  
Eden Prairie, MN 55344

[David.VonRuden@Pulte.com](mailto:David.VonRuden@Pulte.com)



# UNION PARK

KNOW ALL BY THESE PRESENTS: That Pulte Homes of Minnesota LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Washington, State of Minnesota to wit:

Outlot C, DPS LAKE ELMO, according to the recorded plat thereof, Washington County, Minnesota.

Has caused the same to be surveyed and platted as UNION PARK and does hereby donate and dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Pulte Homes of Minnesota LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: Pulte Homes of Minnesota LLC.

\_\_\_\_\_  
Jamie Tharp, Chief Manager

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Jamie Tharp, Chief Manager, Pulte Homes of Minnesota LLC, a Minnesota limited liability company, on behalf of the company.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

I Peter Goers, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on the plat; and prepared this plat or directly supervised the preparation of this plat; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set as shown; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this surveyor's certification are shown and labeled on this plat, and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Peter Goers, Licensed Land Surveyor  
Minnesota License No. 44110

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Peter Goers, Licensed Land Surveyor, Minnesota License No. 44110.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

Notary Public, \_\_\_\_\_ County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY OF LAKE ELMO, MINNESOTA

This plat was approved by the City Council of Lake Elmo, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subdivision 2.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor City Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Surveyor

COUNTY AUDITOR/TREASURER APPROVAL

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20\_\_\_\_, on real estate hereinbefore described, have been paid; there are no delinquent taxes, the current taxes and transfer has been entered, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Auditor/Treasurer Deputy

COUNTY RECORDER

Document Number \_\_\_\_\_

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_M. and was duly recorded in Washington County Records.

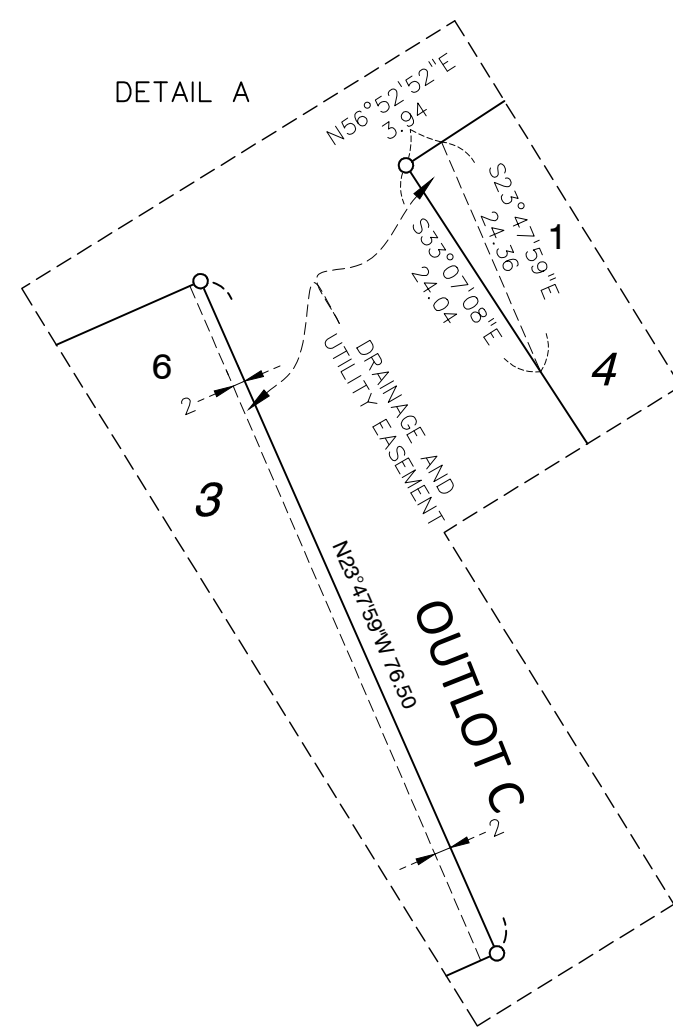
By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Recorder Deputy



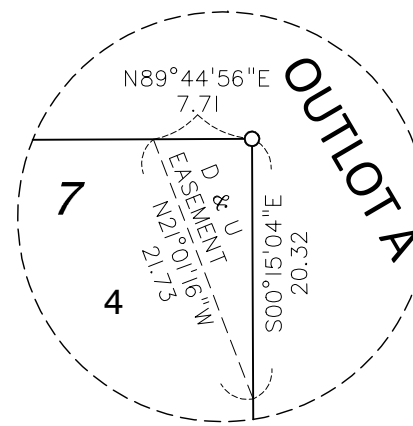
# UNION PARK

**DETAILS**  
NOT TO SCALE

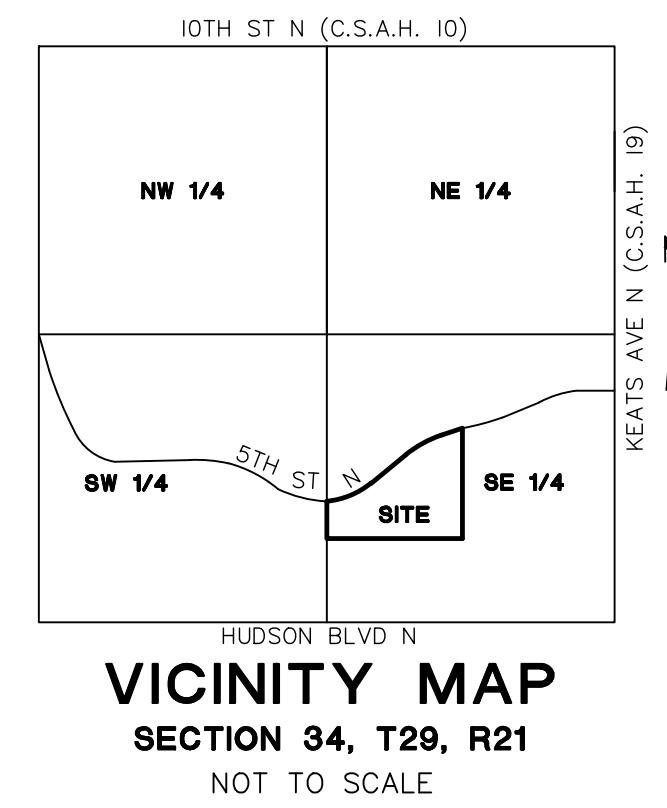
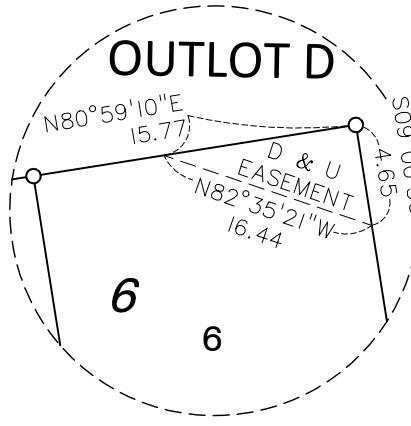
DETAIL A



DETAIL B



DETAIL C



SAVONA 4TH ADDITION

SAVONA 3RD ADDITION

SAVONA 2ND ADDITION

ELMO

SAVONA 3RD ADDITION

SAVONA 3RD ADDITION

SAVONA 3RD ADDITION

E. LINE OF SW 1/4 OF SEC. 34, T. 29, R. 21  
W. LINE OF SE 1/4 OF SEC. 34, T. 29, R. 21

**OUTLOT C**  
DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT C

**OUTLOT D**  
DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT D

**OUTLOT E**

**OUTLOT A**  
DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT A

**OUTLOT B**  
DRAINAGE AND UTILITY EASEMENT OVER ALL OF OUTLOT B

- DENOTES SET, 1/2 INCH BY 18 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 4410. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
  - DENOTES FOUND, 1/2 INCH BY 18 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED AS NOTED
- THE EAST LINE OF OUTLOT C, DPS LAKE ELMO IS ASSUMED TO HAVE A BEARING OF S00°01'13"W.
- D&U DRAINAGE AND UTILITY EASEMENT

