

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

RESOLUTION NO. 2015-24

*A RESOLUTION APPROVING THE WILDFLOWER AT LAKE ELMO PRELIMINARY PLAT AND
PRELIMINARY PUD PLAN*

WHEREAS, Robert Engstrom Companies, 4801 West 81st Street, #101, Bloomington, MN (“Applicant”) has submitted an application to the City of Lake Elmo (“City”) for a Preliminary Plat and a Planned Unit Development (PUD) Preliminary Plan for a planned development to be called Wildflower at Lake Elmo, copies of which are on file in the City Planning Department; and

WHEREAS, the proposed Planned Unit Development is for a residential Planned Unit Development on approximately 117 acres of land located north of the Brookfield Addition along 39th Street in Lake Elmo and extending to the northern limits of the Village Planning Area boundary, and will include 145 single-family residential lots, 67 of which are planned as courtyard homes with public alley ways; and

WHEREAS, the Lake Elmo City Council approved the Wildflower at Lake Elmo Concept Plan on June 17, 2014, and

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on February 23, 2015 to consider the Preliminary Plat and Preliminary Plans for the PUD, and further reviewed said plat and plans at its March 9, 2015 meeting; and

WHEREAS, on March 9, 2015 the Lake Elmo Planning Commission adopted a motion to recommend that the City Council approve the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans to the City Council as part of a memorandum from the Planning Department dated April 7, 2015; and

WHEREAS, the City Council reviewed the recommendation of the Planning Commission and the proposed Wildflower at Lake Elmo PUD Preliminary Plat and Preliminary Plans at a meeting on April 7, 2015.

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 PUD Preliminary Plan is found in the Lake Elmo City Code, Section 154.800.
- 2) That all the requirements of said City Code Section 154.800 related to the PUD Preliminary Plan have been met by the Applicant.
- 3) That the Wildflower at Lake Elmo preliminary plat complies with the City's subdivision ordinance and is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 4) That the proposed PUD Preliminary Plan is for a residential Planned Unit Development on 117 acres of land located north of the Brookfield Addition along 39th Street in Lake Elmo and extending to the northern limits of the Village Planning Area boundary, and will include 145 single-family residential lots, 67 of which are planned as courtyard homes with public alley ways
- 5) That the PUD Preliminary Plan will be located on property legally described on the attached Exhibit "A".
- 6) That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

<u>Setback</u>	<u>MDR Zoning District (Min.)</u>	<u>Courtyard Homes (Min.)</u>
Front Yard	25 feet	20 feet
Interior Side Yard	10 Feet Principal Structure Side / 5 Feet Garage Side	Same or 7.5 both sides
Corner Side Yard	15	10
Rear Yard	20 feet	20 feet
Lot Area	7,000 square feet	5,865 square feet
Lot Depth	N/A	100 feet
Lot Width	50 feet	50 feet
<u>Street Widths</u>	<u>City Standard</u>	<u>Wildflower</u>
Alley/Rear Access	Not Allowed	18 feet
<u>Cul-de-sac</u>	<u>City Standard</u>	<u>Prairie View Trail</u>
Maximum Length	1,000 feet	1,300 feet

- 7) That the Wildflower PUD General Concept Plan was approved by the City on June 17, 2014, and the submitted Preliminary Plat and Preliminary PUD Plans are consistent with the approved General Concept Plan.
- 8) That the Wildflower preliminary plat and preliminary PUD plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 9) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's LDR - Urban Low Density Residential and MDR – Urban Medium Density Residential zoning district requirements with the exceptions as noted in the Staff report.
- 10) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's subdivision ordinance, with the PUD exceptions as requested by the applicant.
- 11) That the Wildflower preliminary plat and preliminary PUD plans comply with the City's Planned Unit Development Regulations.
- 12) That the change in Outlots O and P of the Fields of St. Croix is justified because the developer is providing much larger open space areas as part of Wildflower at Lake Elmo.
- 13) That an exception to the maximum length of a cul-de-sac is justified based on the unique circumstances of the property and the development.
- 14) That the Wildflower preliminary plat and preliminary PUD plans comply with City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 2/18/15.
- 15) That the Wildflower preliminary plat and preliminary PUD plans comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control with the plan revisions as requested by City Staff and consultants.
- 16) That the Wildflower preliminary plat and preliminary PUD plans achieve multiple identified objectives for planned developments within Lake Elmo and are consistent with the City's adopted findings for the Concept Plan.

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicants' application for a PUD Concept Plan is granted, provided the following conditions are met:

- 1) No lots within a FEMA flood zone shall be approved as part of a final plat until such time that the City's Floodplain Management Map has been amended to remove these lots. As an alternative to amending this map, the developer must provide documentation that all structures will be built above the regulatory flood protection elevation, that any public infrastructure will also meet Floodplain Ordinance requirements, and that the proposed storm water ponds may be constructed within the floodplain area.


- 2) Prior to any grading activity, the developer shall submit to the City temporary grading easements from the owner of the lots adjacent to Layton Avenue within the Brookman Addition in order to construct the improvements within this right-of-way as documented in the preliminary construction plans.
- 3) The developer has requested the inclusion of public art within common areas and public property throughout Wildflower development. Prior to the placement of any art on publicly owned property or public rights-of-way, the developer and City shall enter into an agreement that clarifies the individuals or entities responsible for maintenance, upkeep and removal of any public art. No public art shall be lit in a manner that conflicts with the City's Lighting Ordinance.
- 4) Prior to the submission of a final plat for any portion of the Wildflower PUD, the developer shall work with the City to determine the appropriate park dedication calculations for the entire development area.
- 5) 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.
- 6) The utility construction plans shall be updated to incorporate the recommendations of the City Engineer as described in a February 18, 2015 memorandum to the City concerning the appropriate location and size of sewer services through the PUD planning area, including any requested oversizing of these facilities to service adjacent properties, prior to the submission of a final plat.
- 7) The developer shall minimize the number of rain gardens within public rights-of-way consistent with the review comments from the City Engineer. Any such storm water infiltration features shall be subject to review and approval by the City Engineer.
- 8) The preliminary development plans must be revised to comply with City Street standards as referenced in the City Engineer's review memorandum dated February 18, 2015.
- 9) The City approves all requests for flexibility from City Zoning and Subdivision requirements with the exception of the street standards noted in the preceding condition.
- 10) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision.
- 11) The preliminary landscape plan shall be updated to address the review comments from the City's landscape architecture consultant as noted in a review letter dated February 4, 2015.
- 12) All center median planting areas as depicted on the preliminary plat and plans shall be owned by the City of Lake Elmo and maintained by the Homeowners Association. 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, trails, or open space on the final plat.
- 13) The Final Plat and Plans must address the requested modifications outlined in the City Engineer's review memorandum dated February 18, 2015.
- 14) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.

- 15) The developer shall provide an easement over or dedicate in a separate outlot all trails to be dedicated for public use. Any such trails shall be considered a park land dedication provide said trails are constructed by the developer with other public improvements within the subdivision.
- 16) The City will not approve a final plat for any portion of Wildflower until such time that the City has approved construction plans and received financial security related to the construction of the public improvement project to connect the 39th Street Sewer to the 30th Street lift station.
- 17) The developer must follow all the rules and regulations of the Wetland Conservation Act, and adhere to the conditions of approval for the Valley Branch Watershed District Permit.
- 18) The developer shall maintain access to the Smith property (11514 Stillwater Boulevard North) during construction of the first development phase. Said access shall, at a minimum, be capable of supporting emergency management vehicles and be consistent with City access driveway standards. The existing driveway easement shall be vacated prior to the recording of the final plat.
- 19) The developer shall establish a legally binding agreement to prevent further residential or commercial development of all outlots that are planned for open space or conservation uses within the preliminary plat.

Passed and duly adopted this 7th day of April 2015 by the City Council of the City of Lake Elmo, Minnesota.


Mike Pearson, Mayor

ATTEST:


Adam Bell, City Clerk