CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2015-34

A RESOLUTION APPROVING A FINAL PLAT FOR THE VILLAGE PRESERVE
RESIDENTIAL SUBDIVISION

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

WHEREAS, GWSA Land Development, LLC, 10850 Old County Road 15, Suite 200, Plymouth, MN 55441 has submitted an application to the City of Lake Elmo ("City") for a Final Plat for the first phase of the Village Preserve residential subdivision, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the City approved the Village Preserve Preliminary Plat on July 15, 2014; and

WHEREAS, the proposed Village Preserve Final Plat includes 46 single family residential lots within a planned subdivision on one parcel of land (PID: 12.029.21.33.0001) in the Village Planning Area; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat subject to 11 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat as part of a memorandum to the City Council for the May 5, 2015 Council Meeting; and

WHEREAS, the City Council reviewed the Village Preserve Final Plat at its meeting held on May 5, 2015 and made the following findings of fact:

1) That the Village Preserve Final Plat is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 15, 2014.

2) That the Village Preserve Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

3) That the Village Preserve Final Plat complies with the City's Urban Low Density Residential zoning district.

4) That the Village Preserve 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 attachment thereof.

5) That the Village Preserve Final Plat complies with the City's subdivision ordinance.

6) That the Village Preserve Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated April 14, 2015.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Village Preserve Final Plat 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 plat and plans requested by the City Engineer in a memo dated 4/14/15 shall be incorporated into these documents before they are approved.

2) Prior to the release of Final Plat for recording, the developer shall provide evidence in a form satisfactory to the City Attorney that warrants it has fee interest in area included in the Village Preserve Final Plat.

3) Prior to the release of the Final Plat for recording, 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.

4) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to the release of the Final Plat for recording.

5) A Common Interest Agreement concerning management of the common areas of Village Preserve 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. Said agreement shall comply with Minnesota Statues 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.

6) As part of the development agreement for the 1st phase of the Village Preserve development, the applicant shall provide fees in lieu of land dedication for a minimum of 1.57 acres of land to fulfill the City's parkland dedication requirements prior to the release of Final Plat for recording. The fee can be provided in a pro-rated amount for the Phase 1 Area or in an amount addressing the total residential portion of the site.

7) The Final Landscape Plan shall include irrigation plans and additional detail of the entry median adjacent to Lake Elmo Avenue. The Final Landscape Plans shall be approved prior to the release of Final Plat for recording.

8) The applicant shall provide evidence that all conditions attached to the Valley Branch Watershed District permit for the Final Plat and associated grading work have been met prior to the release of the Final Plat for recording.

9) The applicant shall update the Lake Elmo Ave. improvements per the direction of Washington County prior to the Final Plat being released for recording. The applicant is responsible to construct all necessary improvements to Lake Elmo Ave.

10) All public improvements outside of the Village Preserve site needed to serve the residential subdivision, including the Eastern Village Sewer and facilities shared with the Wildflower at Lake Elmo development, must be completed prior to the issuance of building permits, with the exception of approved model home permits, in the Village Preserve residential subdivision.

11) All outlots containing stormwater management facilities or public parkland shall be deeded to the City upon recording the final plat.

Passed and duly adopted this 5th day of May, 2015 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Adam Bell, City Clerk