

**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 15, 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 15th day of September 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk