



## **STAFF REPORT**

DATE: 9/03/2019

REGULAR

**TO:** City Council  
**FROM:** Ken Roberts, Planning Director  
**AGENDA ITEM:** Union Park Addition – Easement Vacations and Final Plat  
**REVIEWED BY:** Jack Griffin, City Engineer

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### **BACKGROUND:**

Pulte Homes of Minnesota (Pulte) is requesting City approval of easement vacations and the Final Plat to create lots for 62 townhomes located on 7.92 acres. This proposed final plat is the first phase of a 240 townhouse residential development on +/-32.40 acres. This site is part of a 72.60 acre final plat to be known as Union Park.

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. Proposed final plat also includes the street right-of-way for 5<sup>th</sup> Street North, for future Julia Avenue and would create several outlots for future development. Staff is recommending approval of the request subject to meeting the conditions listed in this report.

On August 12, 2019, the Planning Commission reviewed these requests and recommended approval.

### **ISSUES BEFORE THE CITY COUNCIL:**

The City Council is being asked to approve easement vacations and the proposed Final Plat for the Union Park First Addition.

### **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:* 34-029-21-34-0006 (west property) and 34-029-21-43-0003 (east property)

*Request:* Easement Vacations and Final Plat

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

*Total Dev. Area:* 72.60 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 (Rural Development Transitional)

guided Mixed Use Commercial in draft 2040 Comprehensive Plan.  
Includes the site of the 300 unit Springs Apartments)

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

*History:* On November 6, 2018, the City Council reviewed and commented on the 239-unit sketch plan for this site.

On February 25, 2019, the Planning Commission held a public hearing and recommended approval of Bentley Village subject to the conditions listed in the staff report.

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 – 5/24/2019  
Incomplete Letter Sent – 5/31/2019  
Resubmittal – 7/12/2019  
60 Day Deadline – 9/11/2019  
Extension Letter Mailed – No  
120 Day Deadline – N/A

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

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## **PROPOSAL DETAILS/ANALYSIS:**

**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 proposed, the Union Park final plat will divide 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. As shown, the final plat includes four outlots for future development or phases of development and the street rights-of-way for 5<sup>th</sup> Street North and Julia Avenue. These changes account for all the property between 5<sup>th</sup> Street North and Hudson Boulevard that is now owned by one property owner and provides the City with the necessary right-of-way for Julia Avenue and creates Outlot H – the site of the Springs Apartment development.

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 Planning Commission 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.

Based on the above Staff report and analysis, Staff and the Planning Commission are 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.

Staff and the Planning Commission recommend approval of the requested Union Park First Addition Final Plat with the following conditions:

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).

### **RECOMMENDATIONS:**

Staff and the Planning Commission recommend approval of the proposed vacation of the two drainage and utility easements lying south of 5<sup>th</sup> Street North in the proposed Union Park First Addition as shown on the drainage and utility easement vacation Exhibits dated 1-03-2019 and 1-17-2019 with the attached resolution:

***“Move to approve the request for the vacation of the two drainage and utility easements on site of the Union Park final plat as shown on the drainage and utility easement vacation exhibits dated 1-03-2019 and 1-17-2019.”***

Staff and the Planning Commission recommend approval of the Union Park First Addition Final Plat with the recommended findings and conditions of approval as listed in the staff report and in the attached resolution:

***“Move to approve the Union Park First Addition Final Plat with recommended findings and conditions of approval as listed in the staff report.”***

### **ATTACHMENTS:**

1. Application Narrative dated May 24, 2019
2. City Maps and Project Plans (5 pages)
3. Proposed Final Plat (3 pages)
4. Easement Vacation Exhibit dated 1-3-2019
5. Easement Vacation exhibit dated 1-17-2019
6. City Engineer Report dated August 1, 2019
7. Landscape Architect's report dated July 24, 2019
8. Easement Vacation Resolution
9. Final Plat Approval Resolution



## ***“Union Park”***

***Formerly known as: “Bentley Village”***

**APPLICATION FOR:  
FINAL PLAT**

**LAKE ELMO, MINNESOTA  
May 24, 2019**

## **Introduction**

Pulte Homes of Minnesota, LLC (“Pulte”) is pleased to be submitting this application.

Our company mission statement is ***“Building Consumer Inspired Homes and Communities to Make Lives Better”***. We currently operate under three distinct brands of homebuilding throughout the country: Pulte Homes, Centex Homes, and Del Webb. Pulte’s Minnesota Division has an office in Eden Prairie. We sold approximately 500 homes in the Twin Cities in 2018, all under the Pulte Homes brand.

Pulte will act as both developer of the property and builder of the homes. The primary contact for Pulte is:

Paul Heuer, Director of Land Planning & Entitlement  
7500 Flying Cloud Drive, Suite 670  
Eden Prairie, MN 55344  
952-229-0722  
[Paul.Heuer@PulteGroup.com](mailto:Paul.Heuer@PulteGroup.com)

The owner of the property is:

DPS - Lake Elmo, LLC – Alan Dale  
6007 Culligan Way  
Minnetonka, MN 55345  
952-288-2201  
[adale@stonehenge-usa.com](mailto:adale@stonehenge-usa.com)

The surveyor, civil engineer, and landscape architect is:

Alliant Engineering  
Primary contact: Mark Rausch  
733 Marquette Ave Ste 700  
Minneapolis, MN 55402-2340  
(612) 767-9339  
[mrausch@alliant-inc.com](mailto:mrausch@alliant-inc.com)

# The Property

## Legal Description:

That portion of the East Half of the Southwest Quarter and that portion of the West Half of the Southeast Quarter, both in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1517.53 to a line parallel with and distant 217.80 feet North of the North right of way line of Highway No. 12; thence South 89 degrees 54 minutes 16 seconds West, along said parallel line, a distance of 200.00 feet to a line parallel with and distant 200.00 feet West of said East line of the West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said parallel line, a distance of 173.18 feet to the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence South 89 degrees 18 minutes 12 seconds West, along said North line a distance of 1875.94 feet; thence continuing along said North line South 89 degrees 53 minutes 55 seconds West, a distance of 230.61 feet to the East line of the West 333.00 feet of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said line a distance of 599.99 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 333.00 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Washington County, Minnesota  
Abstract Property

## Property Identification Number:

34-029-21-34-0006 west property  
34-029-21-43-0003 east property

## Address:

9450 Hudson Boulevard, Lake Elmo, MN 55042 – west property  
East property has no address

## Key Facts

### Townhome Development per Approved Preliminary Plat:

- In March 2019, the City of Lake Elmo approved rezoning and preliminary plat for a 240 attached townhome development name Bentley Village
- Townhome development name has now been changed to “Union Park”
- 2030 Comprehensive Plan indicates Urban Medium Density with a density range of 4.5 to 7 units/acre
- 2040 Draft Comprehensive Plan indicates Urban Medium Density with a density range of 4 to 8 units/acre
- Townhome development area was rezoned to MDR Urban Medium Density Residential
- Development use: 240 attached townhomes with homeowner’s association maintenance
- Gross calculations, Townhome Development Only – Per Preliminary Plat Application:
  - West property = 839,837 square feet = 19.28 acres
  - East property = 971,593 square feet = 22.30 acres
  - Total = 1,811,430 square feet = 41.58 acres
  - Gross density = 240 units/41.58 acres = 5.77 units/acre
- Net calculations: Townhome Development Only – Per Preliminary Plat Application:
  - Gross area = 1,811,430 square feet = 41.58 acres
  - 5<sup>th</sup> Street ROW dedication = 294,126 square feet = 6.75 acres
  - Net area = 1,517,304 = 34.83 acres
  - Net density = 6.89 acres
- Dimensions/Setbacks: Townhome Development
  - 25-foot front setback
  - 25-foot rear setback
  - 15-foot corner/side setback
  - 20-foot side internal setback (building separation)
- Public utilities and streets throughout townhome development
- Local streets are 28-feet wide within a 53-foot right-of-way
- Open space area: Townhome Development – Per Preliminary Plat
  - Open space (private outlots) = +/-594,015 square feet = 13.64 acres
- Open space/unit requirement = 500 sf
- Minimum open space/unit provided = 557 sf
- Impervious surface requirement = 50% maximum
- Impervious surface provided = 739,433 square feet = 49.8%

### Phase 1 Final Plat “Union Park”

- Union Park Final Plat to include Phase 1 of the townhome development with the first 62 townhome units, collector road right of way dedication and outlot parcel creation within parent parcel for future development.
- Gross calculations, Final Plat (also refer to provided lot area summary)
- Right-of-way area dedication in Phase 1 Final Plat:

- Local = 73,770 square feet = 1.69 acres
- Julia Avenue “Collector” = 92,292 square feet = 2.12 acres
- 5<sup>th</sup> Street = 294,126 square feet = 6.75 acres
- Total = 460,188 square feet = 10.56 acres
- Phase 1 townhome development area + outlots = 345,135 square feet = 7.92 acres
- Future Development Outlots:
  - Outlot E – Future phase 2 of townhome development = 381,050 square feet = 8.75 acres
  - Outlot F – Future phaseS 3 and 4 of townhome development = 685,070 square feet = 15.73 acres
  - Outlot G – Future development lots retained by Property Owner = 556,066 square feet = 12.77 acres
  - Outlot H – Future development lots retained by Property Owner = 735,149 square feet = 16.88 acres
- Total Final Plat Area = 3,162,659 square feet = 72.60 acres
- Wetland outside townhome development in Outlot H = 14,202 square feet = 0.33 acres
- Phase 1 townhome development dedicated open space (private outlots A,B,C,D) = 229,315 square feet = 5.26 acres

## Neighborhood Vision

This property is in a very attractive location. It is conveniently located near freeways, parks, and retail. However, its proximity to I-94 (as near as 700 feet) leads to higher levels of noise. This, in addition to having a commercial property immediately to the south is an indicator that this property is not a strong candidate for detached homes. The ideal use for this property is attached housing as a natural transition between commercial properties to the south and single-family properties to the north. Townhome buyers tend to be more tolerant of freeway noise and more intensive land uses.

Our vision is to create an attractive townhome neighborhood with a focus on convenient access to regional amenities and privately owned recreational amenities within the neighborhood. Key neighborhood traits are:

1. **Access** – Union Park is very short drive to I-94 and 494, leading to high level of convenience for homeowners.
2. **Parks** – Lake Elmo Park Reserve is just over one mile from Union Park, offering a wide variety of recreational opportunities such as walking trails, swimming, archery, fishing, horseback riding, camping, and cross-country skiing. A City park with a playground is just to the north of 5<sup>th</sup> Street North with trail access connecting the park to 5<sup>th</sup> Street North. 5<sup>th</sup> Street North has a trail along the north side and a sidewalk along the south side. Union Park has a wide range of recreational opportunities nearby.
3. **Retail** – A wide variety of retail properties are just blocks away from the neighborhood, including restaurants, Target, Walmart, Trader Joe's, Cabela's, and many others.
4. **Private Amenities** – We are planning the incorporation of private amenities for the use of Union Park residents. Not only are such amenities attractive for homebuyers, but they also help to create a sense of neighborhood identity and to facilitate social interaction in a neighborhood.

# Neighborhood Design

We have carefully studied the market, the City's Comprehensive Plan, the property, and the surrounding uses and have worked diligently to create a neighborhood layout that is ideally suited for this property. We are very pleased with how our vision and the resulting plan have come together. Below is a description of the various traits and strategies utilized in designing the neighborhood.

## Access

The trunk transportation network serving this property is in place. What remains is to connect to the existing network at the safest locations.

We are making two connections to 5<sup>th</sup> Street North directly across from Jasmine Road North and Junco Road North. By connecting at these locations, we will avoid the introduction of additional connection points to 5<sup>th</sup> Street North. This results in the safest possible access to 5<sup>th</sup> Street North.

We have included a 100-foot wide right-of-way to accommodate the new collector street "Julia Avenue" which will connect 5<sup>th</sup> Street North to the commercial properties to the south and ultimately to Hudson Boulevard North. We plan to build the portion of collector street that runs through the subject property and to connect to this street to serve both the west and east properties.

Combined, both the west and east properties have two safe access points with strong internal connectivity between the access points.

## Physical Constraints

Near the west edge of the west property, a natural gas pipeline bisects the property. Buildings cannot be placed within this existing 50-foot wide easement. We have designed the neighborhood to comply with the pipeline company requirements. The pipeline area is within or near the phase 1 townhome area but will be included within a future development outlot. No land disturbance is proposed near the pipeline during this phase of the project.

On the north side of the west property, an existing overland drainage and utility easement exists. We will extend storm sewer to collect this water and will provide new drainage and utility easements. The old easement will be vacated. We have included an exhibit with this application to facilitate vacation.

Near the east edge of the east property, an existing temporary 21-inch diameter storm sewer pipe within an existing 30-foot wide easement runs through a portion of the property. The west property also contains a storm sewer that discharges within easement onto the property. Both storm sewer will ultimately be realigned and the easements will be vacated as required. We have included an easement vacation request with the preliminary plat submittal and the 2 exhibits and legal descriptions have been provided with this application to facilitate vacation. We understand the timing of the final vacations will occur as development phasing requires.

## Parks

It is our understanding that the parks and open space dedicated within properties to the north of 5<sup>th</sup> Street North satisfy park needs for the area. Therefore, we anticipate paying park dedication fees to satisfy our park requirements. The incorporation of private recreational amenities within Union Park will reduce the demand/need for public parks and recreational amenities in the area.

## **Building Orientation**

One important design attribute that can make a townhome neighborhood feel more “livable” is to vary the orientation of the buildings. This prevents the feeling of “barracks” that can sometime occur if attention is not given to how the geometric layout of the neighborhood impacts how it “feels.” We are utilizing this strategy most powerfully at the primary intersection of 5<sup>th</sup> Street North and the future collector road. Additionally, we have purposely created internal streets that do not run in parallel, thereby preventing the “barracks” feel.

## **Private Amenities**

A key part of creating new neighborhoods is understanding our customers and anticipating their desires. This property is in an attractive location, surrounded by a variety of recreational, retail, and convenience-oriented amenities. Still, many people desire private, social gathering places to form bonds with their immediate neighbors. This is an important priority for many of our customers, and the size of the neighborhood is large enough to economically sustain such amenities. Based on our early market research, we are planning the following private amenities, all to be owned and maintained by a professionally managed home owners association:

- Dog Park – Fenced dog park available to all townhome development residents to be built in phase 1 in the east parcel.
- Playground/tot lot – Although a public tot lot exists north of 5<sup>th</sup> Street North, this street will increasingly become a barrier as traffic volumes increase. Inclusion of a private tot lot will be desirable.
- Open play areas – We are planning some open play area in both the east and west sides. Residents will find many uses for these versatile spaces.
- Trails

## **Parking**

Adequate parking in a townhome neighborhood is critical and we have a great deal of experience in this area. We have designed the neighborhood to have a significant amount of guest parking (see parking plan). In addition, the parking lot for the pool area is available for overflow parking. It is our understanding that homeowners living in the existing townhome neighborhood to the east have complained about lack of guest parking in their neighborhood. Please be assured that our design differs from the adjacent neighborhood, which primarily includes narrow private streets that do not allow parking. We are utilizing wider public streets that accommodate parking on one side throughout the neighborhood. The difference in guest parking accommodation is substantial.

## **Changes Since Preliminary Plat**

The townhome development has been refined through the preliminary plat application submittal to address comments from City Staff, Planning Commission and City Council.

Plan revisions since preliminary plat have been technical without needing fundamental changes to the development plan. Preliminary plat documents have been resubmitted to the City to address City Engineer comment requests. Some of the updates to the plans include:



1. Parking – At the request of the City, the development plan has been updated to limit parking to one side of the public street. No parking signage is identified in the design plans.
2. Utility Easements – Site plan has been refined to accommodate 30' wide easement corridors for all public utilities outside of public right of way.
3. Stormwater Management – Stormwater basin design has been refined to provide maintenance access and address comments from the City and Watershed Districts.
4. Miscellaneous Engineering – Plans have been refined to address other comments related to civil engineering and landscape architecture.

## Adjacent Land Uses

There are no conflicts with adjacent land uses. Traditionally, townhomes and other multifamily residential land uses are utilized as transitional buffers between more intensive uses and less intensive uses. In this case, single family homes lie to the north. However, 5<sup>th</sup> Street North lies between these two land uses, providing a significant existing buffer. To the east of the neighborhood lies similar townhomes. To the west lies industrial uses. Properties to the south are guided for Mixed Use – Commercial, a somewhat higher intensive land use. A townhome neighborhood is the ideal transitional land use for this location.

## Natural Resources

There are no wetlands or significant tree stands within the townhome development portion of the final plat boundary. There is a small wetland within the final plat boundary on the far southern edge within a future development outlot to be retained by the land owner. We understand that delineation report has been provided to the City by others representatives of the land owner.

## Justification that Services have Capacity

The subject property is in an area of the City that has recently been developing. In conjunction with the adjacent development, new infrastructure has been designed and extended to and through the area to adequately serve the area.

A new sanitary sewer has been extended through the subject property with service stubs extended into the property. This sewer serves Phase 1 of the Regional Sewer Staging Plan and it discharges to the MCES WONE Interceptor. Our application includes land uses and densities consistent with the Comp Plan, so the sewer has been designed to accommodate this neighborhood.

Water main has previously been constructed along 5<sup>th</sup> Street North. According to the City engineer memo from the sketch plan review, “the existing water system has sufficient capacity”. Our application includes land uses and densities consistent with the Comp Plan, so the water has been designed to accommodate this neighborhood.

Storm water quantity is traditionally handled on site by limiting post development flows to be equal to or less than predevelopment flows. Due to sandy soils found on site, we will be infiltrating storm water to meet City and Watershed quality requirements. The ponds designed to serve the neighborhood are of sufficient size to serve the new neighborhood.

5<sup>th</sup> Street North has been recently designed and constructed to serve a fully developed area.

The land use and density proposed with this application is consistent with the Comp Plan. Therefore, all past and current long-term planning for fire, public safety, parks, and schools are unchanged by this application.

## **Our Homes**

Pulte Homes is known for the extraordinary steps that we take to ensure that we are designing and building homes that meet the needs and desires of home buyers. We continually reach out to the public and Pulte homeowners to get feedback to improve our home designs. We call this Life Tested®. Through this intensive process, we have conceived of and incorporated many innovative home design features such as the Pulte Planning Center, Everyday Entry, Super Laundry, Oversized Pantry, and the Owner's Retreat. This exhaustive process has played a major part in Pulte's success in "Building Consumer Inspired Homes and Communities to Make Lives Better."

## **Townhome Design**

Our overall approach in designing the exterior of these two-story townhomes was to "individualize and stylize" each unit. The result is individual units which differ in architecture from all other units within the same building and which vary in color scheme. The result is that each unit will appear unique and distinct within each building and to a substantial degree within the new community. Attached you will find photos of the buildings to be constructed.

## **Innovative Approach to Rowhome Floor Plans**

It is worth noting that our approach to "individualized and stylized" rowhome units extends to the interior as well. Buyers can choose from a range of options that were not typically seen in the previous generation of townhome floor plans:

- a. 3 bedrooms with an option for a 4<sup>th</sup>
- b. 1<sup>st</sup> floor sunroom addition with 2<sup>nd</sup> floor owner's suite bathroom expansion
- c. Loft
- d. Rooftop terrace

We find that this versatile townhome appeals to a much broader spectrum of demographics than the previous generation of townhomes. This two-story townhome appeals to young, first time homebuyers, young families, and empty nesters in search of homeowner's association maintenance of the yard, snow removal, and exterior of the buildings.

# Phasing & Schedule

The following preliminary schedule for development is envisioned based on current projections and information

2019	Development of Phase 1 with Mass Grading Permit to start Summer 2019
2020	Development of Phase 2
2021 or 2022	Development of Phase 3
2022 or 2023	Development of Phase 4
2024-2026	Full build out

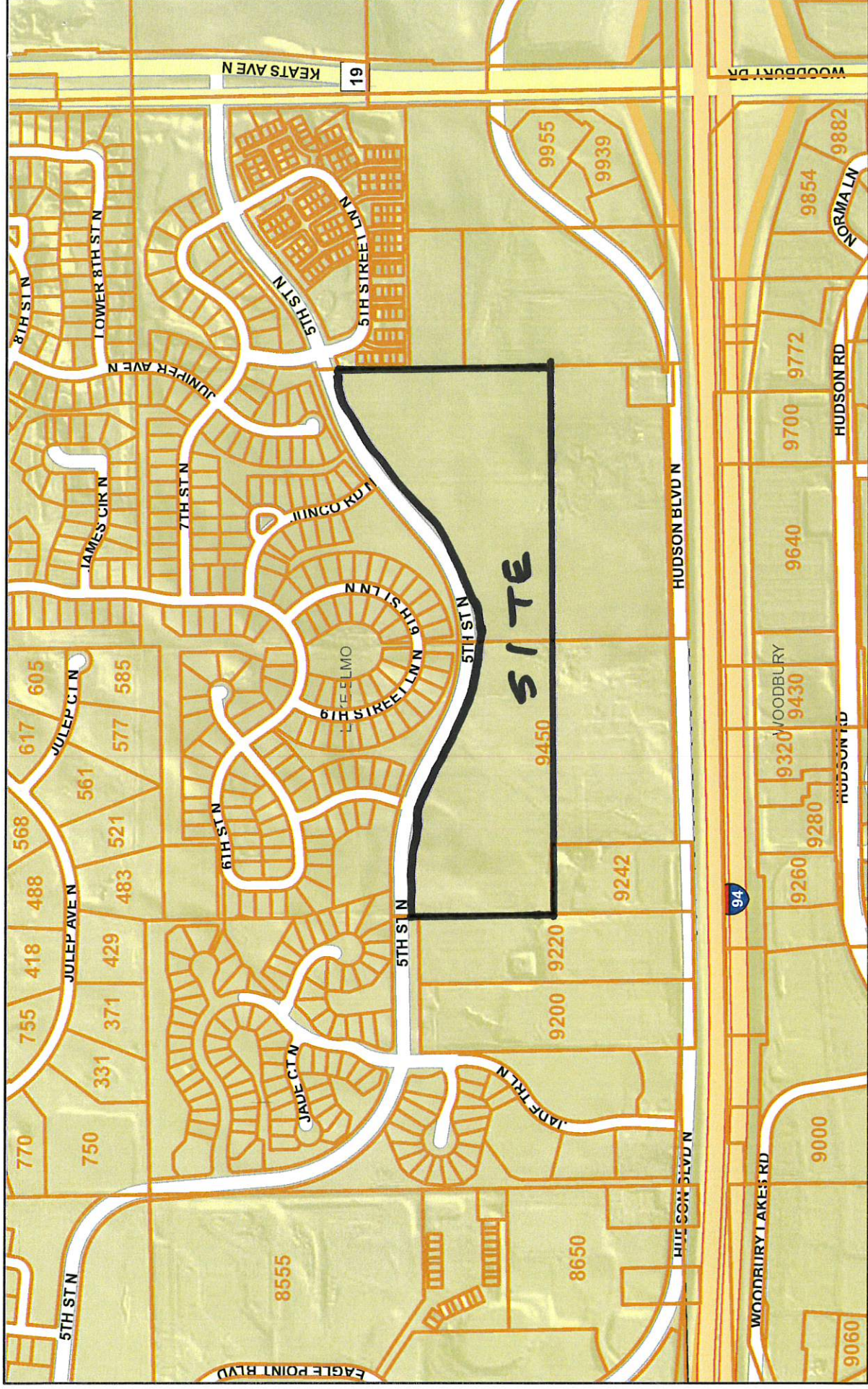
We have created a detailed Phasing Plan ‘map’ that is included with this application and attached to this narrative. We put a considerable amount of thought into balancing the infrastructure issues and coming up with a workable Phasing Plan. Please also note that the Phasing Plan includes a brief listing of the infrastructure and amenities included within each phase.

*This submittal includes:*

- *Land Use application*
- *Application fee/escrow*
  - *Final plat = \$1,250 fee + \$8,000 escrow*
- *This narrative*
- *Parcel info/mailling labels*
- *Survey, engineering, and landscape architecture, phasing, and parking exhibits*



## Washington County, MN



January 4, 2019



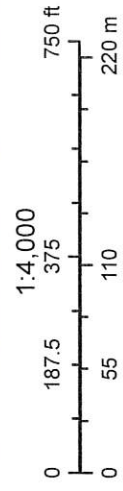
Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



# Washington County, MN



January 4, 2019





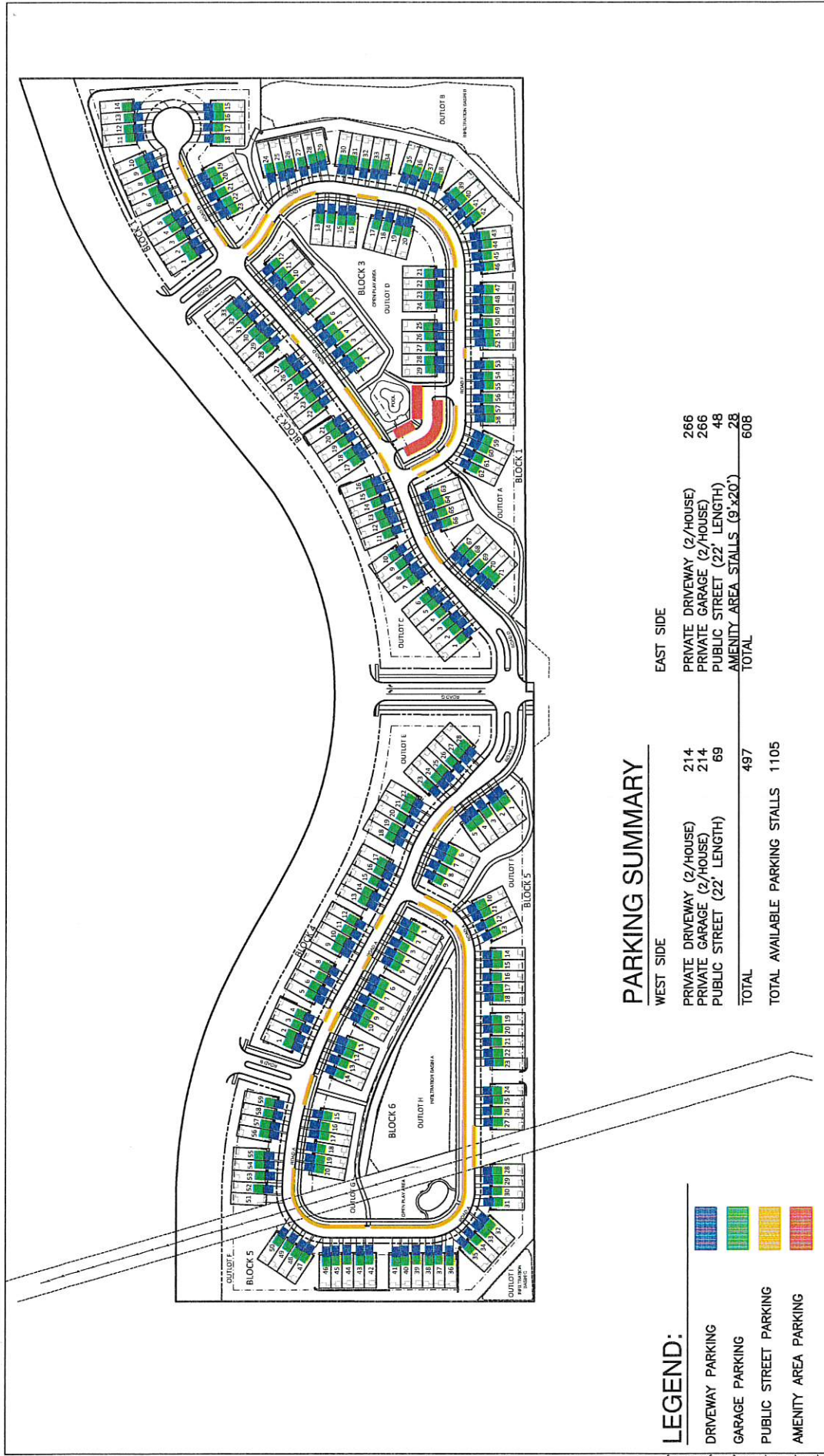




# BENTLEY VILLAGE

Lake Elmo, Minnesota





### LEGEND:

- DRIVEWAY PARKING
- GARAGE PARKING
- PUBLIC STREET PARKING
- AMENITY AREA PARKING

### PARKING SUMMARY

WEST SIDE	EAST SIDE
PRIVATE DRIVEWAY (2/HOUSE)	PRIVATE DRIVEWAY (2/HOUSE)
PRIVATE GARAGE (2/HOUSE)	PRIVATE GARAGE (2/HOUSE)
PUBLIC STREET (22' LENGTH)	PUBLIC STREET (22' LENGTH)
AMENITY AREA STALLS (9' x 20')	AMENITY AREA STALLS (9' x 20')
TOTAL	TOTAL
214	266
214	266
69	48
497	28
TOTAL AVAILABLE PARKING STALLS	608
1105	

## BENTLEY VILLAGE - PARKING EXHIBIT

### LAKE ELMO, MINNESOTA



UNION PARK

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

That portion of the East Half of the Southwest Quarter and that portion of the West Half of the Southeast Quarter, both in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1517.53 to a line parallel with and distant 217.80 feet North of the North right of way line of Highway No. 12; thence South 89 degrees 54 minutes 16 seconds West, along said parallel line, a distance of 200.00 feet to a line parallel with and distant 200.00 feet West of said East line of the West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said parallel line, a distance of 173.18 feet to the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence South 89 degrees 18 minutes 12 seconds West, along said North line a distance of 1875.94 feet; thence continuing along said North line South 89 degrees 53 minutes 55 seconds West, a distance of 230.61 feet to the East line of the West 333.00 feet of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said line a distance of 599.99 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 333.00 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Washington County, Minnesota  
Abstract Property

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 DPS-Lake Elmo, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: DPS-Lake Elmo, LLC,

\_\_\_\_\_  
Chief Manager

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

This Instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, Chief Manager, DPS-Lake Elmo, LLC, a Minnesota limited liability company, on behalf of the corporation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

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

I Dennis B. Olmstead, 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\_\_\_\_

\_\_\_\_\_  
Dennis B. Olmstead, Licensed Land Surveyor  
Minnesota License No. 18425

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

This Instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Dennis B. Olmstead, Licensed Land Surveyor, Minnesota License No. 18425.

\_\_\_\_\_  
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 Administrator

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

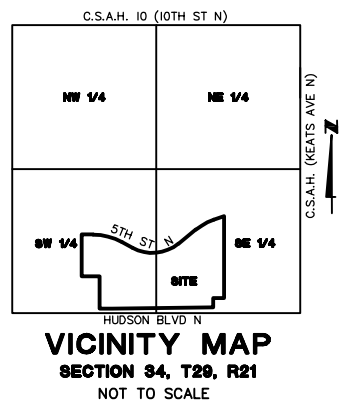
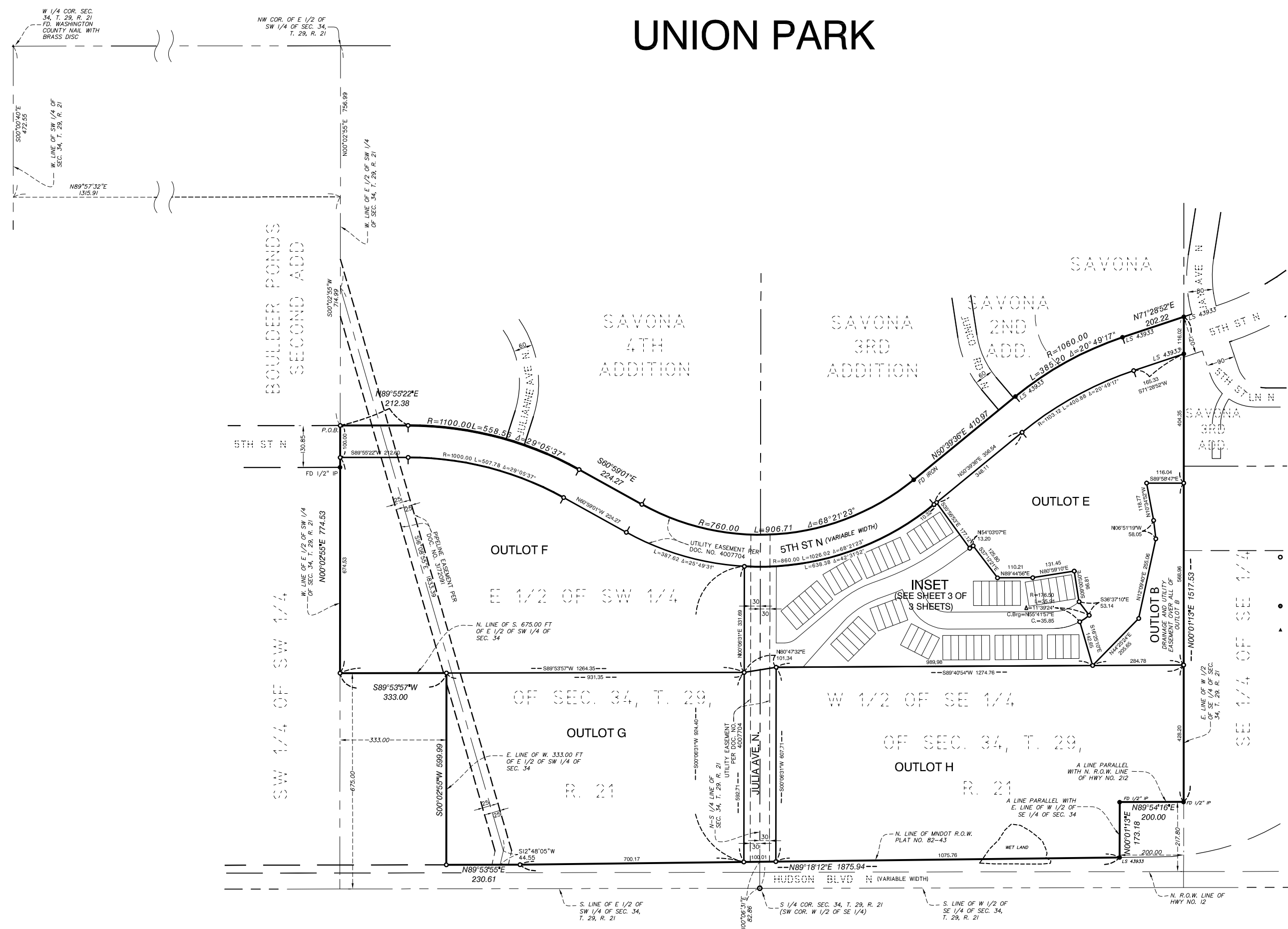
Document Number \_\_\_\_\_

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

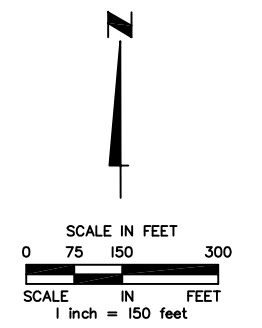


UNION PARK



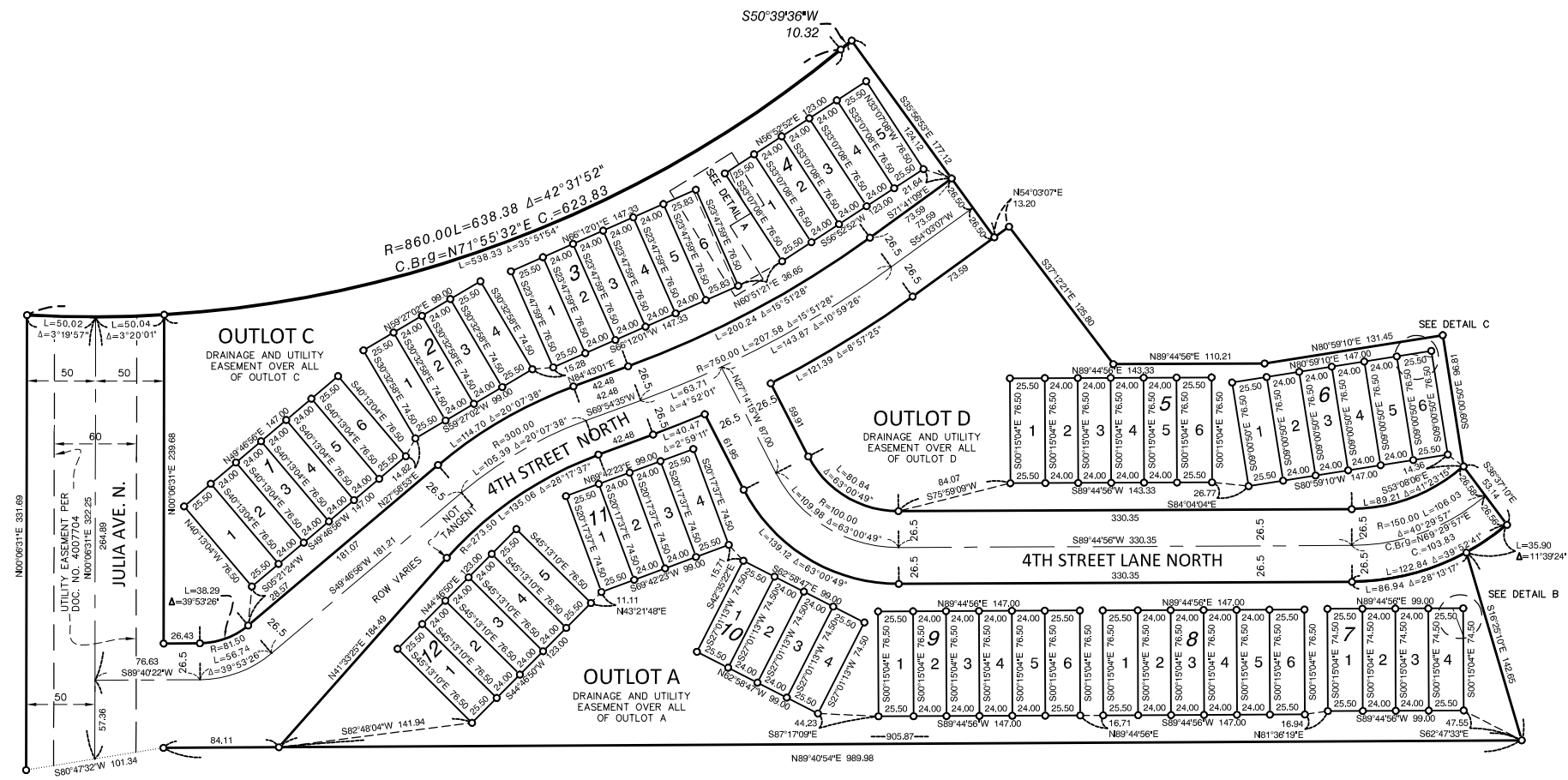
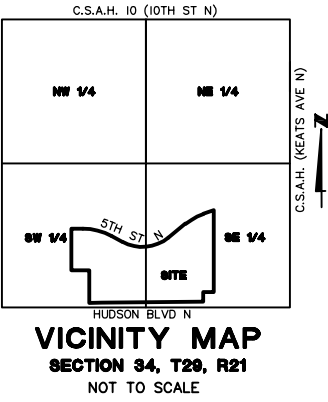
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- DENOTES FOUND, 1/2 INCH BY 14 INCH, IRON PIPE WITH PLASTIC CAP INSCRIBED LS \_\_\_\_\_
- ▲ DENOTES FOUND MAG NAIL.

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD83 (1986).



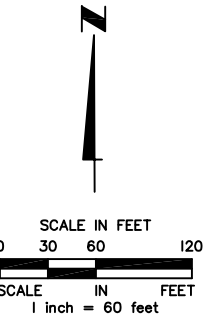
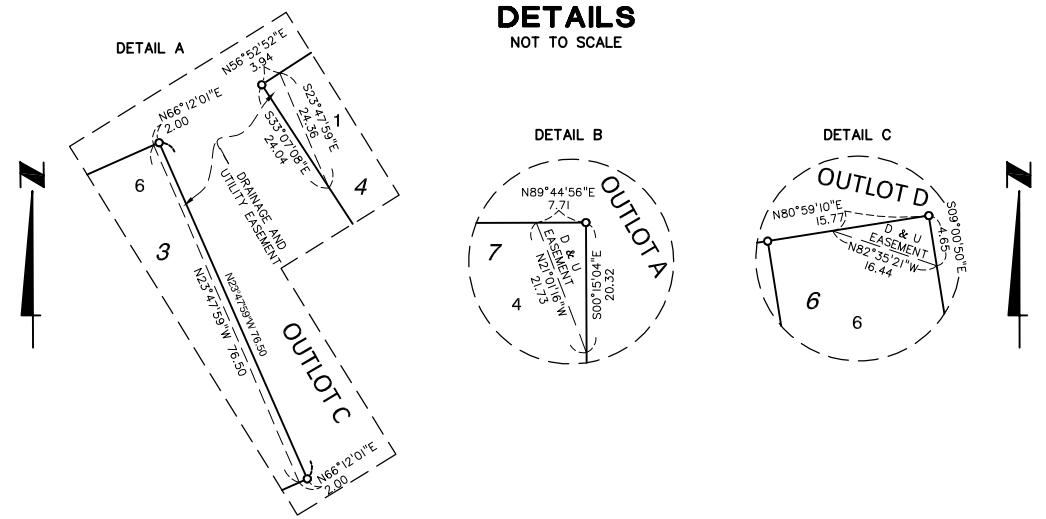
# UNION PARK

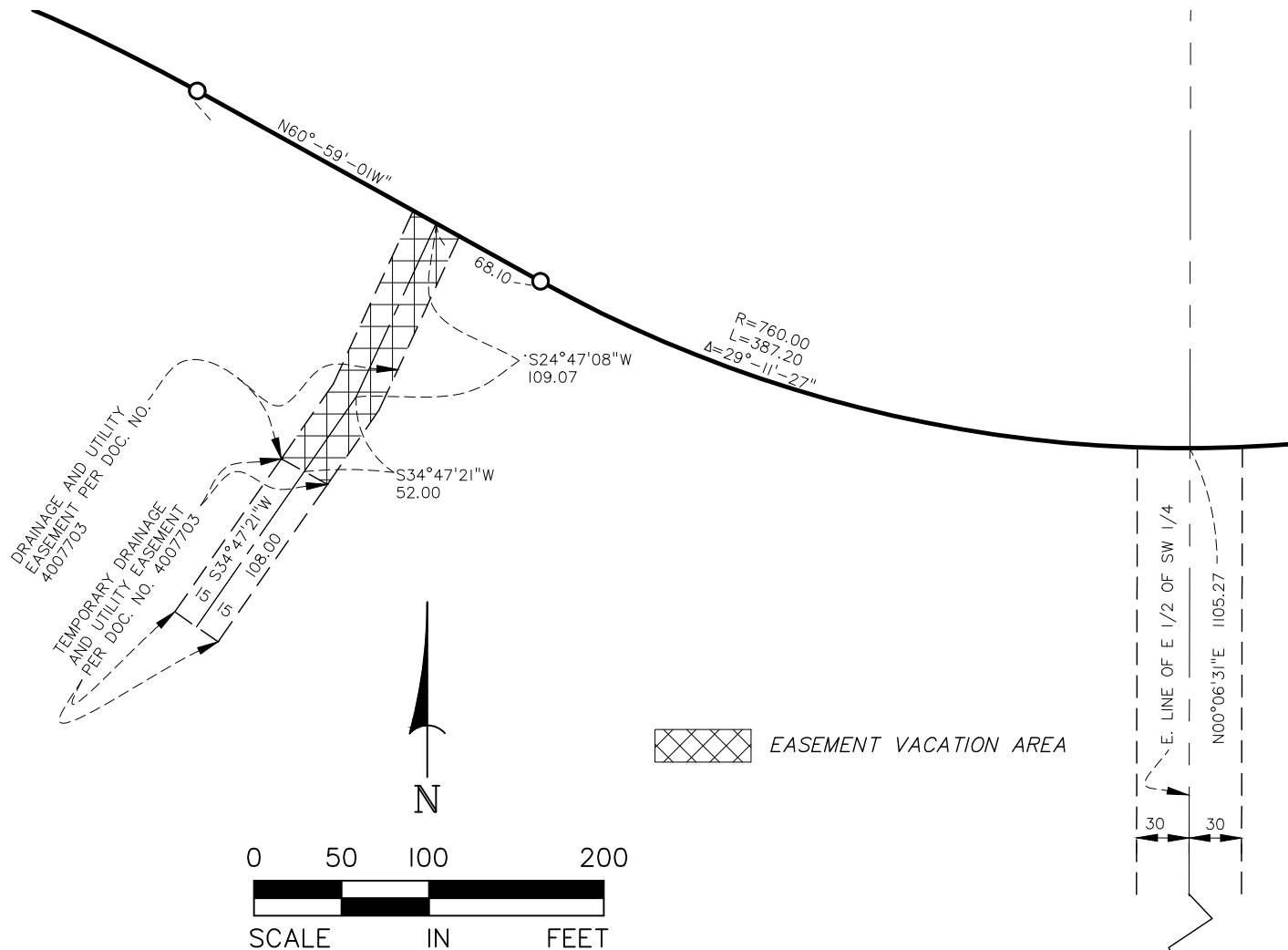
## INSET



- DENOTES SET, 1/2 INCH BY 14 INCH IRON PIPE WITH PLASTIC CAP INSCRIBED ALLIANT LS 18425. THESE MONUMENTS WILL BE PLACED IN THE GROUND AS SHOWN WITHIN ONE YEAR AFTER THE RECORDING DATE OF THIS PLAT.
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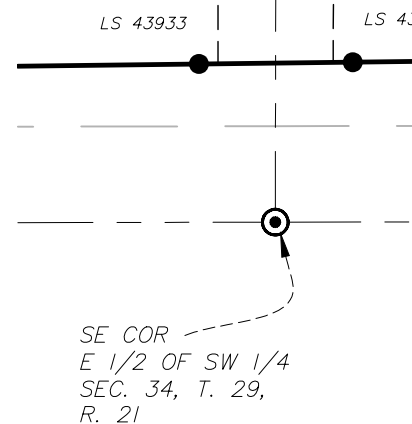
**LEGAL DESCRIPTION – VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 407703**

A 30.00 Drainage & Utility Easement lying over, under and across that part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the east line of said East Half of the Southwest Quarter, a distance of 1105.27 feet; thence northwesterly along a non-tangential curve concave to the northeast having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc distance of 387.20 feet, the chord of said curve bears North 75 degrees 34 minutes 45 seconds West; thence North 60 degrees 59 minutes 01 seconds West, tangent to said curve a distance of 68.11 feet to the point of beginning of the centerline to be described; thence South 24 degrees 47 minutes 08 seconds West, a distance of 109.07 feet; thence South 34 degrees 47 minutes 21 seconds West, a distance of 52.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 60 degrees 59 minutes 01 seconds West from said point of beginning.

Area: 4,832 sf or 0.11 acres

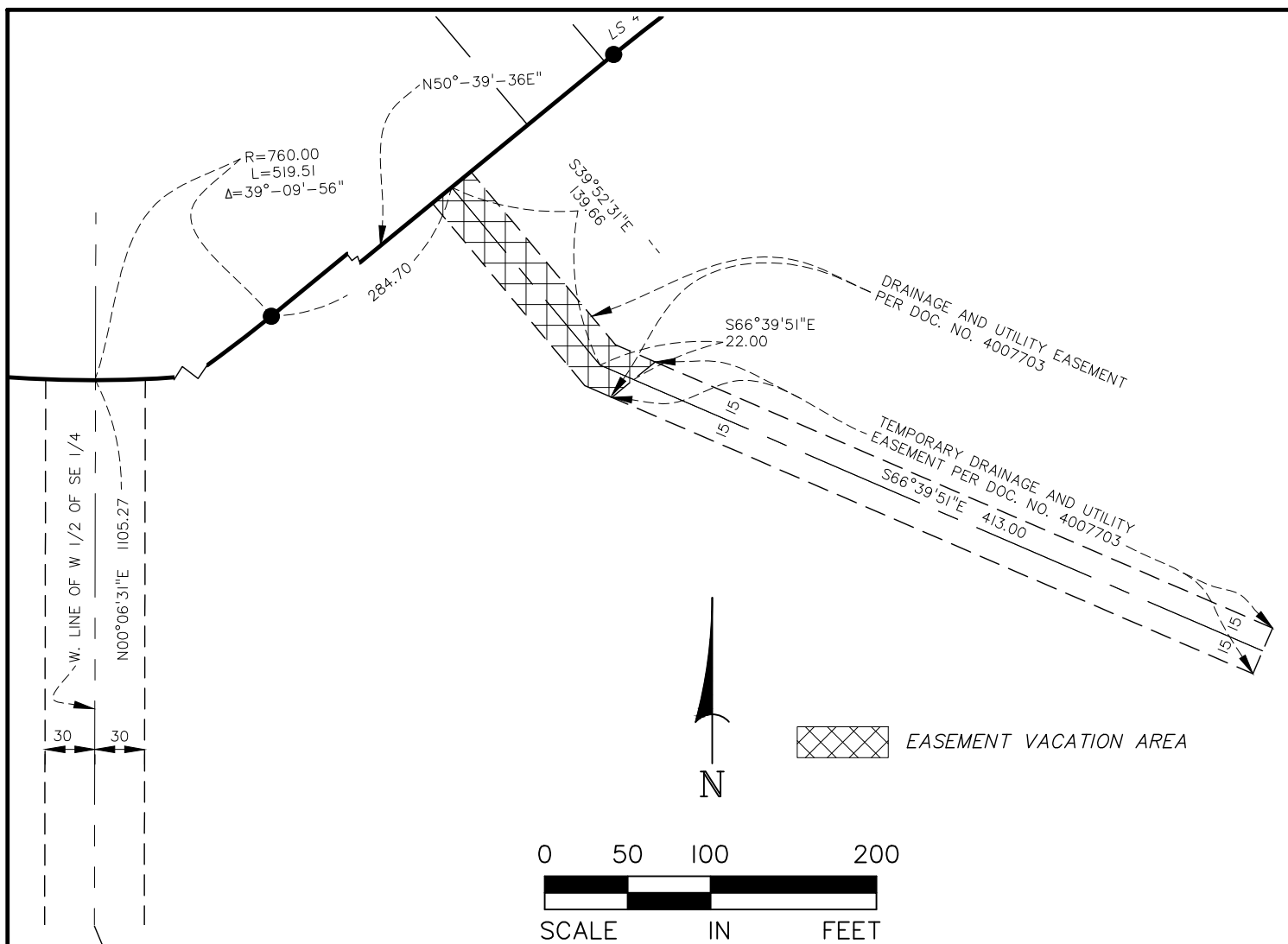


Design File:	Checked By:
180165	DBO
Dwg Name:	Drawn By:
Eas. Vac.	DPE
Date:	Scale:
1-3-19	1" = 80'

**DRAINAGE AND UTILITY VACATION EXHIBIT**  
WASHINGTON COUNTY  
LAKE ELMO, MINNESOTA



Alliant Engineering, Inc.  
733 Marquette Ave, Ste 700  
Minneapolis, MN 55402  
612.758.3080 MAIN  
612.758.3099 FAX  
www.alliant-inc.com



LEGAL DESCRIPTION – VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 4007703

A 30.00 Drainage & Utility Easement lying over, under and across that part of the West Half of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the west line of said West Half of the Southeast Quarter, a distance of 1105.27 feet; thence northeasterly along a non-tangential curve concave to the northwest having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet, the chord of said curve bears North 70 degrees 14 minutes 34 seconds East; thence North 50 degrees 39 minutes 36 seconds East, tangent to said curve a distance of 284.70 feet to the point of beginning of the centerline to be described; thence South 39 degrees 52 minutes 31 seconds East, a distance of 139.66 feet; thence South 66 degrees 39 minutes 51 seconds East, a distance of 22.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 50 degrees 39 minutes 36 seconds East from said point of beginning.

Area: 4,850 sf or 0.11 acres

Design File: 180165	Checked By: DBO
Dwg Name: Eas. Vac.	Drawn By: DPE
Date: 1-17-19	Scale: 1" = 100'

**DRAINAGE AND UTILITY VACATION EXHIBIT**  
WASHINGTON COUNTY  
LAKE ELMO, MINNESOTA



Alliant Engineering, Inc.  
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# 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 1, 2019

To: Ken Roberts, Planning Director  
Cc: Chad Isakson, P.E., Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: Union Park 1st Addition – Final Plat  
Engineering Review Comments

An engineering review has been completed for the Union Park 1st Addition. Final Plat/Final Construction Plans were received consisting of the following documentation:

- Union Park 1st Addition Narrative dated May 24, 2019.
- Union Park 1st Addition Final Plat, Sheets 1-3, received May 28, 2019. No print/preparation date.
- Union Park 1st Addition Construction Plans, Sheets 1-23, dated May 24, 2019.
- Union Park 1st Addition Stormwater Management Plan, dated May 24, 2019.
- Union Park 1st Addition Landscape Plans, Sheets 24-27, dated May 24, 2019.

**STATUS/FINDINGS:** Engineering review comments have been provided in two separate memos; one for Final Plat approval, and one to assist with the completion of the final Construction Plans. Please see the following review comments relating to the Final Plat application.

## FINAL PLAT: UNION PARK 1ST ADDITION

- The 5th Street North roadway along the northern border of the property will be platted at a width of 100-feet as required. The roadway currently resides within a roadway easement.
- Julia Avenue North will be platted at a width of 100-feet as required by the preliminary plat, extending from 5th Street North to Hudson Boulevard.
- Outlots A, B, C, and D will be HOA owned and maintained with drainage and utility easements over all of each Outlot. These easements are consistent with the preliminary plan approval.
- Outlot B includes a storm water infiltration basin which must incorporate the entire basin including the 100-year HWL and maintenance access road.
- Outlots E, F, G, and H will be privately owned for future platting.
- Outlot ownership has been identified on the Final Construction Plans as required.
- Additional drainage and utility easements have been shown on the plat as required in the preliminary plat approval over portions of Lot 6, Block 3; Lot 1, Block 4; Lot 6, Block 6; and Lot 4, Block 7.
- Final Plat must be contingent upon the City receiving separate drainage and utility easements, or temporary grading/construction easements in the City's standard form of easement agreement for all temporary and off-site development improvements.
  - *A permanent off-site drainage and utility easement is required for the storm sewer run from MH 701 to FES 700 to maintain a minimum 30-foot easement centered over the pipe and from the end of the FES. This easement covers storm sewer pipe to be installed as Phase 2, however this easement is required is needed*

- *Temporary roadway easements are required over a portion of Outlot E in accordance with the City standard details for each proposed temporary cul-de-sac. Easements can be held and not recorded until future plat phases terminate their need.*
- *A temporary drainage and utility easement must be provided over a portion of Outlot E for the proposed storm sewer discharge pipe from 4th Street Lane North to the Outlot B infiltration basin, and for the watermain pipe stub and hydrant to the southern property line. This easement can be held and not recorded until future plat phases terminate their need.*
- *Temporary construction and grading easements are required over a portion of Outlot H to facilitate the off-site grading and erosion control work.*
- *A drainage and utility easement is required over a portion of Outlot H to facilitate the extension of watermain with temporary hydrant to the southern property line.*
- All off-site easements must be clearly shown on the street, grading and utility plans, with all dimensions labeled. The easements must be obtained and recorded prior to recording of final plat.
- 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.
- No pipe oversize pipe costs are anticipated for this development.
- Final Construction Plans and Specifications must be prepared in accordance with the latest version of the City Engineering Design Standards Manual, using City details, plan notes and specifications and meeting City Engineering Design Guidelines.
- Final Construction Plans and Specifications must be revised in accordance with the Construction Plan engineering review memorandum dated July 31, 2019.
- The Final Plat shall not be recorded until final construction plan approval is granted.
- No construction for Union Park 1st Addition may begin until the applicant has received City Engineer approval for the Final Construction Plans; the applicant has obtained and submitted to the City all applicable permits, easements and permissions needed for the project; and a preconstruction meeting has been held by the City's engineering department.



**To:** Ken Roberts, City of Lake Elmo Planning Director  
**From:** Lucius Jonett, Wenck Landscape Architect  
**Date:** July 24, 2019  
**Subject:** City of Lake Elmo Landscape Plan Review  
Union Village (formerly Bentley Village) 1<sup>st</sup> Phase, Review #1

**Submittals**

- Final plat – Phase 1 Plans (Tree Inventory, Tree Preservation, Landscape), dated 5-24-2019, received 5-24-2019.

**Location:** Northwest quadrant of the intersection of Keats Ave. N & Interstate Hwy 94, Lake Elmo, MN. South of the Savona Development.

**Land Use Category:** Urban Medium Density Residential

**Surrounding Land Use Concerns:**

The property to the north (Savona Development) is Urban Low Density Residential and is less intensive land use than the proposed Urban Medium Density Residential. Screening is required on the north boundary.

The properties to the west (Lampert's lumber yard), east and south are, or are guided, to be Commercial or Mixed-Use Commercial zones which are more intensive land use than this proposed Urban Medium Density Residential. Screening is not required on the west, east or south boundaries.

**Special landscape provisions in addition to the zoning code:** This proposed development will be required to provide screening along all borders North, South, West and East consisting of either a masonry wall or fence in combination with landscape material that forms a screen at least six feet in height and not less than 90% opaque on a year-round basis.



**Tree Preservation:**

A. A tree preservation plan has been submitted that does meet all requirements.

Entire Site			
Total Caliper Inches of Significant Trees On-Site:	905	Cal Inches	
Common Trees	270		
Conifer/Evergreen Trees	0		
Hardwood Trees	635		
Significant Inches Removed On-Site	724	Cal Inches	
Common Trees	236		
Conifer/Evergreen Trees	0		
Hardwood Trees	488		
30% Tree Removal Limits (Cal. Inches)	Allowed	Proposed	
Subtract Common Tree Removals	81	236	
Subtract Conifer/Evergreen Tree Removals	0	0	
Subtract Hardwood Tree Removals	190.5	488	
Removals in excess of 30% allowances			
Removals in excess of 30% allowances	452.5	Cal Inches	
Common Removals in Excess of 30% Allowance	155.0		
Conifer Removals in Excess of 30% Allowance	0.0		
Hardwood Removals in Excess of 30% Allowance	297.5		
Common Tree Replacement Needed (1/4 the dia inches removed)	38.8	Cal Inches	
Conifer Tree Replacement Needed (1/2 the dia inches removed)	0.0	Cal Inches	
Hardwood Tree Replacement Needed (1/2 the dia inches removed)	148.8	Cal Inches	
<b>Common Tree Replacement Required @ 2.5" per Tree</b>	16	<b># Trees</b>	
<b>Conifer Tree Replacement Required @ 3" per 6' Tall Tree</b>	0	<b># Trees</b>	
<b>Hardwood Tree Replacement Required @ 2.5" per Tree</b>	60	<b># Trees</b>	

- B. There is a significant tree on the property. Tree ID #2742 – 44" DBH Oak. The tree is not marked for removal.
- C. Tree replacement is required because more than thirty (30) percent of the diameter inches of significant trees surveyed will be removed.
- D. Tree replacement calculations follow the required procedure and are correct.
- E. This project is residential development; therefore mitigation replacement trees shall be in addition to landscape required tree counts.

### **Landscape Requirements:**

The landscape plans meet the code required number of trees.

	Preliminary Plan (Code Required)	Proposed	1st Phase Proposed	
Street frontage	5908			Lineal Feet
Lake Shore	0			Lineal Feet
Stream Frontage	0			Lineal Feet
Total Linear Feet	5908			Lineal Feet
/50 Feet = Required Frontage Trees	119			Trees
Development or Disturbed Area	-			SF
Development or Disturbed Area	41.6			Acres
*5 = Required Development Trees	208			Trees
Required Mitigation Trees	76			
<b>Required Number of Trees (*)</b>	<b>403</b>			
<b>Total Trees to Date</b>		<b>403</b>	<b>124</b>	

\* Residential development - mitigation replacement trees are in addition to landscape required tree Counts.

1. A minimum one (1) tree is proposed for every fifty (50) feet of street frontage.
2. A minimum of five (5) trees are proposed to be planted for every one (1) acre of land that is developed or disturbed by development activity.

The landscape plans do meet the minimum compositions of required trees:

Master Plan	Qty	% Composition	
Deciduous Shade Trees	173	43%	>25% required
Coniferous Trees	171	42%	>25% required
Ornamental Trees	59	15%	<15% required
<b>Tree Count</b>	<b>403</b>		

Phase 1	Qty	% Composition	
Deciduous Shade Trees	57	46%	>25% required
Coniferous Trees	51	41%	>25% required
Ornamental Trees	16	13%	<15% required
<b>Tree Count</b>	<b>124</b>		

The landscape plans do show the required mitigation tree types and quantities:

	Required	Preliminary Plan	1st Phase
Common Trees	16	111	27
Conifers	0	171	51
Hardwood Trees	60	62	30

A. A landscape plan has been submitted that does meet all requirements.

- B. The landscape plan does meet the landscape layout requirements:
- C. Interior Parking Lot Landscaping – The development does not include interior parking lots.
- D. Perimeter Parking Lot Landscaping – The development does not include perimeter parking lots.
- E. Screening – The landscape plan does meet screening requirements.

**Special Landscape Considerations:**

- A. 5<sup>th</sup> Street – The development is along 5<sup>th</sup> Street, which has been previously or is schedule to be constructed by other developments. No additional landscape requirements are required of this applicant.

**Findings:**

1. Requiring full screening along the north property line (5<sup>th</sup> Street) is not recommended as it will interfere with the required boulevard tree plantings in the 5<sup>th</sup> Street Design Guidelines.
2. The property to the South is currently vacant land (Rural Development Transitional guided for Commercial development in 2030 Comprehensive Plan and Mixed Use Commercial in draft 2040 Comprehensive Plan). Currently vacant can be interpreted as a currently less intensive use than this proposed development and by ordinance would require screening. Because the property to the South is planned to be a more intensive land use, then by ordinance future development of the South properties would be required to provide screening. The proposed single row planting along the south property of this development's preliminary plat is a fair compromise for current conditions. If the development occurs in multiple phases, each phase should be evaluated for changes of intensity along the southern border, and screening requirements adjusted accordingly.

**Recommendation:**

The 1<sup>st</sup> Phase landscape plans submitted for the Union Park development are consistent with the preliminary plat landscape plans approved on July 24, 2019. It is recommended that the 1<sup>st</sup> phase landscape plans be approved.

Sincerely,



Lucius Jonett, PLA (MN)  
Wenck Associates, Inc.  
City of Lake Elmo Municipal Landscape Architect

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

**RESOLUTION NO. 2019-063**

***A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS FOR THE  
UNION FIRST ADDITION***

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

**WHEREAS**, the City Council approved a Preliminary Plat for the Bentley Village development (now known as Union Park) in Lake Elmo on March 19, 2019 through adoption of Resolution 2019-XXX; and

**WHEREAS**, the City Council approved the Union Park First Addition Final Plat on September 3, 2019 through adoption of Resolution 2019-062, and

**WHEREAS**, the development site of the Union Park Addition includes PID#s 34-029-21-34-0006 and PID# 34-029-21-43-0003; which are owned by DPS – Lake Elmo LLC, Minnetonka MN 55042 (Alan Dale - Owner); and

**WHEREAS**, the City of Lake Elmo was granted two drainage and utility easements lying south of 5<sup>th</sup> Street North and these easements were recorded at the Office of the Registrar of Titles of Washington County; and

**WHEREAS**, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the two drainage and utility easements legally described as follows:

**Easement Vacation Request 1 – West Parcel**

**LEGAL DESCRIPTION - VACATION OF DRAINAGE AND UTILITY EASEMENT PER  
DOC. NO. 407703**

A 30.00 Drainage & Utility Easement lying over, under and across that part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the east line of said East Half of the Southwest Quarter, a distance of 1105.27 feet; thence northwesterly along a non-tangential curve concave to the northeast having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc

distance of 387.20 feet, the chord of said curve bears North 75 degrees 34 minutes 45 seconds West; thence North 60 degrees 59 minutes 01 seconds West, tangent to said curve a distance of 68.11 feet to the point of beginning of the centerline to be described; thence South 24 degrees 47 minutes 08 seconds West, a distance of 109.07 feet; thence South 34 degrees 47 minutes 21 seconds West, a distance of 52.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 60 degrees 59 minutes 01 seconds West from said point of beginning.

Area: 4,832 sf or 0.11 acres

## **Easement Vacation Request 2 – East Parcel**

### LEGAL DESCRIPTION - VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 4007703

A 30.00 Drainage & Utility Easement lying over, under and across that part of the West Half of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the west line of said West Half of the Southeast Quarter, a distance of 1105.27 feet; thence northeasterly along a non-tangential curve concave to the northwest having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet, the chord of said curve bears North 70 degrees 14 minutes 34 seconds East; thence North 50 degrees 39 minutes 36 seconds East, tangent to said curve a distance of 284.70 feet to the point of beginning of the centerline to be described; thence South 39 degrees 52 minutes 31 seconds East, a distance of 139.66 feet; thence South 66 degrees 39 minutes 51 seconds East, a distance of 22.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 50 degrees 39 minutes 36 seconds East from said point of beginning.

Area: 4,850 sf or 0.11 acres

**WHEREAS**, the City Clerk reviewed and examined the signatures on said request and determined the signatures constituted all of the landowners abutting upon the easements to be vacated; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing to consider the vacation of the drainage and utility easements on August 12, 2019 in the Lake Elmo City Hall

located at 3800 Laverne Avenue North after due published and posted notice had been given and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

**WHEREAS**, the City Council in its discretion has determined that the proposed vacation of the existing drainage and utility easements will benefit the public interest because:

- 1) The City has granted Final Plat Approval for the Union Park First Addition, which includes PID#s 34-029-21-34-0006 and PID# 34-029-21-43-0003; which will grant the City new drainage and utility easements for similar purposes.

**WHEREAS**, the City Council, at its meeting on September 3, 2019, considered the easement vacation request.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA**, that such request for vacation of existing drainage utility easements lying south of 5<sup>th</sup> Street North is hereby granted in accordance with the property descriptions provided above, subject to the following conditions of approval:

1. The final plat of Union Park being approved by the City Council and recorded at Washington County. The final plat must include the dedication of new drainage and utility easements.

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 3rd day of September, 2019.

Effective Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Mike Pearson, Mayor

Attested by:

\_\_\_\_\_  
Julie Johnson, City Clerk

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

**RESOLUTION NO. 2019-062**

***A RESOLUTION APPROVING A FINAL PLAT FOR THE UNION PARK FIRST  
ADDITION LOCATED SOUTH OF 5<sup>TH</sup> STREET NORTH, EAST OF JULIA AVENUE***

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

**WHEREAS**, Pulte Homes of Minnesota, Eden Prairie, MN 55344 (Applicant) has submitted an application to the City of Lake Elmo (City) for a Final Plat to subdivide the property located lying south of 5<sup>th</sup> Street North and north of Hudson Boulevard into 62 lots and eight outlots along with the dedication of the public street right-of-way for 5<sup>th</sup> Street North and Julia Avenue in accordance with Union Park First Addition Final Plat prepared by Alliant Engineering, Inc., a copy of which is on file in the City of Lake Elmo Planning Department; and

**WHEREAS**, the Lake Elmo Planning Department has reviewed the proposed Final Plat request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

**WHEREAS**, the Lake Elmo Planning Commission reviewed the proposed Final Plat at a meeting held on August 12, 2019; and

**WHEREAS**, the Lake Elmo Planning Commission has submitted its report and recommendation about the proposed Final Plat as part of a memorandum to the City Council for the September 3, 2019 City Council Meeting; and

**WHEREAS**, the City Council reviewed the Applicant's Final Plat request at a meeting held on September 3, 2019.

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

**FINDINGS**

1. That the Applicant has met all the requirements of City Code Section 153.10 related to the Final Plat.
2. That the proposed Final Plat 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.

### **CONCLUSIONS AND DECISION**

**NOW, THEREFORE, BE IT RESOLVED THAT** that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Final Plat request for the Union Park First Addition, provided the following conditions are met:

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 any necessary 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).

Passed and duly adopted this 3<sup>rd</sup> day of September 2019 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk