



**CITY OF ORONO**  
RESOLUTION OF THE CITY COUNCIL  
**5676**  
NO. \_\_\_\_\_

**A RESOLUTION GRANTING  
GENERAL DEVELOPMENT PLAN APPROVAL  
FOR PLANNED UNIT DEVELOPMENT NO. 6  
FOR 875 WBW LLC  
AND APPROVING THE PLAT OF ORONO VILLAS  
- FILE #07-3298**

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

**WHEREAS**, the City Council of the City of Orono (hereinafter "City Council") has adopted land development regulations for the orderly, economic and safe development of land within the City; and

**WHEREAS**, 875 WBW, LLC (hereinafter the "Developer") is owner of the property at 875 Wayzata Boulevard West within the City of Orono legally described in **Exhibit A** attached hereto (hereinafter the "Property"); and

**WHEREAS**, the City Council has considered the application by the Developer for rezoning of the Property to RPUD - Residential Planned Unit Development as well as subdivision and development of the Property by the Planned Unit Development (PUD) process; and

**WHEREAS**, on May 29, 2007 the City Council adopted Resolution No. 5619 granting General Concept Plan Approval for the proposed development, which approval includes the following elements:

1. Subdivision platting of the Property to create 9 developable single family residential building lots to be served by a new private road, as well as an outlot for private road, utility and open space conservation purposes;
2. Rezoning of Lots 1 through 9 from RR-1B Single Family Rural Residential District to RPUD Residential Planned Unit Development District;
3. PUD conditions for development of single family residences on Lots 1 through 9; and



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**WHEREAS**, the Developer has agreed to execute the Planned Unit Development No. 6 Agreement providing for the installation or construction of certain public and private improvements within and outside of the Property as a condition of site plan approval, and which Agreement documents the general and detailed conditions for development and use of the Property; and

**WHEREAS**, the Developer has agreed to construct a private road, as well as municipal sewer and water facilities to be turned over to the City upon satisfactory completion, and to grant public easements to the City for wetlands, open space and other purposes; and

**WHEREAS**, the Developer has completed or has agreed to complete all other requirements of the Zoning Code, platting ordinances and related Ordinances of the City including:

1. Completion of all platting requirements of Resolution No. 5619.
2. Dedication on the plat of Drainage and Utility Easements.
3. Submittal of Minnehaha Creek Watershed District (MCWD) permit approving the grading and stormwater management facilities plan for the development of the Property as proposed per the approved Grading, Drainage and SWPP Plan as noted herein.
4. Payment to the City of Stormwater and Drainage Trunk Fees for the development of the Property in the amount of **\$40,986.00** as established in General Concept Plan Approval Resolution No. 5619.
5. Payment of a Park Dedication Fee in the amount of **\$49,950.00** as established in General Concept Plan Approval Resolution No. 5619.
6. Payment to the City for the legal review and filing of the plat agreements, easements and covenants in the amount of **\$250.00**.
7. Payment of the final plat fee in the amount of **\$280.00**.
8. Granting to the City of public easements over the wetlands and dedicated open spaces within the Property; and



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**WHEREAS**, City staff and consultants have reviewed the plans for this PUD application and hereby specify approval of each attached plan as part of the official record for Planned Unit Development No. 6, subject to the additional requirements, revisions and conditions specified by the City Engineer in his letter dated October 3, 2007 and subject to confirmation by the Planning Director that construction plans submitted for building permits of individual units are consistent with the approved plans. The approved plans attached hereto as Exhibit B are:

1. Site demolition plans per Sheet C1.1 "Existing Conditions & Demolition Plan" dated September 24, 2007.
2. Site plan per Sheet C2.1 "Site Plan" dated September 24, 2007.
3. Grading/drainage plans per Sheet C3.1 "Overall Grading Plan (After Home Construction)"; Sheet C3.2 "Mass Grading Plan (Prior to Home Construction)"; Sheet C3.3 "Enlarged Grading Plan"; C3.4 "Erosion Control Plan"; C3.5 "Wetland Impact and Mitigation Plan"; Sheet C3.6 "Erosion Control Details"; and Sheet C3.8 "Trail Plan & Profile", all dated September 24, 2007.
4. Road, utility and storm sewer plans per Sheet C4.1 "Master Utility Plan"; Sheets C4.2 and C4.3 "Sanitary Sewer and Watermain Plan and Profiles"; Sheet C4.4 "Street Plan and Profile"; and Sheet C4.5 "Storm Sewer Plan & Profiles"; and Sheets C7.1 and 7.2 "Construction Details", all dated September 24, 2007.
5. Site landscaping plans per Sheet L2.1 "Landscape Plan"; Sheet L6.1 "Enlarged Landscape Plan"; Sheet L7.1 "Landscape Details"; and Sheet C3.7 "Invasive Species Control Plan", all dated September 24, 2007.
6. Building elevation views and floor plans per Sheets B-1 thru B-6: "Building Floor Plans and Elevations" dated 12-10-06.

**NOW, THEREFORE, BE IT RESOLVED** that based on the findings of Resolution No. 5619, the City Council of the City of Orono does hereby approve the plat of ORONO VILLAS, Hennepin County, Minnesota and does hereby grant General Development Plan Approval for Planned Unit Development No. 6, subject to the following conditions:

1. General Development Plan Approval is granted subject to conditions established within Resolution No. 5619 and subject to the conditions established within the Planned Unit Development No. 6 Agreement and other pertinent documents.



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2. Upon the final approval and execution of this resolution and the Planned Unit Development No. 6 Agreement, the City Council shall formally approve an ordinance amending the official zoning map of the City to rezone the Property from RR-1B Single Family Rural Residential District to RPUD Residential Planned Unit Development District, and amending the Orono Zoning Code by adding language establishing Planned Unit Development No. 6 to include the Property.
3. Upon approval of this Resolution the City Council shall direct the Mayor and Clerk to execute other documents required by this PUD rezoning, including but not limited to the "Planned Unit Development No. 6 Agreement".
4. Residence structures developed on the Property shall be in conformity with the location and design requirements established in Resolution 5619 and in conformity with the Planned Unit Development No. 6 Agreement. Any proposed development activity determined by the Planning Director to not be in conformity with said Agreement may be made only after a public hearing conducted by the Council. Any changes shall be recorded as amendments to the recorded copy of the final development plan.
5. If substantial development has not occurred within one year after approval of PUD No. 6 as set forth in the Planned Unit Development No. 6 Agreement, the City Council may declare the approvals granted within this resolution and within said Agreement as null and void.
6. The aforesaid plat shall be filed with the Hennepin County on or before April 8, 2008 together with a certified original copy of this resolution and executed copies of the Agreements, easements, and covenants pertinent thereto. The plat approval granted by this Resolution shall expire if the plat has not been filed by the date specified above. In that event, it will be necessary to file a new application with the City of Orono for subdivision review.
7. The approvals granted in this Resolution shall become effective only when all conditions of approval requiring actions by the Developer have been satisfied, and only upon certification by the City Attorney that all legal requirements have been satisfied.



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Adopted by the City Council of Orono this 8<sup>th</sup> day of October, 2007.

ATTEST:

\_\_\_\_\_  
Linda S. Vee, City Clerk

\_\_\_\_\_  
James M. White, Mayor

\_\_\_\_\_  
Developer (On behalf of 875 WBW, LLC)

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2007  
by Charles E. Thompson, the \_\_\_\_\_ of 875 WBW LLC, a Minnesota limited  
liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public

**MINUTES OF THE  
ORONO CITY COUNCIL MEETING  
Monday, October 8, 2007**

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**\*5. #05-3152 JAMES D. MACKINNON, 3500 WATERTOWN ROAD – REQUEST FOR SECOND EXTENSION OF PRELIMINARY PLAT APPROVAL – RESOLUTION NO. 5674**

Murphy moved, McMillan seconded, to adopt RESOLUTION NO. 5674, a Resolution Granting a Second One-Year Extension to the Effective Period of Preliminary Plat Approval Established Per Resolution No. 5421. VOTE: Ayes 4, Nays 0.

**6. #07-3298 875 WBW, LLC, 875 WAYZATA BOULEVARD WEST – FINAL PLAT/RPUD, REZONING/COMPREHENSIVE PLAN AMENDMENT – RESOLUTION NOS. 5675 and 5676 AND ORDINANCE NO. 39, THIRD SERIES**

Steve Johnston, John Terrance Homes, and Dave Carlson, WBW, LLC, were present.

Gaffron stated the applicants are requesting final approval of a PUD General Development Plan and Final Plat approval, RPUD rezoning, and a comprehensive plan amendment. The applicants have completed the majority of the items outlined in the Planner's Report, with only a few administrative items remaining outstanding.

The issue of approval by Wayzata for the sewer and water plans has been resolved and the applicants are awaiting the agreement between the two cities to be finalized that will approve the applicants' physical plan, which is not necessary to have in hand prior to approval by the Orono City Council. The City has received the escrow agreement and escrow deposit and a letter from the bank indicating that they would be providing the letter of credit.

Gaffron stated he is satisfied that the documents are in final form and the applicant would be signing those in the near future. Gaffron recommended the plat and final documents not be released for filing until all of the administrative items are completed.

X Murphy moved, McMillan seconded, to adopt RESOLUTION NO. 5676, a Resolution Granting General Development Plan Approval for Planned Unit Development No. 6 for Orono Villas, LLC, and Approving the Plat of Orono Villas – File No. 07-3298. VOTE: Ayes 4, Nays 0.

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McMillan moved, Murphy seconded, to adopt ORDINANCE NO. 39, THIRD SERIES an Ordinance Amending the Municipal Code of Orono and Amending the Official Zoning Map by Rezoning Certain Properties from RR-1B, Single Family Rural Residential District, to RPUD, Residential Planned Unit Development District, and Adding Section 78-1012 Regarding Planned Unit Development No. 6. – File No. 06-3225/07-3298. VOTE: Ayes 4, Nays 0.

Rahn moved, White seconded, to adopt RESOLUTION NO. 5675, a Resolution Approving Amendment #3 of the 2000-2020 City of Orono Community Management Plan. VOTE: Ayes 4, Nays 0.

Murphy moved, Rahn seconded, to authorize Mayor James White and City Clerk Linda Vee to execute PUD-6 Agreement. VOTE: Ayes 4, Nays 0.

**\*7. #07-3313 THEODORE E. AND BETTY L. ZIEMAN, 3045 SUSSEZ ROAD – SUBDIVISION – RESOLUTION NO. 5677**

Murphy moved, McMillan seconded, to adopt RESOLUTION NO. 5677, a Resolution Granting Preliminary Approval of a Class II Subdivision for Property Located at 3045 Sussex Road. VOTE: Ayes 4, Nays 0.