

CITY OF APPLE VALLEY  
RESOLUTION NO. 2016-\_\_\_

A RESOLUTION AUTHORIZING ISSUANCE OF A MODEL HOME BUILDING PERMIT  
FOR TREY POINT TOWNHOMES  
AND ATTACHING CONDITIONS THERETO

WHEREAS, pursuant to Minnesota Statutes 462.357 the City of Apple Valley has adopted, as Title XV of the City Code of Ordinances, zoning regulations to control land uses throughout the City; and

WHEREAS, said regulations provide that issuance of a model home building permit for require the specific review and approval by the Apple Valley Planning Commission and City Council; and

WHEREAS, approval of such a building permit issuance has been requested for a model home the above referenced project; and

WHEREAS, the Apple Valley Planning Commission has reviewed the model home plans on February 17, 2016; and

WHEREAS, the Apple Valley Planning Commission made a recommendation as to their approval at a public meeting held on February 17, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley, Dakota County, Minnesota, that the issuance of a model home building permit for Trey Point Townhomes is hereby authorized, subject to all applicable City Codes and standards, and the following conditions:

1. If the Building Permit is not paid for and issued within one (1) year of the date of approval, the approval shall lapse.
2. The Building Permit shall be applicable to property identified as Lots 11-14, Block 1, COBBLESTONE LAKE 7TH ADDITION, according to the final plat.
3. Construction shall occur in conformance with the development plans dated May 26, 2015; subject to the construction of a right-turn lane at the intersection of Dodd Boulevard and Street B, and revisions and requirements identified the Assistant City Engineer's memo dated May 28, 2015.
4. Construction shall occur in conformance with the landscape plan dated June 3, 2015, (including sodded/seeded public boulevard area up to each street curbline); subject to submission of a detailed landscape plan that specifically identifies each planting on the plan and a planting price list for verification of the City's 2½% landscaping requirement at the time of building permit application.

5. Construction shall occur in conformance with the elevation plans dated March 18, 2015; subject to the addition of masonry material on the front elevation of the buildings.
6. Street A shall be designed as an emergency vehicle turnaround and properly designated as such.
7. Site grading shall occur in conformance with a Natural Resources Management Plan (NRMP) which shall include final grading plan to be submitted for review and approval by the City Engineer; subject to the applicant submitting a copy of the General Storm Water Permit approval from the Minnesota Pollution Control Agency pursuant to Minnesota Rules 7100.1000 - 7100.1100 regarding the State NPDES Permit prior to commencement of grading activity.
8. Any site lighting shall consist of downcast, shoebox lighting fixtures or wallpacks with deflector shields which confines the light to the property.
9. Approval of a signage plan is not included with this site plan and building permit authorization. A separate application and signage plan in conformance with the sign regulations must be submitted for review and approval to the City prior to the erection of any signs.
10. Construction shall be limited to the hours of 6:00 a.m. to 10:00 p.m Monday through Friday.
11. Earthmoving activities shall be limited to the hours of 6:30 a.m. to 5:30 p.m. Monday through Friday.
12. Earthmoving activities shall not occur when wind velocity exceeds thirty (30) miles per hour. Watering to control dust shall occur as needed and whenever directed by the Apple Valley Building Official or Zoning Administrator.
13. Issuance of a Building Permit and a final certificate of occupancy is contingent upon the project being constructed in conformance with all the preceding conditions as well as all applicable performance standards of the current zoning regulations. In the event that a certificate of occupancy is requested prior to completion of all required site improvements, a suitable financial guarantee in the amount of 125% of the estimated cost of the unfinished improvements shall be required along with an agreement authorizing the City or its agents to enter the premises and complete the required improvements if they are not completed by a reasonably stipulated deadline, with the cost of such City completion to be charged against the financial guarantee.
14. The ongoing use and occupancy of the premises is predicated on the ongoing maintenance of the structure and all required site improvements as listed in the preceding. No alteration, removal, or change to the preceding building plans or required site improvements shall occur without the express authorization of the

City. Site improvements that have deteriorated due to age or wear shall be repaired or replaced in a timely fashion.

15. Notwithstanding Chapter 153 of the Apple Valley Code of Ordinances, a permit may be issued prior to the platting of the land provided that the land must be platted prior to occupancy.

BE IT FURTHER RESOLVED that such issuance is subject to a finding of compliance of the construction plans with the Minnesota State Building Code, as determined by the Apple Valley Building Official, and with the Minnesota State Uniform Fire Code, as determined by the Apple Valley Fire Marshal.

ADOPTED this 25th day of February, 2016.

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Mary Hamann-Roland, Mayor

ATTEST:

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Pamela J. Gackstetter, City Clerk