

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

RESOLUTION NO. 2014-73

*A RESOLUTION APPROVING THE BOULDER PONDS PRELIMINARY PLAT AND
PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN*

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

WHEREAS, Boulder Ponds OP3, LLC, 11455 Viking Drive, Suite 350, Eden Prairie, MN has submitted an application to the City of Lake Elmo (“City”) for a Preliminary Plat and Preliminary PUD Plan for Boulder Ponds, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, the City approved the Boulder Ponds PUD General Concept Plan on December 17, 2013; and

WHEREAS, the proposed Boulder Ponds Preliminary Plat and Preliminary PUD Plan include 98 single family residential lots within a planned development on three parcels of land (PIDs: 34.029.21.33.0001, 34.029.21.32.0001 and 34.029.21.33.0002) totaling approximately 58 acres in Stage 1 of the I-94 Corridor Planning Area; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on July 28, 2014 to consider the Preliminary Plat and Preliminary PUD Plan request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat subject to 12 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat and Preliminary PUD Plan as part of a memorandum to the City Council from City Planner Nick Johnson for the September 16, 2014 Council Meeting; and

WHEREAS, the City Council reviewed the Boulder Ponds Preliminary Plat and Preliminary PUD Plan at its meeting held on September 16, 2014 and made the following findings of fact:

- 1) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan generally comply with the City’s LDR- Urban Low Density Residential and MDR – Urban Medium Density Residential zoning districts.

- 3) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan comply with the City's Subdivision Ordinance.
- 4) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan comply with the City's Planned Unit Development Regulations.
- 5) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan comply with the City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated 7/24/14.
- 6) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan comply with other City zoning ordinances, such as landscaping, tree preservation, and erosion and sediment control.
- 7) That the Boulder Ponds Preliminary Plat and Preliminary PUD Plan includes the promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Boulder Ponds Preliminary Plat and Preliminary PUD Plan subject to the following conditions:

Pending Review and Approvals

- 1) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan 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.
- 2) The developer shall be required to submit an updated parkland dedication calculation in advance of Final Plat. Upon submission of the calculation, the applicant must work with the City to achieve the required parkland dedication amount per the City's Subdivision Ordinance. The developer shall be required to pay a fee in lieu of land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash in lieu of land dedication shall be paid by the applicant prior to the release of the Final Plat for recording.
- 3) The developer shall follow all the rules and regulations of the Wetland Conservation Act and adhere to the conditions of approval for the South Washington Watershed District Permit.
- 4) The applicant will work with the Planning Staff to name all streets in the subdivision in a manner acceptable to the City prior to the submission of Final Plat.

Modifications to the Preliminary Plat and Preliminary PUD Plans

- 5) The applicant will work with staff to address the comments in the City Engineer's review memo dated 7/24/14 to the satisfaction of the City Engineer as part of the Final Plat and Final PUD Plan.

- 6) In addition to standard easements required by the Subdivision Ordinance, additional drainage and utility easements must be provided extending 10 feet from meandering sidewalks, as well as all of the portion of private lots between meandering sidewalks and the public right-of-way.
- 7) The landscape plan shall be updated to locate all boulevard trees in between the public street and sidewalk to not interfere with private utilities.
- 8) All islands and medians internal to the Boulder Ponds development shall be platted as part of the right-of-way and shall be maintained by the Home Owners Association. The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the Final Plat.
- 9) The design of the northern buffer trail shall be modified to a width of 8 feet as opposed to the regional trail standard of 10 feet.
- 10) The eastern segment of the northern buffer trail shall be moved to the south to the greatest extent possible with plantings to screen the trail on the north side.

Plat Restrictions

- 11) Prior to recording the Final Plat for any portion of the area shown in the Preliminary Plat, the Developer shall enter into a Developers Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of public improvements.
- 12) The Final PUD Plan will include a development lot book to clarify proper building placement for use in granting building permits for the development.

Passed and duly adopted this 16th day of September, 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk