

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

RESOLUTION NO. 2015-23

A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR THE BOULDER PONDS PLANNED RESIDENTIAL DEVELOPMENT

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 OP4, LLC, 11455 Viking Drive, Suite 350, Eden Prairie, MN has submitted an application to the City of Lake Elmo (“City”) for a Final Plat and Final PUD Plan for the Boulder Ponds residential development, 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 City approved the Boulder Ponds Preliminary Plat and Preliminary PUD Plan on September 16, 2014; and

WHEREAS, the proposed Boulder Ponds Final Plat and Final PUD Plan includes 47 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) in Stage 1 of the I-94 Corridor Planning Area; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on March 9, 2015 to consider the Final Plat and Preliminary PUD Plan request; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat and Final PUD Plan subject to 14 conditions of approval; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat and Final PUD Plan as part of a memorandum to the City Council for the April 21, 2015 Council Meeting; and

WHEREAS, the City Council reviewed the Boulder Ponds Final Plat and Final PUD Plan at its meeting held on April 21, 2015 and made the following findings of fact:

- 1) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.
- 2) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

- 3) That the Boulder Ponds Final Plat generally complies with the City's Urban Low Density Residential zoning district, with the exceptions as noted in the approved Preliminary PUD Plans.
- 4) That the Boulder Ponds Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances, except as noted in this report or attachment thereof.
- 5) That the Boulder Ponds Final Plat complies with the City's subdivision ordinance.
- 6) That the Boulder Ponds Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- 7) That the Boulder Ponds Final Plat is consistent with the City's engineering standards with the exceptions noted by the City Engineer in his review comments to the City dated March 4, 2015.

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

- 1) Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, and street and utility construction plans shall be reviewed and approved by the City Engineer prior to the recording of the Final Plat. All changes and modifications to the plat and plans requested by the City Engineer in a memo dated 3/4/15 shall be incorporated into these documents before they are approved.
- 2) Prior to the release of Final Plat for recording, the developer shall provide evidence in a form satisfactory to the City Attorney that warrants it has fee interest in area included in the Boulder Ponds Final Plat.
- 3) Prior to the release of the Final Plat for recording, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 4) 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, including 10-foot easements behind all proposed meandering sidewalks within the Boulder Ponds subdivision.
- 5) A Common Interest Agreement concerning management of the common areas of Boulder Ponds and establishing a homeowner's association shall be submitted in final form to the Community Development Director before a building permit may be issued for any structure within this subdivision. Said agreement shall comply with Minnesota Statutes 515B-103, and specifically the provisions concerning the transfer of control to the future property owners. The applicant shall also enter into a maintenance agreement with the

City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the Final Plat.

- 6) As part of the development agreement for the 1st phase of the Boulder Ponds development, the applicant shall provide fees in lieu of land dedication for 2.57 acres of land to fulfill the City's parkland dedication requirements prior to the release of Final Plat for recording. The fee can be provided in a pro-rated amount for the Phase 1 Area or in an amount addressing the total residential portion of the site.
- 7) The Final Landscape Plan shall be revised per the requested modifications of the City Landscape Consultant, documented in a memo dated 3/3/15. The Final Landscape Plans shall be approved prior to the release of Final Plat for recording.
- 8) The applicant shall provide evidence that all conditions attached to the South Washington Watershed District permit for the Final Plat and associated grading work have been met prior to the release of the Final Plat for recording.
- 9) The applicant must provide written authorization to perform any work in the Electrical Transmission easement areas prior to the release of the Final Plat for recording.
- 10) The locations of fire hydrant identified in a memo dated 2/23/15 shall be revised per the direction of the Fire Chief.
- 11) The applicant shall provide a complete development lot book for all lots in Phase 1 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.
- 12) The applicant is encouraged to incorporate multi-sided architecture and view sheds consistent with design concepts and examples shown during the Preliminary Plat presented by Rick Harrison.
- 13) The applicant is encouraged to incorporate elements of the Lake Elmo theming study into the open space and public areas within the subdivision.
- 14) The final landscape plan shall be reviewed by the City to ensure that road safety issues are properly address by the development, and specifically the site triangle requirements.
- 15) The street name "6th Street" shall be revised to an alternative street name acceptable to the City staff prior to the recording of the Boulder Ponds Final Plat.

Passed and duly adopted this 21st day of April, 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk