



## MAYOR AND COUNCIL COMMUNICATION

DATE: 12/20/2016

**CONSENT**

ITEM #: 17

**AGENDA ITEM:** Boulder Ponds 2<sup>nd</sup> Addition Final Plat Extension  
**SUBMITTED BY:** Stephen Wensman, Planning Director  
**THROUGH:** Kristina Handt, City Administrator  
**REVIEWED BY:** Emily Becker, City Planner

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### **BACKGROUND:**

Boulder Ponds 2<sup>nd</sup> Addition received final plat approval by the City Council with the adoption of Resolution 2016-041 on May 17, 2016. Chapter 153.08, Subd. (B)(4) requires the final plat to be recorded within 120 days after approval or it shall be considered void unless a request for extension is submitted by the applicant and approved by the City Council.

*This agenda item is not related to the potential future PUD Amendment for additional density related to Boulder Ponds senior housing.*

### **ISSUE BEFORE COUNCIL:**

The Council is respectfully requested to consider a request by Deb Ridgeway of OP4 Boulder Ponds, LLC for a Final Plat Extension for the Boulder Ponds 2nd Addition Preliminary Plat.

### **PROPOSAL DETAILS/ANALYSIS:**

The Boulder Ponds 2<sup>nd</sup> Addition final construction plans are approved by the City Engineer, and developer agreement was approved by the City Council and is awaiting execution by the developer.

Late this summer, the developer decided it was important to complete the connection of 5th Street to the Inwood Development to better attract interest in their development. These plans have been prepared and approved by the City Engineer. A separate Site Work agreement has been executed for that portion of the work.

The applicant is requesting the extension because they delayed the project due to slow sales during the first half of the year. The developer intends to start construction of the 2nd phase during the winter months (see attached letter from applicant) and is requesting the final plat be extended through May 2017.

### **FISCAL IMPACT:**

**5<sup>th</sup> Street.** The 2nd Phase of Boulder Ponds will now include a vital connection of 5th Street to the Inwood development.

**Municipal services and property taxes.** The developer is expected to pay the Water Availability Charge for the entire development at the time a final plat (\$54,000) and Sewer Accessibility Charge (\$54,000) for the 18 new lots similar to other developments that are connecting to the Municipal services. In addition, at the time of building permit issuance, water and sewer connection charges will be collected in the amount of \$2,000/unit (\$36,000). When fully developed, the property taxes will produce roughly (\$5,428) in increased revenue per year.

**OPTIONS:**

The Council may:

- Approve the request for Final Plat Extension.
- Deny the request for Final Plat Extension.

**RECOMMENDATION:**

Staff respectfully recommends that the Council approve the requested Final Plat Extension until May 2017 as part of tonight's consent agenda.

If the Council wishes to remove the agenda item from the consent agenda, then Staff recommends the following motion:

***“Move to adopt Resolution No. 2016-110 approving the Boulder Ponds 2<sup>nd</sup> Addition Final Plat extension to May 2017”***

**ATTACHMENTS:**

- Resolution No. 2016-041 approving the final plat and PUD Plans for Boulder Ponds 2<sup>nd</sup> Addition
- Resolution No. 2016-110 approving the Boulder Ponds 2<sup>nd</sup> Addition final plat extension to May 2017
- Applicant Letter

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

**RESOLUTION NO. 2016-41**

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT  
(PUD) PLAN FOR THE BOULDER PONDS 2<sup>ND</sup> ADDITION 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 2nd 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 2<sup>nd</sup> Final Plat and Final PUD Plan includes 18 single family residential lots within a planned development on Outlot H, Boulder Ponds in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission reviewed the Final Plat and Final PUD Plans on April 25, 2016; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat and Final PUD Plan subject to 8 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 May 17, 2016 Council Meeting; and

**WHEREAS**, the Developer has complied with three of the eight conditions prior to City Council review; and

**WHEREAS**, the City Council reviewed the Boulder Ponds 2<sup>nd</sup> Final Plat and Final PUD Plan at its meeting held on May 17, 2016 and made the following findings of fact:

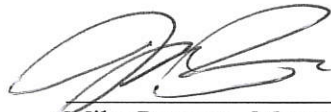
- 1) That the Boulder Ponds Final Plat and Final PUD Plan is consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.

- 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 2<sup>nd</sup> Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Boulder Ponds 2<sup>nd</sup> Addition Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- 7) That the Boulder Ponds 2<sup>nd</sup> Addition 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 April 21, 2016.

**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 4/21/16 shall be incorporated into these documents before prior to signing the Plat for recording.
- 2) 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.
- 3) The Final Irrigation Plan shall be submitted for review and approval by the City Landscape Architect Consultant prior to the release of building permits.
- 4) The applicant shall provide a complete development lot book for all lots in Phase 2 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.
- 5) That a Landscape and Irrigation License Agreement be executed for the maintenance of commonly held CIC and City outlots and rights-of-ways prior release of the final plat for recording.

Passed and duly adopted this 17<sup>st</sup> day of May, 2016 by the City Council of the City of Lake Elmo, Minnesota.

A handwritten signature in black ink, appearing to read "Mike Pearson", written over a horizontal line.

Mike Pearson, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Julie Johnson", written over a horizontal line.

Julie Johnson, City Clerk

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

**RESOLUTION NO. 2016-110**

*A RESOLUTION APPROVING AN EXTENSION FOR BOULDER PONDS 2<sup>ND</sup> ADDITION  
FINAL PLAT APPROVAL*

**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 had submitted an application to the City of Lake Elmo (“City”) for a Final Plat and Final PUD Plan for the Boulder Ponds 2nd residential development, a copy of which is on file in the City of Lake Elmo Community Development Department; and

**WHEREAS, 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 2<sup>nd</sup> Final Plat and Final PUD Plan includes 18 single family residential lots within a planned development on Outlot H, Boulder Ponds in Stage 1 of the I-94 Corridor Planning Area; and

**WHEREAS**, the Lake Elmo Planning Commission reviewed the Final Plat and Final PUD Plans on April 25, 2016; and

**WHEREAS**, the Lake Elmo Planning Commission adopted a motion recommending approval of the Final Plat and Final PUD Plan subject to 8 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 May 17, 2016 Council Meeting; and

**WHEREAS**, the Developer has complied with three of the eight conditions prior to City Council review; and

**WHEREAS**, the City Council reviewed the Boulder Ponds 2<sup>nd</sup> Final Plat and Final PUD Plan and adopted Resolution 2016-041 on May 17, 2016 approving the Boulder Ponds 2<sup>nd</sup> Addition Final Plat and PUD Plans.

**WHEREAS**, on December 6, 2016, the Developer requested an extension to file the final plat until May 2017; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve an extension for the recording of Boulder Ponds 2<sup>nd</sup> Addition, thereby extending the final plat until May 1, 2017.

Passed and duly adopted this 20th day of December 2016 by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

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Deb Ridgeway, Applicant

ATTEST:

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Julie Johnson, City Clerk

# EXCELSIOR

◆ *The Excelsior Group*

December 6, 2016

Stephen Wensman  
City of Lake Elmo  
3800 Laverne Ave N  
Lake Elmo, MN 55042

Re: Boulder Ponds 2<sup>nd</sup> Addition – Final Plat Extension

Dear Mr. Wensman:

OP4 Boulder Ponds, LLC hereby requests an extension to the Final Plat Approval for Boulder Ponds 2<sup>nd</sup> Addition. Based on slower than anticipated sales activity earlier this year, the decision was made to hold construction. Lot sales have been steady the 2<sup>nd</sup> half of 2016. Therefore, it is our intention to commence construction of the next phase of 18 lots this winter. We are excited for the completion of 5<sup>th</sup> Street to both the Inwood and Savona neighborhoods, which will provide more seamless customer traffic flow.

Given the potential weather delays, we are requesting the Final Plat Approval be extended through May 2017.

We appreciate the City's consideration with this extension request. Please contact me at 952.525.3223 or [deb.ridgeway@excelsiorllc.com](mailto:deb.ridgeway@excelsiorllc.com) if you have any questions or concerns. Thank you.

Sincerely,

  
Deb Ridgeway  
Asset Manager