

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

**RESOLUTION NO. 2017-073**

*A RESOLUTION APPROVING THE HIDDEN MEADOWS 2<sup>ND</sup> ADDITION FINAL PLAT*

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

**WHEREAS**, on July 25<sup>th</sup>, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of an amended OP Concept Plan for Deer Glen subject to certain conditions; and

**WHEREAS**, on August 16, 2005, and September 6, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission along with revised OP concept plans for Deer Glen; and

**WHEREAS**, on September 20, 2005, the Lake Elmo City Council approved resolution 2005-102 which approved the amended OP Concept Plan of Deer Glen; and

**WHEREAS**, on September 20, 2005, the Lake Elmo City Council approved an amendment to the conditional use permit for Rockpoint Church, Resolution 2005-029, to reflect the amended OP Concept Plan dated September 6, 2005; and

**WHEREAS**, on September 20, 2005, the Lake Elmo City Council approved an amendment to the preliminary plat formerly approved by Council Resolution 2005-030 to reflect the amended OP Concept plan dated September 6, 2005; and

**WHEREAS**, on May 16, 2006, the Lake Elmo City Council approved the final plat for Hidden Meadows 1<sup>st</sup> Addition, previously referred to as Deer Glen; and

**WHEREAS**, the developers agreement for Hidden Meadows 1<sup>st</sup> Addition required future platting of the residential portion of the approved plan; and

**WHEREAS**, on January 2, 2007 the Lake Elmo City Council approved a one year extension to the deadline for the final plat submittal for the residential portion of the approved plan, thereby extending the final plat deadline to January 2, 2008; and

**WHEREAS**, on December 11, 2007, the Lake Elmo City Council approved Resolution 2007-97 granting a five year extension to the final plat submittal deadline to January 2, 2013; and

**WHEREAS**, on January 15, 2013, the Lake Elmo City Council approved a six month extension to the final plat submittal deadline to August 2, 2013 with the understanding that future

extension will be considered after the dedication of a utility easement across the Church's property consistent with the location of a planned 16" water line; and

**WHEREAS**, on August 3, 2013, the Hidden Meadows 2<sup>nd</sup> Addition Plat became void for failure to extend the plat in a timely manner; and

**WHEREAS**, on November 24, 2015, Rockpoint Church applied for a three year extension to the final plat submittal to allow a perspective buyer time to close on the purchase of the development property or to find an alternate buyer if the property does not sell; and

**WHEREAS**, on January 12, 2016, Rockpoint Church executed for recording a utility easement across its property consistent with the location of a planned 16" water line as requested by the City Council; and

**WHEREAS**, on January 19, 2016, the Lake Elmo City Council approved a two-year extension to the final plat submittal until January 2, 2018 by Council motion; and

**WHEREAS**, on May 17, 2017, RM Investments, LLC and Mpls RE, LLC, 139 Fenway Boulevard, N, Hugo, MN (applicant) submitted an application for final plat of Hidden Meadows 2<sup>nd</sup> Addition; and

**WHEREAS**, on June 12, 2017, the Lake Elmo Planning Commission reviewed the final plat application and made a recommendation for approval with conditions; and

**WHEREAS**, on June 12, 2017, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Final Plat as part of a memorandum to the City Council for the July 7, 2017 Council Meeting; and

**WHEREAS**, the City Council reviewed the Hidden Meadows 2<sup>nd</sup> Addition Final Plat at its meeting held on July 7, 2017 and made the following findings:

- 1) That the Final Plat is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on March 27, 2006.
- 2) That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 3) That the Final Plat complies with Open Space Preservation Overlay District regulations that were established at the time of the preliminary plat approval except as approved by the City Council.
- 4) That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control, landscaping and other ordinances except as approved by the City Council.
- 5) That the Final Plat complies with the City's subdivision ordinance except as approved by the City Council.
- 6) That the Final Plat is consistent with the City's engineering standards with the plan revisions as requested by the City Engineer, except as highlighted within the City Engineer's Report dated June 1, 2017

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby approve the Hidden Meadows 2<sup>nd</sup> Addition Final Plat subject to the following conditions:

1. That Final grading, drainage, and erosion control plans, utility plans, sanitary and storm water management plans, street and utility construction plans and agreements shall be reviewed and approved by the City Engineer complying with the Engineer's memorandum dated June 1, 2017 and complying with the Planning Director's email comments dated April 17, 2017, prior to the execution of the final plat by City Officials.
2. All easements as requested by the City Engineer or Public Works Department shall be documented on the Final Plat prior to the execution of the final plat by City Officials.
3. The applicant shall also enter into a landscape license agreement and 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.
4. That the open space be protected by a conservation easement in accordance with M.S.Ch 84C.01-05, as it may be amended from time to time), to an acceptable land trust as approved by the City; and /or conveyed to the by conservation easement to the City.
5. The developer provide verification of proper clean-up of the former dump site on the property.
6. That the OP buffers on the west and south sides of the plat be reduced from 200 feet to 150 feet, and the buffers on the east side be reduced from 100 feet to 50 feet and that the buffer areas be protected from the construction or placement of any structures within the buffer areas by easements. Furthermore, the developer shall install berms with the landscape screening consistent with the University of Minnesota Extension Service Urban Landscape Information Series Berm Standards near the rear property line of the properties on the western border as reasonably possible and as approved by City staff.
7. That park dedication be paid as a fee in lieu of land dedication equal to 7% of the fair market land value consistent with City Ordinance Section 153.14 prior to recording the final plat.
8. Wetland buffer monuments shall be placed every 50 feet or where the buffer boundary changes along wetland buffers where the buffers are within individual platted lots prior to issuance of any building permits.
9. That no more than 17 building permits will be issued by the City until the developer obtains a permit for expansion and constructs an expanded the community septic system with adequate capacity for all 25 lots and the church meeting State/County/City standards and that funds for this system be placed into escrow and the declarant of the Common Interest Community will demonstrate a bank account statement with a capital reserve required for operation of the wastewater system is either 1/3 the cost or an amount based on an equipment failure model provided by the vendor operating the wastewater system, whichever is greater.
10. Prior to recording the Final Plat, the developer will submit a septic system design that has been permitted by the MPCA with capacity for all 25 lots.
11. Prior to the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney that delineates who is responsible for the design, construction, and payment of the required improvements, including park dedication with financial guarantees therefore.

12. A Common Interest Agreement concerning management of the common areas of Hidden Meadows 2<sup>nd</sup> Addition and maintenance responsibilities for the communal septic system and establishing a homeowner's association shall be submitted in final form to the City prior to the issuance of any building permit within this subdivision.
13. Septic system maintenance be shared by the church and the residential HOA as part of the HOA documents.
14. Approved Landscaping Plans complying with City Ordinance Section 154.258 shall be required prior to recording the final plat.
15. The applicant shall provide evidence that all conditions attached the Valley Branch Watershed District permit for the final plat and associated grading work have been met prior to the commencement of any site work.
16. That Outlot F on the plat be divided into three Outlots with only the Outlot with street frontage being dedicated to the City with the recording of the final plat. The other portions shall be HOA owned and maintained.
17. That Outlot E be conveyed to the City with the recording of the final plat.
18. That any development (subdivision) signs be constructed only after approval of sign permit by the Planning Department.
19. That the final plat and plans be submitted to MNDOT for review and approval and all conditions be addressed prior to recording the final plat.
20. That the declarant of the Common Interest Community will demonstrate transfer of all permits and titles for the wastewater system to the Common Interest Community
21. That the developer provide right-of-way for a future extension of the northerly cul-de-sac (to be called 57<sup>th</sup> Street N) to the east property line.
22. That the septic system on Lot 1, Block 1, Hidden Meadows 2<sup>nd</sup> Addition be inspected for compliance and if not in compliance the lot be connected to the community septic system or the individual system be replaced.
23. That the developer enter into an encroachment agreement with the City assigning responsibility for the maintenance of retaining walls in Kelvin Avenue North and 57<sup>th</sup> Street North to the HOA.

Passed and duly adopted this 5th day of July, 2017 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk