

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

RESOLUTION NO. 2018-065

*A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT
(PUD) PLAN FOR THE BOULDER PONDS 3RD 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, OP4 Boulder Ponds, LLC c/o The Excelsior Group, LLC, 1660 Highway 100 South, Ste 400, St. Louis Park, MN 55416, has submitted an application to the City of Lake Elmo (“City”) for a Final Plat and Final PUD Plan for the Boulder Ponds 3rd Addition residential development, a copy of which is on file in the City of Lake Elmo Planning 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 3rd Addition Final Plat and Final PUD Plan includes 33 single family residential lots within a planned development on Outlot K, 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 May 30, 2018; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Boulder Ponds 3rd Addition Final Plat and Final PUD Plan subject to 12 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 June 19, 2018 Council Meeting; and

WHEREAS, the City Council reviewed the Boulder Ponds 3rd Addition Final Plat and Final PUD Plan at its meeting held on June 19, 2018 and made the following findings of fact:

- 1) That the Boulder Ponds 3rd Addition Final Plat and Final PUD Plan is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on September 16, 2014.

- 2) That the Boulder Ponds 3rd Addition 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 3rd Addition 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 and decreased front and rear yard lot widths that are less than the minimum lot widths required by the City's Urban Low Density Residential zoning district and Subdivision Regulations.
- 4) That the Boulder Ponds 3rd Addition 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 3rd Addition Final Plat complies with the City's subdivision ordinance.
- 6) That the Boulder Ponds 3rd Addition Final Plat and Final PUD Plan complies with the City's Planned Unit Development Ordinance.
- 7) That the Boulder Ponds 3rd 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 May 25, 2018.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Boulder Ponds 3rd Addition 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 memos dated May 25, 2018 shall be incorporated into these documents before prior to signing the Plat for recording.
- 2) Outlot A shall be dedicated to the City.
- 3) Garages shall be setback at least 25 feet and homes shall be setback at least 20 feet from sidewalks that are not within the public right-of-way.
- 4) 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.
- 5) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat prior to recording. Easements may need to be revised pending review by the City of a detailed right-of-way boulevard plan and updated grading plans showing the storm water high water levels.

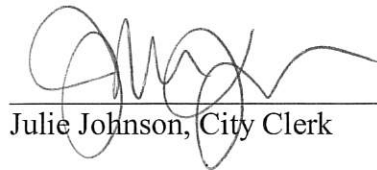
- 6) The Final Landscape and Irrigation Plans shall be submitted for review and approval by the City Landscape Architect Consultant prior to the release of building permits.
- 7) Plantings to sufficiently screen the northern portion of the northern buffer trail shall be provided on the Final Landscape Plan to be approved by the City's Landscape Architect.
- 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) Final Plat shall be contingent upon receipt and City Attorney review of any agreements between the Developer and the BP Pipeline easement area and the Xcel Energy Transmission Easement area, demonstrating that said agreements in no way unacceptably encumbers the City.
- 10) The applicant shall provide a complete development lot book for all lots in Phase 3 of the Boulder Ponds development clarifying proper building placement for use in granting building permits prior to the release of Final Plat for recording.
- 11) That a License and Maintenance Agreement for Landscaping Improvements be executed for the maintenance of commonly held Common Interest Community (CIC) and City outlots and rights-of-ways prior to release of the final plat for recording. The agreement shall state that the Jade Cove North center island shall be maintained by the Homeowners' Association.
- 12) The eastbound left turn lane and westbound right turn lane on to Jade Trail North as shown on the approved Boulder Ponds Preliminary Plans must be constructed prior to release of building permits for Boulder Ponds 3rd Addition.

Passed and duly adopted this 19th day of June, 2018 by the City Council of the City of Lake Elmo, Minnesota



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk