



STAFF REPORT

DATE: 06/06/23

CONSENT MOTION

TO: City Council
FROM: Jenni Faulkner, Planning Consultant
AGENDA ITEM: Preliminary Plat and Final Plat Recording Extension for Easton Village 7th Addition
REVIEWED BY: Sophia Jensen, City Planner

BACKGROUND:

The City Council adopted Resolution 2022-118 approving the Easton Village 7th Addition final plat on December 13, 2022. One of the condition of the approval, as note in the resolution, is that the final plat be recorded within 180 days or else the preliminary plant and final plat will be considered expired. The Subdivision Ordinance also requires the subdivider to record the final plat within 180 days of approval or the final plat becomes expired. The final plat needs to be recorded by June 11, 2023, to remain valid. The applicant is currently working through the engineering comments and Development Agreement with the City. Chase Development, Inc is requesting an extension of the recording of the final plat to March 7, 2024.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being requested to consider whether to extend the preliminary plat and the deadline to record the final plat to March 7, 2024.

PROPOSAL DETAILS/ANALYSIS:

Chase Development, Inc. is requesting an extension to work through issues related to engineering comments and the Development Contract.

FISCAL IMPACT

None.

OPTIONS

The City Council should consider the following options:

- 1) To extend the preliminary plat and final plat recording deadline to March 7, 2024
- 2) To reject the extension request.

RECOMMENDATION:

Staff is recommending that the City Council approve the request to extend the Preliminary Plat and Final Plat recording deadline for the Easton Village 7th Addition as part of the consent agenda.

If removed from the consent agenda, then Staff recommends the City Council approve the request with the following motion:

“Move to adopt Resolution No. 2023-054, extending the Preliminary Plat and recording of the Final Plat for the Easton Village 7th Addition subdivision to March 7, 2024.”

ATTACHMENTS:

1. Resolution 2023-054
2. Chase Development, Inc. Letter of Request
3. Resolution 2022-118

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

RESOLUTION NO. 2023-XXX

*A RESOLUTION APPROVING AN EXTENSION FOR THE PRELIMINARY PLAT AND
RECORDING OF THE FINAL PLAT FOR EASTON VILLAGE 7th ADDITION*

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

WHEREAS, Chase Development, Inc., 2140 County Road 42, Burnsville, MN, submitted an application to the City of Lake Elmo (City) for a Final Plat for Easton Village 7th Addition, a copy of which is on file in the City of Lake Elmo Community Development Department; and

WHEREAS, on December 13, 2022, the Lake Elmo City Council adopted Resolution 2022-118 approving the Easton Village 7th Addition Final Plat; and

WHEREAS, Resolution 2022-118 required Easton Village 7th Addition to be recorded within 180 days of approval or else the preliminary plat and final plat will be considered expired; and

WHEREAS, City Code also requires a final plat be submitted within 180 days of preliminary plat approval to remain valid; and

WHEREAS, Chase Development, Inc., has submitted a request for an extension to the recording deadline of the approved Final Plat to allow for additional time to address engineering comments and the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve an extension of the Preliminary Plat and the deadline for recording the Final Plat for the Easton 7th Addition residential subdivision, and hereby extends the Final Plat recording deadline to March 7, 2024.

Passed and duly adopted this 6th day of June 2023, by the City Council of the City of Lake Elmo, Minnesota.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

Chase Development, Inc

Sophia Jensen
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Re: Lake Elmo 7th Addition-Final Plat extension

Dear Ms. Jensen

Chase Development, Inc would like to request an extension pursuant to Lake Elmo City Ordinance to extend the deadline and continue to work through Engineering comments and negotiate the Development Agreement.

We also have the 6th addition before the City of Lake Elmo that will need to be recorded before the 7th addition plat.

The 6th Addition is one lot noted as Outlot A, Easton Village 4th Addition

We are requesting an additional 270 days from the current expiration date so we can complete the tasks above. Given the preliminary plat will expire on June 11, 2023 we respectfully request for a extension that will extend this Preliminary and Final plat through March 7th, 2024.

This extension will not impact the closing of the entrance to the neighborhood as this closing is part of the 1st addition Development Agreement.

Sincerely

A handwritten signature in blue ink, appearing to read "Andrew Chase".

Andrew Chase
President

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

RESOLUTION NO. 2022 -118

***A RESOLUTION APPROVING THE FINAL PLAT FOR EASTON VILLAGE 7TH
ADDITION.***

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

WHEREAS, Chase Development, Inc., 2140 West County Road 42, Burnsville, MN (the "Applicant") has submitted an application to the City of Lake Elmo ("City") for a final plat for Easton Village 7th Addition, a copy of which is on file in the City of Lake Elmo Planning Department (the "Final Plat"); and

WHEREAS, the Easton Village Sketch Plan was reviewed by the City Planning Commission on January 7, 2014 and approved by the City Council on February 5, 2014; and

WHEREAS, the City Council approved the Easton Village Preliminary Plat on July 15, 2014, subject to 21 conditions (the "Preliminary Plat"); and

WHEREAS, the Preliminary Plat has expired for those lots that have yet to be platted into lots and blocks; and

WHEREAS, the City Council has reviewed a request to extend the Preliminary Plat so that the Easton Village 7th Addition may be final platted; and

WHEREAS, the proposed Easton Village 7th Addition includes 26 single family residential lots within the Easton Village 217-unit residential development; and

WHEREAS, the City Council reviewed the memorandum prepared by City staff for the Final Plat at its meeting held on December 13, 2022 and makes the following findings:

- 1) That all the requirements of City Code Section 103.00.090 related to the Final Plat have been met by the Applicant.
- 2) That the proposed Final Plat consists of the creation of 26 lots for detached single-family homes.
- 3) That the Final Plat is generally consistent with the Preliminary Plat as approved by the City of Lake Elmo on July 15, 2014.
- 4) That the Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.

- 5) That the Final Plat complies with the City's Low Density Residential zoning district regulations.
- 6) That the Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of the issues identified in the City staff report.
- 7) That the Final Plat complies with the City's subdivision ordinance.
- 8) That the Final Plat is generally consistent with the City's engineering standards, with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City dated October 31, 2022.

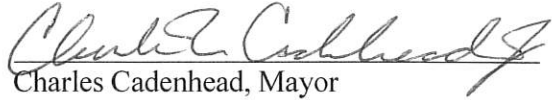
NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the Final Plat subject to the following conditions:

- 1) The 180 day recording requirement as stated in Section 103.00.100 of the City's subdivision regulations is applicable, and the 180 day time clock will start the day the Final Plat is approved by the City Council. Should the Final Plat not be recorded by the Applicant within 180 days of City Council approval, the Final Plat and the Preliminary Plat shall expire.
- 2) The final construction plans must be revised to the satisfaction of the City Engineer to include the removal and restoration of the temporary Manning Avenue access at the corner of 32nd Street and Linden Avenue. The Development Agreement security shall include the full costs for this work to be completed as part of the subdivision improvements. Said closure and removal of the temporary access must be completed by the Applicant before the City will hold a pre-construction meeting for the development of the subdivision.
- 3) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable City staff before the release of the Final Plat by the City for recording. The City Council's approval of the Final Plat is contingent upon the Applicant making all changes and modifications to the plans requested by the City Engineer in the Easton Village 7th Addition Construction Plan Review Memorandum dated October 31, 2022. Said changes and modifications to the plans must be made to the satisfaction of the City Engineer.
- 4) The conditions listed by City's Landscape Architect in the memo dated April 23, 2021 shall be incorporated by the Applicant into the final construction/landscape plans and approved by the City's Landscape Architect before the Final Plat is released by the City for recording.

- 5) Comments listed by the Fire Chief in his memo dated April 6th, 2021 must be addressed by the Applicant to the satisfaction of the Fire Chief before the Final Plat is released by the City for recording.
- 6) Before the execution of the Final Plat by City officials, 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 for the subdivision with financial guarantees therefor.
- 7) All easements as requested by the City Engineer and the Public Works Department, including but not limited to, a public trail easement from the northern cul-de-sac of Linden Avenue to Village Parkway shall be documented on the Final Plat or by separate instrument to the satisfaction of the City Engineer and the Public Works Department before the execution of the Final Plat by City officials.
- 8) A Landscape License and Maintenance Agreement in the City's standard form shall be executed by the Applicant for the maintenance of landscaping within HOA and City outlots and rights-of-way before the release of the Final Plat by the City.
- 9) The Applicant shall provide a disclosure statement to all initial home buyers in the development advising of the location of the Lake Elmo Airport and associated over-flights.
- 10) All builders shall be encouraged by the Applicant to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 11) The Applicant must notify all home builders about possible City outdoor watering restrictions and that all home builders must notify all home buyers that the City may impose limits on outdoor water use including no watering of grass or sod unless the applicant is notified by the City that this notice is no longer required. Said decision about whether this notice is no longer required shall be made at the sole discretion of the City. The Applicant shall have the City approve the notification message before the release of the Final Plat by the City.
- 12) The City will not issue any building permits until all public subdivision improvements have been accepted by the City.
- 13) Approval of Final Plat by the City Council is conditioned upon the execution of an agreement to extend the Preliminary Plat which has since expired.
- 14) The Applicant must provide adequate title evidence satisfactory to the City Attorney prior to the Final Plat being signed by City officials.
- 15) The Applicant must obtain a Valley Branch Watershed District permit.

- 16) The Applicant must pay for a portion of the costs to secure, build, and install a public railroad crossing. The amount of the cash payment for the Final Plat is \$23,125.00. Said payment must be made to the City prior to the Final Plat being released for recording.

Passed and duly adopted this 13th day of December, 2022 by the City Council of the City of Lake Elmo, Minnesota.


Charles Cadenhead, Mayor

ATTEST:


Julie Johnson, City Clerk

EXHIBIT 1

Legal Description of the Property

Outlots D and G, Easton Village 3rd Addition, according to the recorded plat thereof, County of Washington, State of Minnesota.