



## STAFF REPORT

DATE: 8/15/2023

**TO:** City Council  
**FROM:** Nathan Fuerst, Consulting Planner  
Jenni Faulkner, Consulting Planner  
**SUBJECT:** **Easton Village 6<sup>th</sup> Addition – Final Plat**  
**REVIEWED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

Chase Development, Inc. has submitted an application for Final Plat for Easton Village 6<sup>th</sup> Addition. The Final Plat consists of 1 lot of the larger 217-unit residential development and is described as Outlot A, Easton Village 4<sup>th</sup> Addition. The lot is 10,889 sq. feet according to 4<sup>th</sup> Addition documentation and is surrounded by previous developed additions of Easton Village. Outlot A of Easton 4<sup>th</sup> Addition was used as a temporary roadway to alleviate traffic on 32<sup>nd</sup> Street during the build out on the 4<sup>th</sup> Addition. Per the preliminary plat, this lot was intended to be a platted lot and have a home built on it.

The Development Agreement for Easton Village 5<sup>th</sup> Addition states that Preliminary Plat status for all lots not final platted into lots and blocks, not outlots, expire five years after Preliminary Plat approval. The Preliminary Plat was approved in 2014 and therefore, the Preliminary Plat status of all remaining lots has expired. Similar to Easton Village 7<sup>th</sup> Addition Final Plat, the applicant has requested that the Preliminary Plat rights be extended so that the Final Plat for Easton Village 6<sup>th</sup> Addition can be approved. An extension agreement is a condition of approval and is attached for Council consideration and approval. (This is the same procedure followed for Easton 7<sup>th</sup> Prelim Plat extension).

The final plat is consistent with the preliminary plat of Easton Village. Staff recommends approval of the requests subject to compliance with the conditions of approval listed in this report. By approving the Final Plat, the City Council would enable staff to draft a Development Agreement that would govern construction of the Easton Village 6<sup>th</sup> Addition and its associated public improvements. The developer intends to record this 6<sup>th</sup> Addition prior to recording the previous approved 7<sup>th</sup> Addition.

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

#### **General Information.**

*Applicant:* Chase Development, Inc., 2140 West County Road 42, Burnsville, MN  
*Property Owner:* Easton Village, LLC 2140 West County Road 42, Burnsville, MN  
*Location:* Outlot A of Easton Village 4<sup>th</sup> Addition  
*Request:* Application for final plat approval of a 1 lot residential subdivision to be named Easton Village 6<sup>th</sup> Addition.  
*Zoning:* LDR – Limited Density Residential

<i>Surrounding:</i>	The entire parcel is surrounded by previous additions of Easton Village and developed as single family residential.
<i>Comp. Plan:</i>	Village Low Density Residential (1.5 - 3 units per acre)
<i>History:</i>	The property for the Easton Village development was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. Sketch Plan review by Planning Commission in 2014 with Preliminary Plat approval also in 2014. The 1 <sup>st</sup> Addition was approved in 2015, 2 <sup>nd</sup> and 3 <sup>rd</sup> Additions were approved in 2017. 4 <sup>th</sup> Addition final plat approval occurred in 2018, 5 <sup>th</sup> Addition final plat was approved in 2019, and 7 <sup>th</sup> Addition final plat was approved in 2021 and in 2022.
<i>Action Deadline:</i>	Application Complete – July 24, 2023 60 Day Deadline – September 22, 2023
<i>Regulations:</i>	Title 103 – Subdivision Regulations Article XII – Urban Residential Districts – Low Density Residential

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### FINAL PLAT REVIEW:

**Lot Size.** The proposed lot area and width in the 6<sup>th</sup> Addition is consistent with the revised and approved preliminary plat as well as the LDR zoning district. The proposed lot size is 10,889 square feet, meeting the required minimum lot size of 8,000 square feet and the lot meets the minimum requirement of 60 feet of width at the setback line.

**Parkland.** The applicant platted outlots with 3<sup>rd</sup> Addition to satisfy the park dedication requirements of the development. Outlots have been dedicated to the City for stormwater management and parkland.

**Engineering Comments.** The City Engineer has reviewed the proposed Final Plat. Engineering comment memo dated July 18, 2023, is attached for reference. Conditions include correcting drainage issues of the adjacent trail. It is a recommended condition of approval that the applicant incorporate all of the requested changes and conditions of the City Engineer in its final project plans. In addition, a railroad crossing agreement that the City previously obtained for temporary and permanent easements from the developer to accommodate the Village Parkway UPRR crossing project has expired and the project has yet to begin. A condition requiring the agreement to be renewed and extended for an additional five years is included in the resolution.

**Landscape Plans.** The landscape plans have been reviewed by the City's Landscape Architect and there are no revisions or conditions recommended as no trees are intended for this lot from the approved landscaping plan and adjacent trees have been planted. A copy of the Landscape Architect's review memo is attached.

**Fire Chief Review.** The City's Fire Chief reviewed the proposed Final Plat and offered one comment about address numbers. A condition is included in the resolution.

**Watering Ban.** Due to a shortage of water, the City has implemented watering restrictions. Such restrictions could affect future home builders and buyers as there may be a limited supply of water available for outdoor uses. A condition of approval has been added to the resolution to require the home builders to inform the buyers about the possible watering restrictions.

**Final Plat Approval Procedure.** The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary plat, it must be approved by the City. The City's approval of the Easton Village Preliminary Plat included a series of conditions that must be met by the applicant, which are addressed in the sections below.

**Consistency with Preliminary Plat.**

- *Revised Preliminary Plat.* Before the 1<sup>st</sup> Addition Final Plat approval, the applicant revised the approved Preliminary Plat in December of 2014 to address the following:
  - The need to reconfigure the temporary access into the subdivision.
  - Revisions to the grading plan.
  - Adjustments to the property boundaries adjacent to the gas line that bisects the site.
  - The provision of a slightly larger buffer from the railroad tracks.
  - Revisions to the storm water management plan.
  - With the 2<sup>nd</sup> Addition, the applicant again revised the Preliminary Plat. A condition of 2<sup>nd</sup> Addition approval was to have the revised Preliminary Plat approved before submittal of the 3<sup>rd</sup> Addition.

All of these points have been addressed and are not necessarily relevant for review of the 6<sup>th</sup> addition.

In order to provide the City Council with information concerning the conditions associated with the Preliminary Plat for Easton Village, staff has prepared the following:

**Preliminary Plat Staff Update Comments (updated information in bold italics):**

- 1) Within six months of preliminary plat approval, the applicant shall complete the following: a) the applicant shall provide adequate title evidence satisfactory to the City Attorney; and b) the applicant shall pay all fees associated with the preliminary plat. The above conditions shall be met prior to the City accepting an application for final plat and prior to the commencement of any grading activity on the site. ***Comments: a) all title work will need to be submitted and reviewed by the City Attorney before City officials sign the final plat; b) the applicant has submitted an escrow payment with Final Plat application that is being used to cover Staff and consultant expenses related to the City's review.***
- 2) The grading plan shall be updated to include the protective tree fencing necessary to preserve all vegetative areas identified for protection around the 5.15-acre residential parcel to the west of the subdivision. ***Comments: This condition has been met with previous additions and is not directly relevant for the 6<sup>th</sup> Addition.***
- 3) The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Manning Avenue. ***Comments: The proposed Manning Avenue right-of-way is consistent with County requirements, as the planned roadway segment includes room for trails on one or both sides of the right-of-way. The County's future plans for Manning Avenue include a trail along the western side of this road. This condition is not applicable to 6<sup>th</sup> Addition.***

- 4) The applicant shall submit a landscape plan prepared by landscape architect for review and approval by the City. The landscape plan submittal will include a tree protection and replacement plan consistent with City ordinances. ***Comments: The applicant submitted updated Preliminary Landscape Plans dated December 17, 2014 with its the application for 1<sup>st</sup> Addition Final Plat. Revised landscape plans were submitted with the 2017 Preliminary Plat revisions. The approved landscape plans do not indicate plantings on this lot. Planting required adjacent to the lot in r-o-w and an outlot have been planted.***
- 5) The final plat will incorporate all review comments from the City's Landscape Architect, including the selection and mix of plantings within storm water basins and infiltration areas. ***Comments: Please see above condition.***
- 6) The landscape plan shall include additional plantings around the Northern Natural Gas utility site. ***Comments: This condition is not directly applicable to the 6<sup>th</sup> Addition.***
- 7) The proposed access to Manning Avenue will be permitted as a temporary access until such time that the Village Parkway is connected to 30<sup>th</sup> Street. The construction plans will be updated to reflect the temporary nature of this street. ***Comments: The applicant asked during the 1<sup>st</sup> Addition Final Plat that this provision be updated to state that the temporary access will be allowed for a minimum of five years. This five year allowance was discussed and approved in 2015. The Village Parkway is connected to 30<sup>th</sup> Street and the 5-year time limit lapsed in 2020. Staff recommends the applicant remove the temporary access and restore the area as a condition of eligibility for the required pre-construction meeting. This was a condition of 7<sup>th</sup> Addition approval and should be a condition of this approval to ensure its done before any new homes are built in the subdivision. This is a condition of the Final Plat approval.***
- 8) The applicant shall be responsible for the construction of all improvements within the Manning Avenue (CSAH 15) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014. ***The final construction plans for the 1<sup>st</sup> Addition were updated to incorporate the required improvements to Manning Avenue. This condition is not relevant to the 6<sup>th</sup> Addition final plat.***
- 9) The applicant shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate watershed districts for the storm water management system prior to the commencement of any grading or development activity on the site. ***Comments: Valley Branch Watershed District has commented that a permit was previously issued for the entire Easton Village project.***
- 10) The applicant shall 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. ***Comment: A Landscape License and Maintenance Agreement was executed for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Additions and 7<sup>th</sup> Addition. It is not applicable for the 6<sup>th</sup> Addition.***

- 11) The applicant shall provide an updated accounting of the land to be dedicated for park purposes prior to submission of a final plat. If required, the developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. ***Comments: The park dedication requirements for the entire Easton Village development is 9.84 acres of land, representing 10% of the development area. The dedication of Outlots I and J with the 3<sup>rd</sup> Addition Final Plat satisfied the park dedication requirements for the entire development.***
- 12) Any land under which public trails are located will be accepted as park land provided the applicant constructs said trails as part of the public improvements for the subdivision. ***Comments: Parkland was previously satisfied. See above comment.***
- 13) All required modifications to the plans as requested by the City Engineer in a review letter dated June 26, 2014, shall be incorporated into the plans prior to consideration of a final plat. ***Comments: The applicant submitted revised preliminary plans that were approved by the City dated February 22, 2019. The City will require the final plat/plans to be consistent with the approved preliminary plans and the review comments of the City Engineer from his review memo dated July 18, 2023.***
- 14) The City and the applicant will determine the appropriate distribution of future costs associated with the Village Parkway railroad crossing improvements as part of a developer's agreement for any portion of Easton Village. ***Comments: The conditions of approval of the Final Plat require the applicant to make a cash payment of \$965.00 which represents its portion of the costs to secure, build, and install the public railroad crossing with respect to the 6<sup>th</sup> Addition. This is consistent with previous approvals.***
- 15) The applicant shall address any comments from Metropolitan Airport Commission as part of a final plat submission for any portion of Easton Village. MAC will be asked to comment on the landscape plan, and the plan shall be revised to address any specific comments concerning the appropriate vegetation to be planted within storm water facilities. ***Comments: MAC has provided a review of the updated plans and provided comments to the applicant in a letter dated December 8, 2015. This letter contains recommended mitigation strategies to reduce the attractiveness of the storm water retention and infiltration areas for waterfowl. Other recommendations from MAC have been incorporated into the applicant's landscape plans. MAC's comments about noise mitigation and notification about the airport are still relevant to the 6<sup>th</sup> Addition Final Plat.***
- 16) The landscape plan shall be revised to eliminate all trees planted within the Lake Elmo Airport Regulatory Protection Zone. ***Comments. The preliminary plans have been updated accordingly.***
- 17) The final plat shall include a paved trail connection between Lots 13 and 14 of Block 3. ***Comments: This condition is not relevant to the 6<sup>th</sup> Addition Final Plat. This trail condition was removed with 2<sup>nd</sup> Addition approval.***

- 18) The applicant shall submit written acknowledgement from the property owner of the parcel immediately to the south of Easton Village concerning the storm water being outlet running into their property. ***Comments: Since the approval of the preliminary plat, the applicant has met with the watershed district, the County, and Gonyea/Pulte Homes to discuss the proposed storm water management system along Manning Avenue. This condition is not relevant to the 6<sup>th</sup> Addition Final Plat.***
- 19) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision. ***Comments: This was a staff recommendation at the time of Preliminary Plat to encourage the applicant to utilize a white "horse fence" with landscaping in order to address the comments from MAC to provide a barrier around the storm water ponds. This fence was not erected, but instead additional landscaping was installed to provide screening. This condition is not relevant to the 6<sup>th</sup> Addition Final Plat.***
- 20) The applicant shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site. ***Comments. Northern Natural Gas provided review comments to the applicant for final construction plans (in other phases) and the applicant will need to abide by any conditions imposed by Northern Natural Gas. These conditions are not relevant to the 6<sup>th</sup> Addition.***
- 21) The applicant shall be required to extend sewer to the northernmost boundary of the site. ***Comments. The Easton Village Trunk Sewer Line project has been completed. Sanitary sewer service has been extended to the northern boundary of the plat, connecting to the sewer line installed by the City of Lake Elmo under the railroad tracks that continues further north and connects to the 39<sup>th</sup> Street line installed by the City. This condition is not required for the 6<sup>th</sup> Addition.***

Based on the above Staff report and analysis, staff is recommending approval of the Easton Village 6<sup>th</sup> Addition Final Plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

### **Draft Findings**

Staff is recommending approval of the requested Easton Village 6<sup>th</sup> Addition Final Plat based on 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 1 lot for a detached single-family home.
- 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, stormwater, 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 July 18, 2023.

**Recommended Conditions of Approval.** City Staff recommends approval of the requested Easton Village 6th Addition Final Plat with the following conditions:

- 1) The 180 day recording requirement as stated in Section 103.00.100 of the City's subdivision regulations is applicable. 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 32<sup>nd</sup> 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 6th Addition Construction Plan Review Memorandum dated July 18, 2023. Said changes and modifications to the plans must be made to the satisfaction of the City Engineer.
- 4) When constructed, building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background to the satisfaction of the Fire Chief.
- 5) 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.
- 6) 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.

- 7) 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.
- 8) The Applicant must notify all home builders about the City's outdoor watering restrictions and that all home builders must notify all home buyers that the City has imposed limits on outdoor water use including a limit of 2 days per week of watering. 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.
- 9) The City will not issue any building permits until all public subdivision improvements have been accepted by the City.
- 10) 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.
- 11) The Applicant must provide adequate title evidence satisfactory to the City Attorney prior to the Final Plat being signed by City officials.
- 12) 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 \$965.00. Said payment must be made to the City prior to the Final Plat being released for recording.
- 13) The applicant shall pay required AUAR fee prior to release of building permits.
- 14) The temporary construction easement agreement granted in 2020 to accommodate the Village Parkway UPRR crossing project that is now expired shall be renewed and extended for a five-year period from date of approval of this final plat.

**RECOMMENDATION:**

Staff recommends approval of the Easton Village 6<sup>th</sup> Addition Final Plat with the conditions of approval as listed in the staff report. Suggested motions:

***“Move to approve Agreement to Extend Preliminary Plat Status.”***

***“Move to approve Resolution 2023 – 079 for the Easton Village 6<sup>th</sup> Addition Final Plat with the recommended findings and conditions of approval.”***

**ATTACHMENTS:**

1. Resolution 2023 -079 approving the Final Plat
2. Agreement to Extend Preliminary Plat Status
3. Applicant Narrative
4. Location Maps
5. Easton Village 6<sup>th</sup> Final Plat and Plans
6. City Engineer Review Memo dated July 18, 2023



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

**RESOLUTION NO. 2023 -079**

***A RESOLUTION APPROVING THE FINAL PLAT FOR EASTON VILLAGE 6<sup>TH</sup>  
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 6<sup>th</sup> 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 6<sup>th</sup> Addition may be final platted; and

**WHEREAS**, the proposed Easton Village 6<sup>th</sup> Addition includes one single family residential lot 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 August 15, 2023 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 1 lot for a detached single-family home.
- 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, stormwater, 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 July 18, 2023.

**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. 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 32<sup>nd</sup> 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 6th Addition Construction Plan Review Memorandum dated July 18, 2023. Said changes and modifications to the plans must be made to the satisfaction of the City Engineer.
- 4) When constructed, building address numbers shall be plainly visible from the street fronting the property and shall be contrasting color from the background to the satisfaction of the Fire Chief.
- 5) 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.

- 6) 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.
- 7) 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.
- 8) The Applicant must notify all home builders about the City's outdoor watering restrictions and that all home builders must notify all home buyers that the City has imposed limits on outdoor water use including a limit of 2 days per week of watering. 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.
- 9) The City will not issue any building permits until all public subdivision improvements have been accepted by the City.
- 10) 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.
- 11) The Applicant must provide adequate title evidence satisfactory to the City Attorney prior to the Final Plat being signed by City officials.
- 12) 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 \$965.00. Said payment must be made to the City prior to the Final Plat being released for recording.
- 13) The applicant shall pay required AUAR fee prior to release of building permits.
- 14) The temporary construction easement agreement granted in 2020 to accommodate the Village Parkway UPRR crossing project that is now expired shall be renewed and extended for a five year period from date of approval of this final plat.

Passed and duly adopted this 15<sup>th</sup> day of August 2023 by the City Council of the City of Lake Elmo, Minnesota.

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Charles Cadenhead, Mayor

ATTEST:

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Julie Johnson, City Clerk

## **AGREEMENT TO EXTEND PRELIMINARY PLAT STATUS**

This Agreement to Extend Preliminary Plat Status (this “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Lake Elmo, a municipal corporation under the laws of Minnesota (the “City”) and Chase Development, Inc., a Minnesota corporation (the “Developer”).

### **RECITALS:**

- A. The Developer is the owner of the Property legally described on the attached Exhibit A (the “Property”);
- B. The Property was originally part of the preliminary plat of Easton Village which was approved by the City in 2014;
- C. The Property was platted as an outlot with Easton Village 4<sup>th</sup> Addition;
- D. The City requires outlots to be replatted before they can be developed and built upon;
- E. The Developer has requested that the City extend the preliminary plat status for Easton Village with respect to the Property in order to allow the Property to be final platted and developed;
- F. Any application for final plat must be found consistent with the preliminary plat;
- G. The City is willing to extend the preliminary plat status for Easton Village with respect to the Property; and

NOW, THEREFORE, in consideration of the above recitals, which are expressly incorporated herein, and for other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged, the City and the Developer agree as follows:

1. The preliminary plat of Easton Village shall remain in effect with respect to the Property. The final plat of the Property shall be recorded with Washington County by the Developer within 180 days after approval of the final plat by the City Council, unless the deadline to record the final plat is otherwise extended by the City Council. Should the final plat not be recorded within this timeframe, the final plat and the preliminary plat of Easton Village shall expire with respect to the Property.

IN WITNESS THEREOF, the City and the Developer have executed this Agreement to Extend Preliminary Plat Status as of the date first written above.

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Charles Cadenhead, Mayor

By: \_\_\_\_\_  
Julie Johnson, City Clerk

STATE OF MINNESOTA            )  
                                                  ) ss.  
COUNTY OF WASHINGTON        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Charles Cadenhead and Julie Johnson, the Mayor and the City Clerk, respectively of the City of Lake Elmo, a Minnesota municipal corporation, on behalf of the City.

\_\_\_\_\_  
Notary Public

Chase Development, Inc.

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA    )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, the \_\_\_\_\_ of Chase Development, Inc., a Minnesota corporation on behalf of the corporation.

\_\_\_\_\_  
Notary Public

## **EXHIBIT 1**

### **Legal Description of the Property**

Outlot A, Easton Village 4th Addition, according to the recorded plat thereof, County of Washington, State of Minnesota.



Final Plat Application Written Statements:

2.

- a. Chase Development Inc  
Andrew R Chase, President  
952-898-5600  
Andy@ChaseRE.Com
- b. 11781 34<sup>th</sup> St. N  
Outlot A Easton village 4<sup>th</sup> Addition  
PIN: 13.029.21.41.0096
- c.
  - i. Easton Village 6<sup>th</sup> Addition
  - II. Lot 1, Block 1
    - Front width 66.03
    - Rear width 104.16
    - Left depth 127.08
    - Right depth 131.67
  - III. NA
  - iv. NA
  - v. NA
  - vi. Lot 1, Block 1, Easton Village 6<sup>th</sup>
- d. No issues to address
- e. NA
- f. No infrastructure improvement are needed
- g. This Outlot A was always determined to become a buildable lot within this community
- h. No conflicts
- i. No excessive burden – adding one more buildable lot to Easton Village
- j. No lakeshore access
- k. No dedication
- l. Lot is now buildable – no additional construction needed

Trees that were required to be planted for Outlot A Easton Village 4<sup>th</sup> Addition were previously planted and are under the warranty period established in the 4<sup>th</sup> Addition.

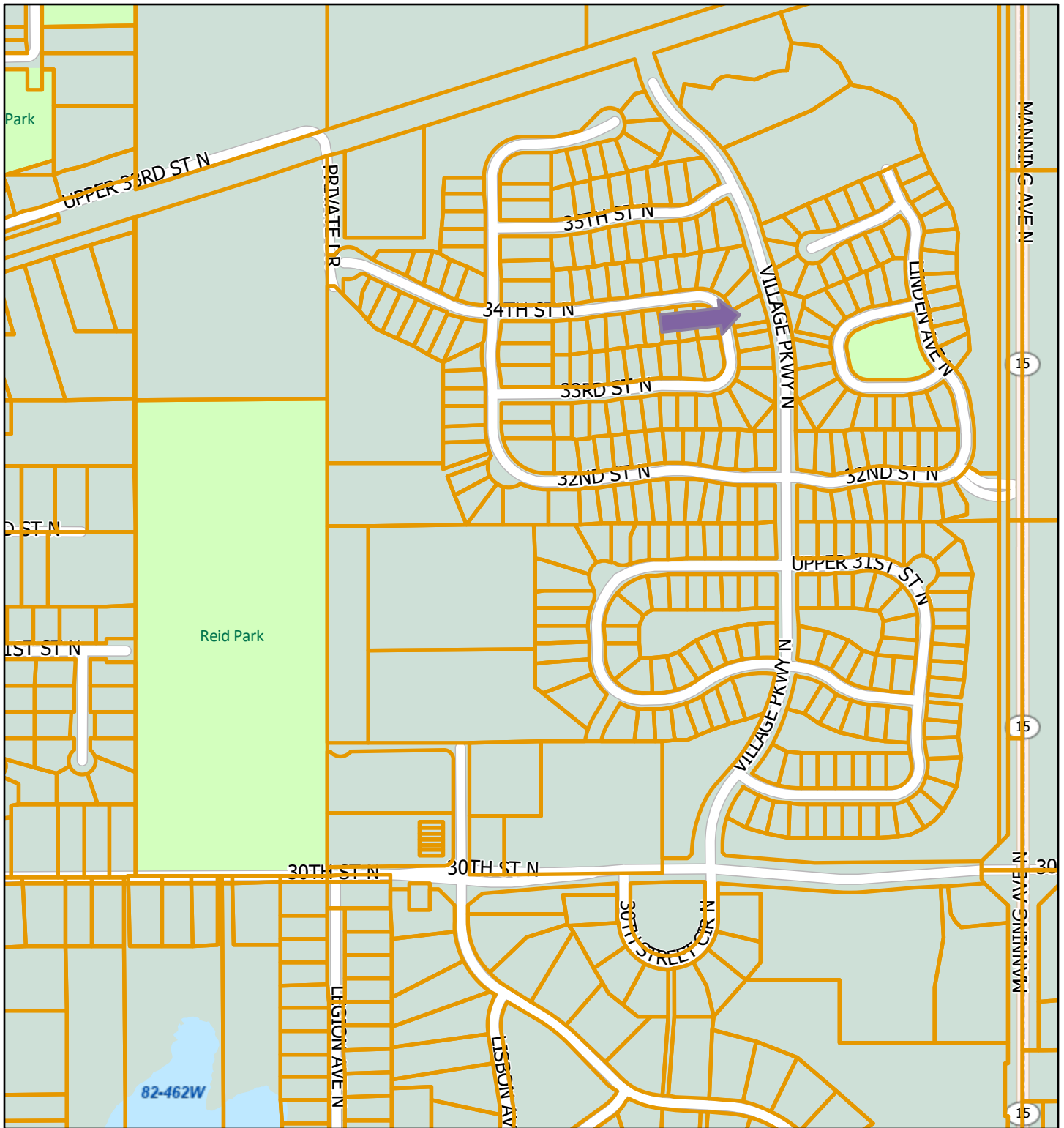
No mailing labels required as this was previously final platted under Easton Village 4<sup>th</sup> Addition. Outlot A was platted as an outlot just so we could use it as a temporary drive lane for construction purposes. This was always going to be a buildable lot.

General information of proposed subdivision:

Outlot A Easton Village 4<sup>th</sup> Addition was used as a temporary roadway to help alleviate traffic on 32<sup>nd</sup> during construction of the 4<sup>th</sup> Addition. The intent was to always have this lot as a buildable lot once construction came to a close. We have been told by City staff that Outlot A must be platted into a Lot/Block in order to pull a building permit on it. We are now requesting Outlot A Easton Village 4<sup>th</sup> become Lot 1, Block 1, Easton Village 6<sup>th</sup> Addition.

Outlot A was part of the final plat of Easton Village 4<sup>th</sup> Addition. All grading, streets, storm sewer, utilities and landscaping are included there. You have all the final plat documents for the 4<sup>th</sup> Addition so I haven't included the printed versions of those. They are included in the electronic version however.

# Easton 6th Addition



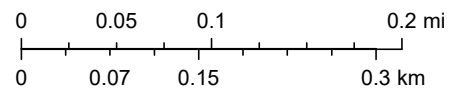
8/4/2023, 9:17:23 AM

1:9,028

 Parcels

 Municipals

DNR Protected Waters ID



# EASTON VILLAGE 6TH ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: Chase Development, Inc., a Minnesota corporation, owner of the following described property:

Outlot A, EASTON VILLAGE 4TH ADDITION, according to the recorded plat thereof, Washington County, Minnesota.

Has caused the same to be surveyed and platted as EASTON VILLAGE 6TH ADDITION.

In witness whereof said Chase Development, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chase Development, Inc.

By: \_\_\_\_\_  
Andrew Chase, President

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Andrew Chase, President of Chase Development, Inc., a Minnesota corporation, on behalf of the corporation.

\_\_\_\_\_  
County, \_\_\_\_\_ Printed Name  
My commission expires \_\_\_\_\_

I Marcus F. Hampton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Marcus F. Hampton, Licensed Land Surveyor, Minnesota License No. 47481

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Marcus F. Hampton, Licensed Land Surveyor, Minnesota License No. 47481.

\_\_\_\_\_  
County, \_\_\_\_\_ Printed Name  
My commission expires January 31, \_\_\_\_\_

## PLANNING COMMISSION, CITY OF LAKE ELMO, MINNESOTA

Approved by the Planning Commission of the City of Lake Elmo, Minnesota on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Chair, Planning Commission Secretary, Planning Commission

## CITY COUNCIL, CITY OF LAKE ELMO, MINNESOTA

This plat was approved by the City Council of the City of Lake Elmo, Minnesota on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subdivision 2.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor Clerk

## WASHINGTON COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971 and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Surveyor

## WASHINGTON COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20\_\_\_\_, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Auditor/Treasurer Deputy

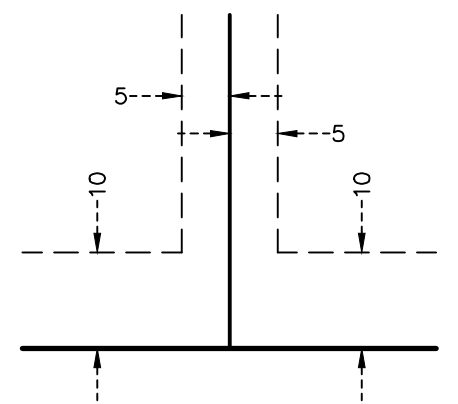
## WASHINGTON COUNTY RECORDER

Document Number \_\_\_\_\_

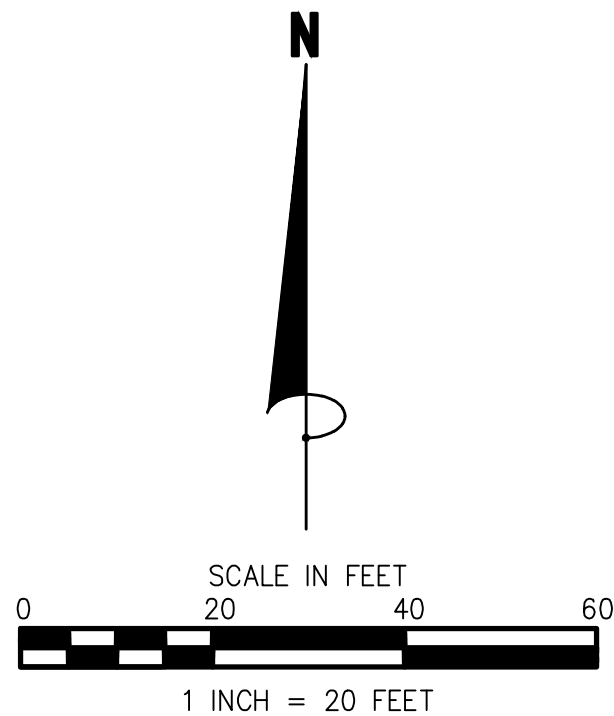
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. M. and was duly recorded in Washington County Records.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Washington County Recorder Deputy

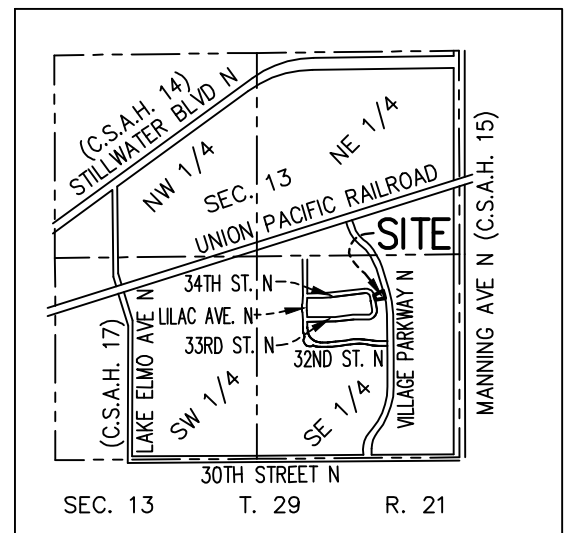
DRAINAGE AND UTILITY EASEMENTS  
PER PLAT OF EASTON VILLAGE 4TH  
ADDITION ARE SHOWN THUS:



DRAINAGE AND UTILITY EASEMENTS BEING  
5 FEET IN WIDTH, UNLESS OTHERWISE  
INDICATED, ADJOINING LOT LINES, AND  
BEING 10 FEET IN WIDTH, UNLESS  
OTHERWISE INDICATED, ADJOINING RIGHT  
OF WAY LINES, AS SHOWN ON THIS PLAT.



## VICINITY MAP



NOT TO SCALE

BEARINGS ARE BASED ON THE NORTHERLY LINE OF  
OUTLOT A, EASTON VILLAGE 4TH ADDITION WHICH IS  
ASSUMED TO HAVE A BEARING OF N 63°14'31" E

- DENOTES FOUND 1/2 INCH IRON PIPE MONUMENT  
WITH CAP MARKED R.L.S. NO. 10938
- ⊙ DENOTES FOUND WASHINGTON COUNTY CAST IRON  
MONUMENT

JAMES R. HILL, INC.

# EASTON VILLAGE 6TH ADDITON

LOT 1, BLOCK 1

SECTION 13, TOWNSHIP 29 NORTH, RANGE 21 WEST  
WASHINGTON COUNTY, MINNESOTA



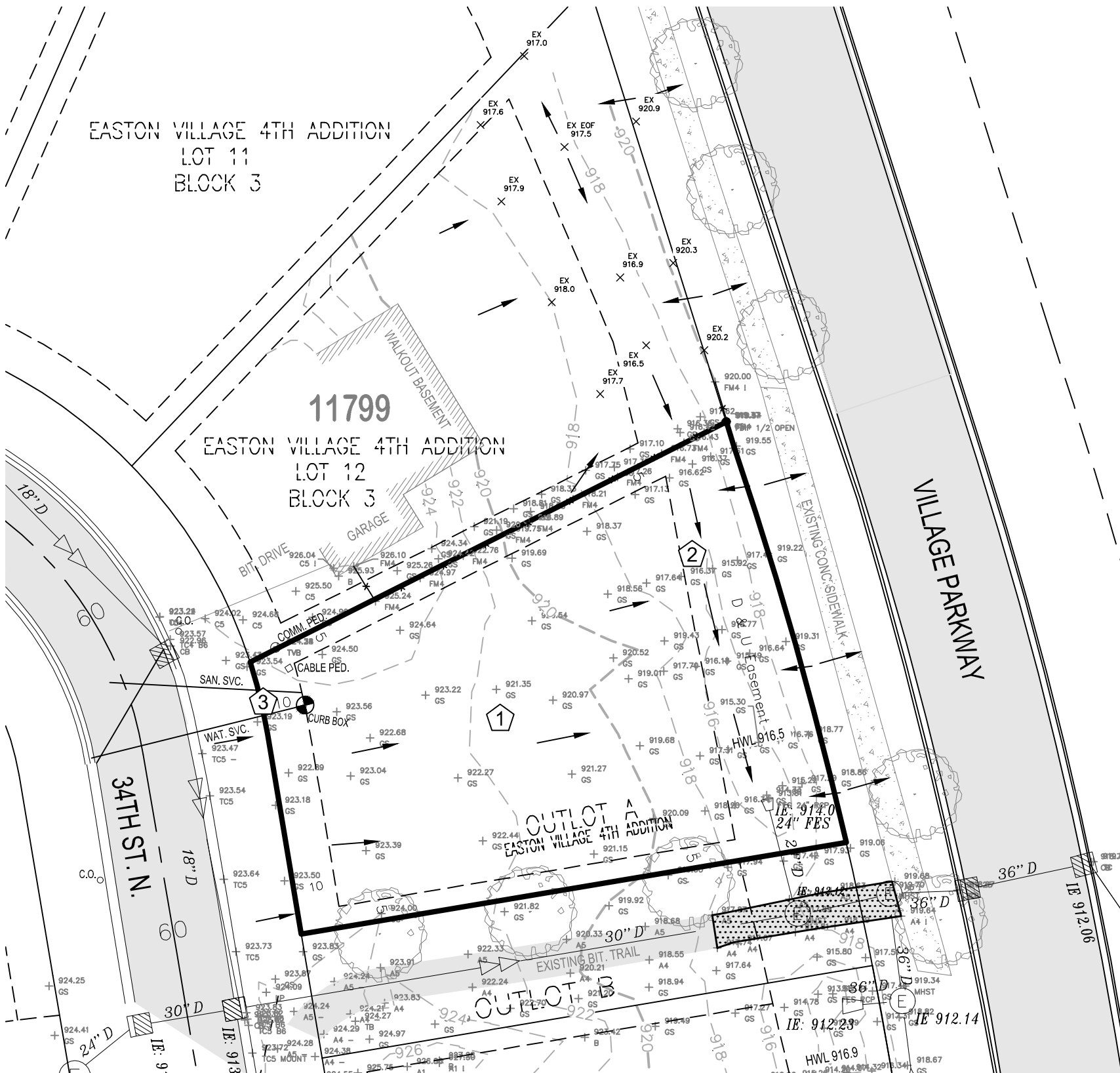
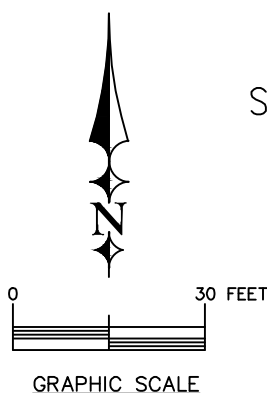
**James R. Hill, Inc.**

PHONE: (952)890-6044

2999 W. CTY. RD. 42, SUITE 100, BURNSVILLE, MN 55306

**EXISTING CONDITIONS**

ADDRESS: 11781 34TH STREET NORTH



## Legend

●	DENOTES FOUND 1/2 INCH IRON
---	EXISTING PROPERTY OUTLOT A, EASTON VILLAGE 4TH (NEW LOT 1, BLOCK 1, EASTON VILLAGE 6TH ADDITION)
- - - 906 - - -	EXISTING 2-FT CONTOUR INTERVAL
x x	EXISTING FENCE
x 919.75 EX 916.5 x	EXISTING TOPO ELEVATION (SURVEYED 06-01-2023)
x	EXISTING TOPO ELEVATION (11799 GRADING AS-BUILT - 07/2021)
→	EXISTING DRAINAGE ARROW

## Keyed Notes

- EXISTING OUTLOT A, EASTON VILLAGE 4TH ADDITION TO BE RECORDED AS LOT 1, BLOCK 1 EASTON VILLAGE 6TH ADDITION, WITH NO CHANGE TO EXISTING EASEMENTS
- SWALE IS NOT YET GRADED TO FINAL CONDITIONS
- EXISTING SEWER AND WATER SERVICE CONNECTIONS

## Notes

- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986).
- THE HOME FOR THIS LOT IS PLANNED AS A FULL BASEMENT WALKOUT. THE TOP OF BLOCK OF THE HOME IS DESIGNED AT 927.9. THE GARAGE TOP OF BLOCK IS DESIGNED WITH A 1-FT STEP, AT 926.9. THE LOWEST BASEMENT FLOOR ELEVATION IS 918.9.
- GARAGE LOCATION IS SHOWN RIGHT, WITH AN ESTIMATED 6.9% SLOPE.
- THE PLANNED BASEMENT HEIGHT IS SHOWN AS 9-FT, THE BUILDER MAY OPTION FOR AN 8-FT BASEMENT KEEPING THE LOW FLOOR AT 918.9 OR HIGHER.
- JRH, INC SURVEYED LOT ON 6/01/2023

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS REVIEWED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Joel G. Cooper*

JOEL G. COOPER, PE  
18495

LICENSE NO.  
07/07/2023

DATE:

SECTION 13, TOWNSHIP 29 NORTH, RANGE 21 WEST  
WASHINGTON COUNTY, MINNESOTA

ADDRESS: 11781 34TH STREET NORTH

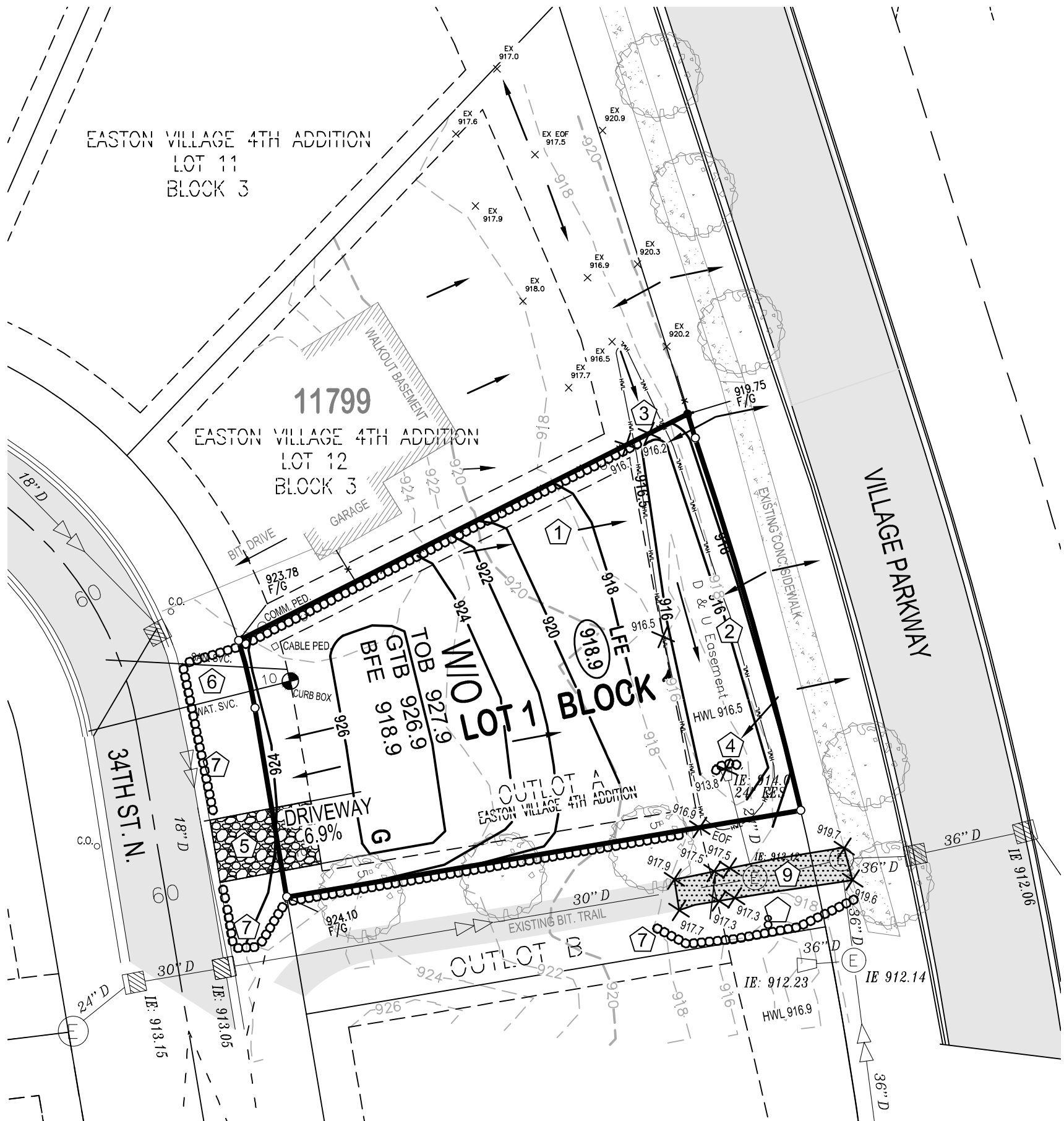


# James R. Hill, Inc.

PHONE: (952)890-6044

2999 W. CTY. RD. 42, SUITE 100, BURNSVILLE, MN 55306

A horizontal scale bar with vertical end caps. The left end is labeled '0' and the right end is labeled '30 FEET'. The bar is divided into three equal segments by two vertical tick marks. Each segment contains three horizontal lines of varying lengths, creating a striped pattern. Below the bar, the text 'GRAPHIC SCALE' is written in a bold, sans-serif font.



	<p>DENOTES FOUND ½ INCH IRON PIPE</p>  <p>DENOTES RE-SET ½ INCH IRON PIPE INSCRIBED "JOHNSON LS#10938" OR AS SIZE AND MARKINGS AS INDICATED</p>  <p>EXISTING PROPERTY OUTLOT A, EASTON VILLAGE 4TH (NEW LOT 1, BLOCK 1, EASTON VILLAGE 6TH ADDITION)</p> <p>EXISTING 2-FIT CONTOUR INTERVAL</p>  <p>PROPOSED SPOT ELEVATION (FINAL GRADE)</p>   <p>PROPOSED 2-FIT CONTOUR INTERVAL PER ORIGINAL PLAN</p> <p>PROPOSED DRAINAGE ARROW</p> <p>PROPOSED SILT FENCE</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986).
- 2) THE HOME FOR THIS LOT IS PLANNED AS A FULL BASEMENT WALKOUT. THE TOP OF BLOCK OF THE HOME IS DESIGNED AT 927.9. THE GARAGE TOP OF BLOCK IS DESIGNED WITH A 1-FT STEP, AT 926.9. THE LOWEST BASEMENT FLOOR ELEVATION IS 918.9.
- 3) GARAGE LOCATION IS SHOWN RIGHT, WITH AN ESTIMATED 6.9% SLOPE.
- 4) THE PLANNED BASEMENT HEIGHT IS SHOWN AS 9-FT, THE BUILDER MAY OPTION FOR AN 8-FT BASEMENT KEEPING THE LOW FLOOR AT 918.9 OR HIGHER.

Jul 66 

DATE: \_\_\_\_\_

- 1 OUTLOT A, EASTON VILLAGE 4TH ADDITION TO BE RECORDED AS LOT 1, BLOCK 1 EASTON VILLAGE 6TH ADDITION, WITH NO CHANGE TO EXISTING EASEMENTS
- 2 CORRECT EXISTING SWALE TO MATCH THE ORIGINAL PLANNED SWALE OF THE 4TH ADDITION, GRADE TO CONTOURS AS SHOWN
- 3 LOT TO NORTH, L12, B3, 4TH ADDITION IS UNDER CONSTRUCTION, CONTRACTOR TO MATCH ELEVATION AT PROPERTY LINE PER ORIGINAL GRADING PLAN FOR THE 4TH ADDITION
- 4 MATCH GRADE AT EXISTING FLARED END STORM INLET. PROTECT EXISTING FLARED END INLET WITH SILT FENCING DURING HOME CONSTRUCTION)

- 5 INSTALL ROCK ENTRANCE DURING CONSTRUCTION
- 6 PROTECT EXISTING WATER AND SANITARY SEWER SERVICES
- 7 INSTALL SILT FENCE PRIOR TO THE START OF CONSTRUCTION AT ALL DOWNSTREAM GRADES
- 8 REMOVE SOD AND LOWER ELEVATION FOR 3'-FT AREA TO ALLOW FOR DRAINAGE OFF OF TRAIL TO FLOW TO SOUTH. REPAIR WITH TOPSOIL SEED AND BLANKET AS REQUIRED.
- 9 REMOVE & REPLACE BIT TRAIL TO RE-ESTABLISH 4' WIDE OF - SEE CITY TRAIL DETAIL

# MEMORANDUM

## FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4285

Date: July 18, 2023

To: Sophia Jensen, City Planner  
Cc: Jenni Faulkner, Planning Consultant  
Marty Powers, Public Works Director  
Dustin Kalis, Fire Chief  
Chad Isakson, PE, Assistant City Engineer  
From: Jack Griffin, PE, City Engineer

Re: Easton Village 6th Addition  
Final Plat/Plan Review

An engineering review has been completed for the Easton Village 6th Addition Final Plat/Plans received on July 7, 2023. The submittal consisted of the following documentation:

- Easton Village 6th Addition Final Plat dated July 7, 2023.
- Easton Village 6th Addition, Lot 1, Block 1, Existing Conditions dated July 7, 2023.
- Easton Village 6th Addition, Lot 1, Block 1, Proposed Plan dated July 7, 2023.

**STATUS/FINDINGS:** Please see the following review comments relating to the Final PUD/Plat application.

### EASTON VILLAGE 6 ADDITION FINAL PLAT/PLANS

1. Drainage and utility easements are shown to be dedicated on the Final Plat as required.
2. All easement areas must remain free from all encroachments other than those approved by the City Engineer and upon execution of an easement encroachment agreement. Prohibited encroachments include, but are not limited to trees, fences, retaining walls, graded slopes, and building structures.
3. Final Plat approval must be contingent upon the project reconstructing portions of the adjacent trail to ensure positive drainage away from the trail, and to ensure there is no post construction erosion along the trail or within city owned Outlot B. The proposed plans dated July 7, 2023, include the trail reconstruction as required.
4. Final Plat approval must be contingent upon as-built verification of the reconstructed trail to ensure the 917.5 EOF has been established.
5. Final Plat approval must be contingent upon the rear yard drainage swale being constructed in strict accordance with the approved plans with as-built shots located on the rear lot easement line to demonstrate that the 100-year HWL of 916.5 is fully within the drainage easement.