

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2003- 040

A RESOLUTION APPROVING THE OPEN SPACE PRESERVATION
DEVELOPMENT PLAN, PRELIMINARY PLAT AND
CONDITIONAL USE PERMIT
FOR WHISTLING VALLEY

WHEREAS, at the February 4, 2003 meeting, the Lake Elmo City Council approved the Open Space Concept Plan from Bald Eagle Development and David Sorenson to develop a parcel of 58 acres with 19 single family detached building sites.

WHEREAS, the Lake Elmo Planning Commission at a Public Hearing held April 14, 2003, reviewed and recommended approval of the Open Space Preservation Development Stage Plan, Preliminary Plat, and Conditional Use Permit for "Whistling Valley", based on the following findings:

1. The documentation submitted in support of the OP Development Stage Plan and Preliminary Plat is substantially complete, as prescribed by the OP Ordinance and the Subdivision Ordinance.
2. The Development Stage Plan is consistent with the purpose of the Open Space Preservation Ordinance; and the Preliminary Plat substantially complies with the standards of the Subdivision Ordinance.
3. The OP Development Stage Plan is consistent with the goals, objectives and policies of the Comprehensive Plan.
4. The OP Development Stage Plan does not completely respond to the conditions of the OP Concept Plan approval Resolution 2003-009. Specifically, the applicant has not provided detailed plans for treatment of the 100 foot buffer at the west periphery of the site that would result in permanent year round screening of the homes to be constructed on the site from the adjacent parcels to the west that are not eligible for OP development.
5. The Washington County request for additional ROW dedication along 10th Street North (County Road 10) should not adversely impact the Plan, and should be a condition of approval. No deduction from Preserved Open Space should result from this ROW dedication.
6. The standards and findings required precedent to approval of a Conditional Use Permit in the context of an Open Space Preservation Development are met, subject to conditions related to No. 4 and No. 5 above.

7. The proposed lot sizes (.75) acres and larger) comply with minimum lot size standards within the Shoreland Overlay District adjacent to Natural Environment Lakes, as to standards appear following the 1997 amendment to the Shoreland District standards in that regard.

WHEREAS, the Lake Elmo City Council, at its May 6, 2003 meeting, reviewed and approved the Open Space Preservation Development Stage Plan, Preliminary Plat, and Conditional Use Permit for "Whistling Valley" based on the recommendation of the Lake Elmo Planning Commission, and based on the following conditions:

1. The applicant shall prepare, and submit with the Final Plat/Plan application, a detailed plan for the 100-foot west site buffer that clearly demonstrates the strategy to screen homes within the development from parcel(s) adjacent to the site permanently and during all seasons. The plan shall include cross section depicting the relationship of the structures screened to the adjacent parcels. Screening may be by a combination of landscape and topography. Existing vegetation may be a component of the screening where such existing vegetation is effective in all seasons.
2. The Final Plat shall incorporate the Washington County Transportation requests regarding right-of-way dedication along the site for 10th Street North (County Road 10).
3. The Final Plat submission shall reflect resolution of the telecommunications easement appearing on the Preliminary Plat so as not to, in the opinion of the City Engineer, interfere with platted home sites.
4. Compliance with the recommendations of the City Engineer, the watershed, DNR, and Washington County Transportation recommendations/requests as concurred with by the City Engineer.
5. The Final Plat and Development Agreement shall comply with the recommendation of the Park Commission regarding Public Use Dedication/fees-in-lieu, as prescribed by Section 400 of the City Code.
6. Compliance with the recommendations of the City Attorney.
7. Only a minimal amount of soil may be removed from the site.

ADOPTED, by the Lake Elmo City Council on the 6th day of May, 2003.



Lee Hunt, Mayor

ATTEST:



Charles E. Dillerud

Whistling Valley