

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

RESOLUTION NO. 2014-53

*A RESOLUTION APPROVING A PRELIMINARY PLAT FOR
HUNTER'S CROSSING*

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

WHEREAS, The Ryland Group, 7599 Anagram Drive, Eden Prairie, MN has submitted an application to the City of Lake Elmo (City) for a Preliminary Plat for Hunter's Crossing, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Commission held public hearing on June 23, 2014 to consider the Preliminary Plat request; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Preliminary Plat as part of a memorandum to the City Council from Community Development Director Kyle Klatt for the July 1, 2014 Council Meeting; and

WHEREAS, the Lake Elmo Planning Commission adopted a motion recommending approval of the Preliminary Plat; and

WHEREAS, the City Council reviewed the Preliminary Plat at its meeting held on July 1, 2014 and made the following findings of fact:

- 1) That the Hunter's Crossing preliminary plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 2) That the Hunter's Crossing preliminary plat complies with the City's Urban Low Density Residential zoning districts.
- 3) That the Hunter's Crossing preliminary plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances.
- 4) That the Hunter's Crossing preliminary plat complies with the City's subdivision ordinance.
- 5) That the Hunter's Crossing preliminary plat is consistent with the City's engineering standards provided the plans are updated to address the City Engineer's comments documented in a letter dated May 23, 2014.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the preliminary plat for Hunter's Crossing subject to the following conditions:

- 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.
- 2) The landscape plan and tree preservation plan shall be reviewed and approved by an independent forester or landscape architect in advance of the approval of a final plat and final construction plans.
- 3) The final landscape plan shall incorporate additional planting where feasible adjacent to the shared property lines with the parcels at 404 and 275 Lake Elmo Avenue North.
- 4) The applicant shall be responsible for updating the final construction plans to include the construction of all improvements within the Lake Elmo Avenue (CSAH 17) right-of-way as required by Washington County and further described in the review letter received from the County dated June 17, 2014. The required improvements shall include, but not be limited to the construction of a northbound right turn lane and southbound center turn lane.
- 5) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the Valley Branch Watershed District prior to the commencement of any grading or development activity on the site.
- 6) 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.
- 7) 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.
- 8) Any land under which paved public trails are located will be accepted as park land provided the developer constructs said paved trails as part of the public improvements for the subdivision.
- 9) The temporary access to Lake Elmo Avenue must be eliminated when access to 5th Street is provided. The City will not issue building permits for more than 25 lots within Hunter's Crossing until such time that the temporary access is closed.

- 10) The applicant must enter into a separate grading agreement with the City prior to the commencement of any grading activity in advance of final plat and plan approval. The City Engineer shall review any grading plan that is submitted in advance of a final plat, and said plan shall document extent of any proposed grading on the site.
- 11) All required modifications to the plans as requested by the City Engineer in a review letter dated May 23, 2014 shall be incorporated into the plans prior to consideration of a final plat.
- 12) The applicant is encouraged to preserve or re-use as many trees as possible that are currently located on the property and to incorporate these trees as part of the landscape plan for the subdivision.
- 13) The applicant shall provide written consent from the adjacent property owner to the north agreeing to the grading and storm sewer work depicted on this property.
- 14) Water improvements must be available to serve the subdivision.
- 15) The applicant shall pay a Water Availability Charge consistent with the Lake Elmo Fee Schedule for the entire development prior to the release of the final plat for recording, regardless of project phasing.

Passed and duly adopted this 1st day of July 2014 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk