



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/2016

REGULAR #15

MOTION

AGENDA ITEM: Request from Rockpoint Church to Extend Final Plat Submission
Deadline for Hidden Meadows 2nd Addition

SUBMITTED BY: Stephen Wensman, City Planner

THROUGH: Clark Schroeder, Interim City Administrator

REVIEWED BY: Joan Ziertman

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider a request to extend the final plat deadline for Hidden Meadows 2nd Addition which will ultimately establish the residential portion of the OP development south of Rockpoint Church. The preliminary plat for Hidden Meadows 2nd Addition was approved by the City in 2006 and the City Code requires that a final plat be submitted within 180 days of the preliminary plat approval. In this case, the Council did approve three separate extensions to this deadline of one year, five years, and six months respectfully, and the current deadline expired on August 2, 2013.

The Church is requesting the extension at this time because it is presently in discussion with a potential developer to purchase the property. The church is requesting another 3 year extension to allow time for a potential buyer of the plat to close the sale of the property, and to find an alternate buyer if the property does not sell. According to the church, the potential buyer intends to develop the property as it was originally approved.

Staff recommends the Council either approve or deny the request for a final plat extension for Hidden Meadows 2nd Addition. If the Council wishes to deny the request, then the motion is:

“Move to deny the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2nd Addition for a period of three years until January 5, 2019.”

If the Council wishes to support the request, then the alternate suggested motions are as follows:

“Move to approve the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2nd Addition for a period of three years until January 5, 2019.”

REVIEW:

According to City Code, the Plat is void. The Plat expired on August 2, 2013. The council's past motion precluded any further extensions unless the easement was granted for the planned water line. The easement was executed by the Church on 1/12/16.

BACKGROUND INFORMATION:

The Staff report from the previous extension request included the following information, which is still valid at this point in time:

- The City Attorney and the developer's attorney created a temporary easement agreement that provides the City with the desired protection of the open space areas until such time that a final plat is approved.
- The City Attorney confirmed that there is no cap on the length of time for a final plat extension. Council has the ability to extend a final plat for as many years as deemed necessary.
- Ultimately, the extension of the final plat is in the City's best interest as easements are in place to protect the future dedicated open space areas until the final plat is approved. Additionally, granting the requested extension provides a financial incentive to the developer to follow through with the residential development in the future once market conditions are right.
- Outlots A & B, which make up the land to be developed into the OP subdivision, are not tax exempt.
- By city code, outlots are not useable as building sites. Therefore, utilization of either outlot A or B for any purpose other than open space could not occur without City approval.
- Not granting an extension will result in the developer losing preliminary plat approval, which in turn makes pursuing other development opportunities an option, but costing the owner.

If the requested extension is not approved the developer will need to submit a new preliminary plat in order to pursue any development on the effected property. Note that the City will still have easements over the open space areas if this occurs in the interim period, but the incentive to follow through with the desired residential development will have diminished.

RECOMMENDED ACTION:

Staff recommends the Council either approve or deny the request for a final plat extension for Hidden Meadows 2nd Addition. If the Council wishes to deny the request, then the motion is:

“Move to deny the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2nd Addition for a period of three years until January 5, 2019.”

If the Council wishes to support the request, then the alternate suggested motions are as follows:

“Move to approve the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2nd Addition for a period of three years until January 5, 2019.

ATTACHMENTS:

Hidden Meadows 2nd Addition Preliminary Plat.

Resolution 2016 - __ Denying the 4th Extension of Hidden Meadows 2nd Addition.

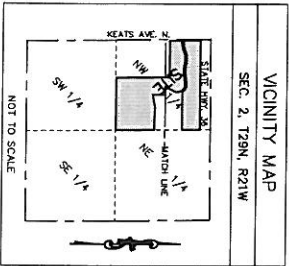
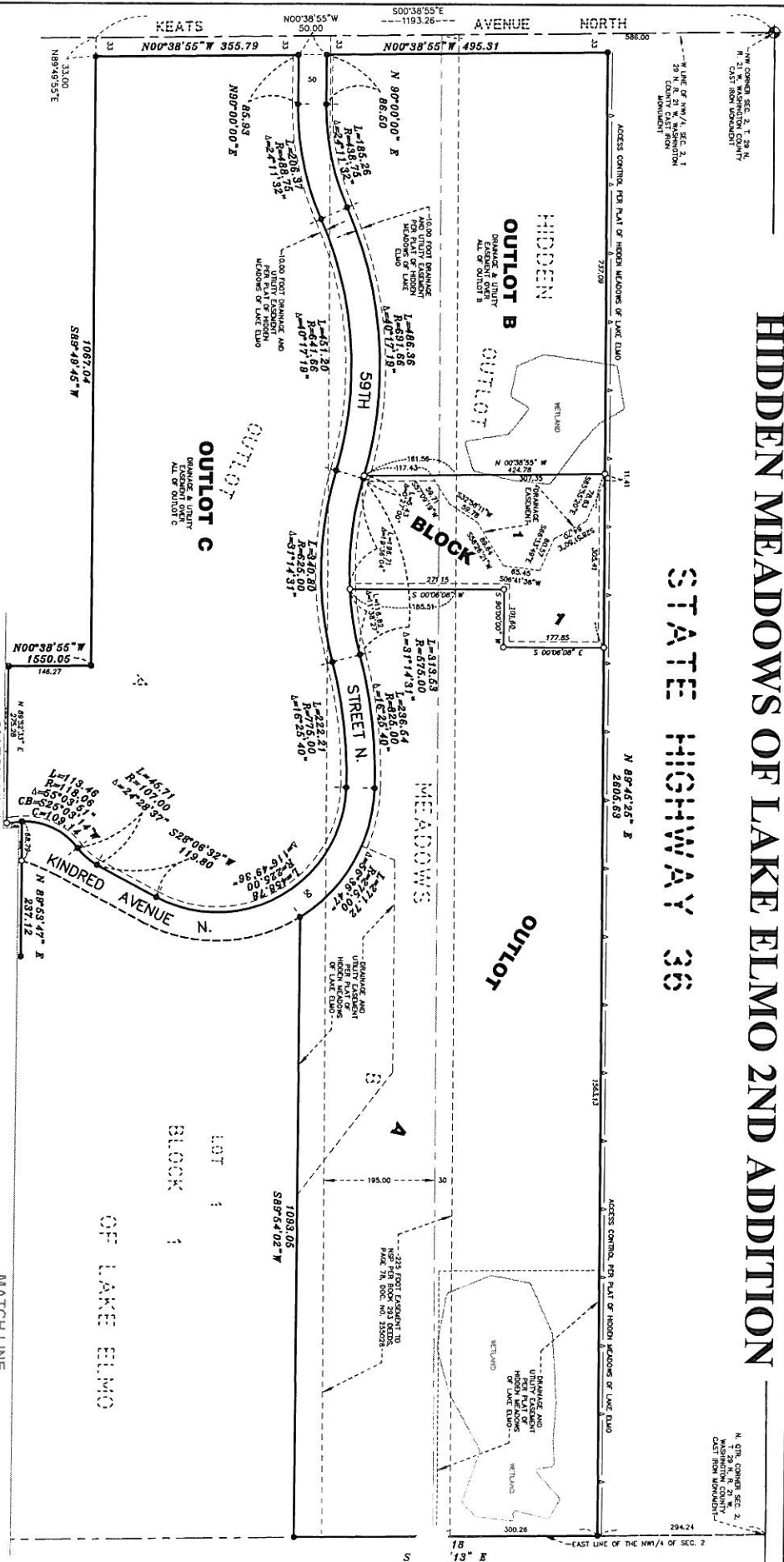
Resolution 2016 - __ Approving the 4th Extension of Hidden Meadows 2nd Addition.

SUGGESTED ORDER OF BUSINESS:

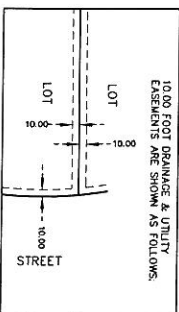
- Introduction of Item City Administrator
- Report/Presentation.....Planning Director
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

HIDDEN MEADOWS OF LAKE ELMO 2ND ADDITION

STATE HIGHWAY 36

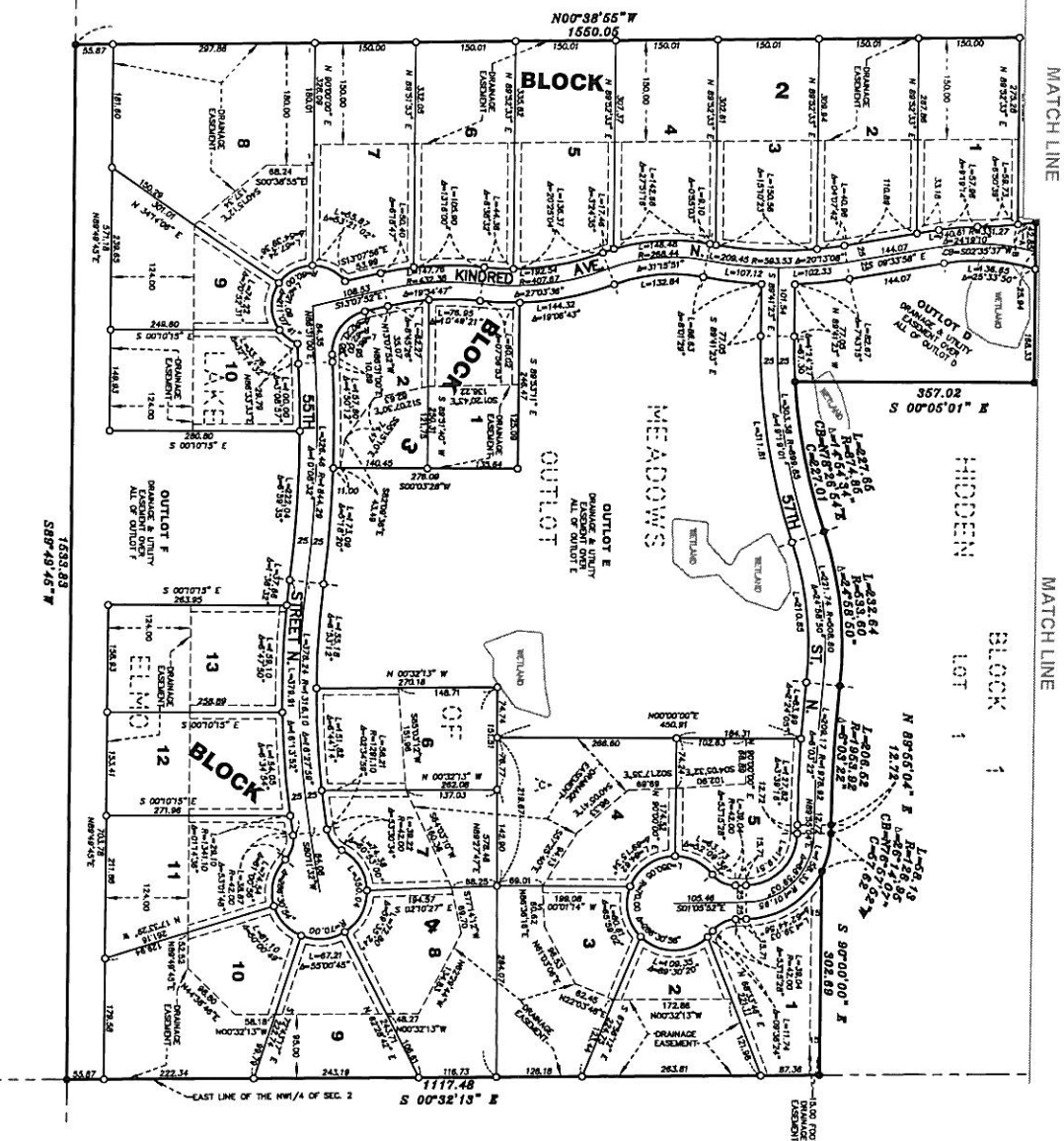


- DENOTES IRON MONUMENT FOUND AND MARKED RLS 1032, UNLESS NOTED
- DENOTES 1/2 INCH X 1/4 INCH IRON MONUMENT SET AND MARKED RLS 4306, UNLESS NOTED
- ◊ DENOTES WASHINGTON COUNTY MONUMENT
- DENOTES EDGE OF EASEMENT(S)
- - - DENOTES ACCESS CONTROL
- ~~~~~ DENOTES EDGE OF WETLAND



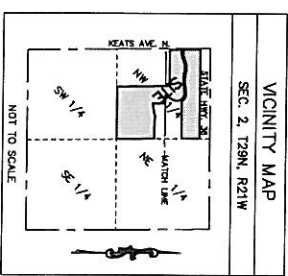
Howard R. Green Company

HIDDEN MEADOWS OF LAKE ELMO 2ND ADDITION



MATCH LINE

MATCH LINE



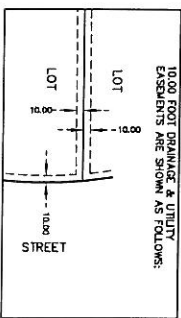
VICINITY MAP
SEC. 2, T29N, R21W



- DENOTES IRON MONUMENT FOUND AND MARKED RLS 10832 UNLESS NOTED
- DENOTES 1/2 INCH X 1/4 INCH IRON MONUMENT SET AND MARKED RLS 43006 UNLESS NOTED
- ◊ DENOTES WASHINGTON COUNTY MONUMENT
- DENOTES EDGE OF EASEMENT(S)
- DENOTES ACCESS CONTROL
- DENOTES EDGE OF WETLAND

CURVE TABLE

CURVE NO.	LENGTH	RADIUS	DEG.
A	12.74	116.06	04°10'37"
B	12.70	500.00	07°24'17"



10.00 FOOT DRAINAGE & UTILITY EASEMENTS ARE SHOWN AS FOLLOWS:



Howard R. Green Company

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

RESOLUTION NO. 2016-__

A RESOLUTION APPROVING

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

WHEREAS, on July 25th, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of an amended OP Concept Plan for Deer Glen subject to certain conditions; and

WHEREAS, on August 16, 2005, and September 6, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission along with revised OP concept plans for Deer Glen; and

WHEREAS, on September 20, 2005, the Lake Elmo City Council approved resolution 2005-102 which approved the amended OP Concept Plan of Deer Glen; and

WHEREAS, on September 20, 2005, the Lake Elmo City Council approved an amendment to the conditional use permit for Rockpoint Church, Resolution 2005-029, to reflect the amended OP Concept Plan dated September 6, 2005; and

WHEREAS, on September 20, 2005, the Lake Elmo City Council approved an amendment to the preliminary plat formerly approved by Council Resolution 2005-030 to reflect the amended OP Concept plan dated September 6, 2005; and

WHEREAS, on May 16, 2006, the Lake Elmo City Council approved the final plat for Hidden Meadows 1st Addition, previously referred to as Deer Glen; and

WHEREAS, the developers agreement for Hidden Meadows 1st Addition required future platting of the residential portion of the approved plan; and

WHEREAS, on January 2, 2007 the Lake Elmo City Council approved a one year extension to the deadline for the final plat submittal for the residential portion of the approved plan, thereby extending the final plat deadline to January 2, 2008; and

WHEREAS, on December 11, 2007, the Lake Elmo City Council approved Resolution 2007-97 granting a five year extension to the final plat submittal deadline to January 2, 2013; and

WHEREAS, on January 15, 2013, the Lake Elmo City Council approved a six month extension to the final plat submittal deadline to August 2, 2013 with the understanding that future

extension will be considered after the dedication of a utility easement across the Church's property consistent with the location of a planned 16" water line; and

WHEREAS, on August 3, 2013, the Hidden Meadows 2nd Addition Plat became void for failure to extend the plat in a timely manner; and

WHEREAS, on November 24, 2015, Rockpoint Church applied for a three year extension to the final plat submittal to allow a perspective buyer time to close on the purchase of the development property or to find an alternate buyer if the property does not sell; and

WHEREAS, on January 12, 2016, Rockpoint Church executed for recording a utility easement across its property consistent with the location of a planned 16" water line as requested by the City Council; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby approve the request for a 3 year plat extension for Hidden Meadows 2nd Addition.

This resolution was adopted by the City Council of the City of Lake Elmo on this 19th day of January, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2016-__

A RESOLUTION TO DENY

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

WHEREAS, on July 25th, 2005, the Lake Elmo Planning Commission reviewed and recommended approval of an amended OP Concept Plan for Deer Glen subject to certain conditions; and

WHEREAS, on August 16, 2005, and September 6, 2005, the Lake Elmo City Council reviewed the recommendations of the Lake Elmo Planning Commission along with revised OP concept plans for Deer Glen; and

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extension will be considered after the dedication of a utility easement across the Church's property consistent with the location of a planned 16" water line; and

WHEREAS, on August 3, 2013, the Hidden Meadows 2nd Addition Plat became void for failure to extend the plat in a timely manner;

WHEREAS, on November 24, 2015, Rockpoint Church applied for a three year extension to the final plat submittal to allow a perspective buyer time to close on the purchase of the development property or to find an alternate buyer if the property does not sell; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby deny the request for a 3 year plat extension for Hidden Meadows 2nd Addition.

This resolution was adopted by the City Council of the City of Lake Elmo on this 19th day of January, 2016.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk