

**CITY OF CREDIT RIVER  
SCOTT COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2024-11**

**A RESOLUTION AMENDING AND REPLACING RESOLUTION 2023-14  
APPROVING A PRELIMINARY PLAT FOR A DEVELOPMENT KNOWN AS THE  
RANCH OF CREDIT RIVER SECOND ADDITION**

**WHEREAS**, the City of Credit River is a Minnesota Municipal Corporation, duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

**WHEREAS**, William A. Feldman, (the “Developer”) is the owner of certain real property located in the City of Credit River, State of Minnesota, (the “Subject Property”) legally described as follows:

The East Half of the Northeast Quarter (E1/2 of NE1/4) of Section 29, Township 114, Range 21.

And

Also including the East Half of the East Half of the Southeast Quarter (E1/2 of E1/2 of SE1/4) of Section 29, Township 114, Range 21, EXCEPTING therefrom that part platted as TERRITORY FIRST ADDITION.

and

Outlot A, THE RANCH OF CREDIT RIVER, according to the recorded plat thereof, Scott County, Minnesota.

and

The South sixty-six (66) feet of that part of the Southwest Quarter (SW1/4) of Section 28, Township 114, Range 21, lying West of the West line of Lot 2, Block 1, Zweber Acres, as extended, Scott County, Minnesota.

**WHEREAS**, the Developer has requested approval of a preliminary plat so as to allow the Developer to plat the property into various lots and outlots as shown on a preliminary plat for a development entitled The Ranch of Credit River Second Addition. The most recent revision of said preliminary plat and construction plans updated April 4, 2023 (unless otherwise noted) were prepared by Rehder and Associates, Inc. and containing the following sheets:

- a. Preliminary Plat

- b. Title Sheet (Sheet C0)
  - c. Grading, Drainage and Erosion Control Plan (Sheets C1 – C8)
  - d. Storm Sewer Profiles (Sheets C9 – C12)
  - e. Road Plan and Profiles (Sheets C13 – C19)
  - f. Details (Sheets C20-C22)
  - g. Tree Removal Plan (Sheets C23 – C26)
  - h. Signage Plan (Sheets C27 – C29)
  - i. SWPPP (Sheet C30)
- Stormwater Management Plan dated August 20, 2021

(the “Site Plans”); and

**WHEREAS**, the Planning Commission of the City did on December 9, 2022, conduct a public hearing in relation to the Developer’s request for a preliminary plat; and

**WHEREAS**, the Planning Commission of the City did on December 9, 2022 recommend approval of the preliminary plat to the City Council; and

**WHEREAS**, the Developer submitted a letter dated March 7, 2024 requesting an extension until May 1, 2025 to file an application for a final plat; and

**WHEREAS**, the City Council has considered the proposed application for a preliminary plat and it makes the following ***findings of fact***:

***Application***

1. The Developer submitted an application (“Application”) for a Preliminary Plat, that commenced review following completion of the Environmental Assessment Worksheet process. The project proposed under the Application is a residential neighborhood and related streets, utilities, and easements as shown on the Site Plans for development of the Subject Property and proposed to be platted as THE RANCH OF CREDIT RIVER SECOND ADDITION.
2. The Subject Property is bordered on the east by Vernon Avenue (CR 91), on the south by several rural residential lots, on the west by undeveloped property, and on the north by property that consists of the first phase of this neighborhood.

***Review Process***

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on December 9, 2022.
2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their December 9, 2022 meeting subject to the Developer submitting revised plans prior to City Council review and consideration.

3. These findings and resolutions are based upon the Council Memo dated April 27, 2021, the Staff Memo dated April 27, 2023, the Scott County Environmental Services Memo dated April 28, 2023 and the Scott County Engineering Memo dated February 15, 2023 and all documents referenced in the memos and the staff report, the favorable recommendation of the City Planning Commission, and such additional information and documentation which is presented to the City Council on May 1, 2023 will be the subject of a separate list prepared by the City Planner following the May 1, 2023 meeting.

### ***Comprehensive Plan***

1. The City's current Comprehensive Plan ("Comp Plan") was adopted in 2020 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's Thrive MSP 2040 plan and the systems statements issued by the Metropolitan Council.
2. The Comp Plan guides the Subject Property as Rural Residential.
3. The proposed application is consistent with the guidance in the Comp Plan.

### ***Subject Property Zoning***

1. The Subject Property is currently zoned Rural Residential.
2. The requested use of single-family homes is an allowed use in the Rural Residential Zoning District.
3. The plans prepared by the Developer, in combination with the conditions included within this resolution, will meet the requirements of the Zoning Ordinance.

### ***Traffic and Street Improvements***

1. The Subject Property is primarily accessed from Vernon Avenue (CR 91) via the roadway network in THE RANCH OF CREDIT RIVER.
2. Scott County Engineering provided a comment letter dated February 15, 2023 ("County Engineering Memo").
3. Direct access to Vernon Avenue will be provided via the construction of a road that intersects Vernon Avenue as the west leg of the current intersection of Vernon Avenue and 207<sup>th</sup> Street East as a requirement of the Development Agreement and approved plans for THE RANCH OF CREDIT RIVER.
4. Secondary access to the subdivision will occur in the future as roads are extended into adjacent parcels that connect with other existing development.

5. Existing parcels that are not part of this plat exist on the south side of this plat and are accessed from 210<sup>th</sup> Street East as well as an access easement over a portion of what will be this plat. 210<sup>th</sup> Street E is a platted road that has not been accepted by the City and is not maintained by the City, and it is substandard in both width and construction. The Developer has agreed to provide an access easement across Lot 5, Block 1 for the benefit of those existing parties that receive access through that easement, as well as the possible future benefit of the homes that front directly on 210<sup>th</sup> Street East in the event that they need an alternative access in the future.
6. With the improvements shown on the Site Plans and as amended by conditions of approval contained herein and within the Staff Memos, there is adequate road infrastructure to support the development as proposed in the Application.

***Utilities***

1. The lots on the property will be served by individual septic systems. The locations of these are discussed in a memo from Scott County Environmental Services dated April 28, 2023. Conditions can be placed on a preliminary plat approval to permit continued negotiation between the Developer and Scott County Environmental Services related to Lots 3 and 4, Block 2 prior to the recording of the final plat.
2. The lots will be served by individual wells.

**NOW, THEREFORE, BE IT RESOLVED** the preliminary plat is approved and will be effective upon completion of the following conditions:

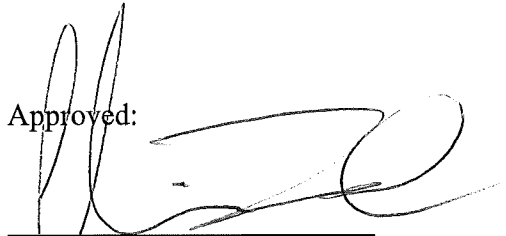
1. This resolution amends and replaces Resolution No. 2023-14 adopted on May 1, 2023.
2. All comments contained within the memo from the City Engineer and City Planner dated April 27, 2023 (referred to as the “Staff Memo”) are incorporated herein and shall be addressed by the Developer to the satisfaction of the City as a condition of preliminary plat approval.
3. All comments contained within the memo from Scott County Environmental Services dated April 28, 2023 and the Scott County Engineering memo dated February 15, 2023 (the “Scott County Memos”) are incorporated herein and shall be addressed by the Developer to the satisfaction of Scott County as a condition of preliminary plat approval. Compliance with County requirements may result in changes to or the removal of lots, outlots, or right-of-way, in which case the Developer shall revise the Final Plat as necessary.
4. Developer shall provide a perpetual access and maintenance easement across Lot 5, Block 1 to the properties that currently receive access from either 210<sup>th</sup> Street East or the existing access easement near the southern border of the Subject Property, which shall be provided to the City for review and approval prior to release of the Final Plat. Said easement shall be recorded together with the Final Plat.

5. Additional review is necessary between the City and Scott County Environmental Services before determining if the access easement on Lots 1 and 3, Block 2 will be required. If it is determined to be required, it shall be shown on the final plans and a perpetual access and maintenance easement shall be provided to the City for review and approval prior to release of the Final Plat. Said easement shall be recorded together with the Final Plat.
6. Developer shall provide a trail as discussed in the Staff Memo that shall be constructed at Developer's sole expense and shall be maintained by the Homeowners Association, unless determined differently by the City at the time of approval of the final plat. The location and composition of the trail shall be subject to the approval of the City.
7. The Developer was required by the Development Agreement for THE RANCH OF CREDIT RIVER to construct the intersection improvements at Vernon Avenue and 207<sup>th</sup> Street E including, but not limited to, acquisition of right-of-way and construction of turn lanes and was limited to twelve building permits for new homes until such time as the intersection was constructed. As that intersection is the sole access point for the lots in this plat, the Development Agreement for THE RANCH OF CREDIT RIVER SECOND ADDITION shall provide that no building permits may be issued until such time that the intersection improvements required in the Development Agreement for THE RANCH OF CREDIT RIVER and any Cooperative Agreement between the City and the County have been constructed.
8. The Preliminary Plat and Site Plans have not been approved for permitting by Scott County Engineering. Compliance with County requirements may result in the changes to or the removal of lots, outlots, or right-of-way, in which case the Developer shall revise the Final Plat as necessary.
9. The Developer shall provide an easement for temporary cul-de-sacs in a form acceptable to the City Engineer and City Attorney to be recorded with the Final Plat.
10. The Final Plat and Site Plans shall be revised as necessary and submitted to conform to the requirements of the Staff Memo, Scott County Memos, requirements of outside agencies and conditions of this Resolution. If the updated Site Plans addressing the comments of this Resolution, Staff Memos, Scott County Memos or other outside agencies necessitate revisions to any of the lot lines or easements on the Subject Property, then those revisions shall be incorporated into the Final Plat submitted by the Developer. Compliance with these requirements may result in changes to or the removal of lots, outlots, easements, or right-of-way, in which case the Developer shall revise the Site Plans and Final Plat as necessary in conformance thereto. If an off-site easement is required to address a comment, then a separate easement document shall be provided to the City for review and approval prior to release of the Final Plat for recording. Compliance with Staff Memos and Scott County Memos may result in a loss of Residential Lots.

11. The phasing and timing of the construction of the infrastructure improvements on the Subject Property will be subject to the conditions of a Development Agreement between the City and the Developer.
12. A title commitment shall be provided for the review of the City Attorney with the final plat application.
13. Homeowners association documents shall be submitted with the submittal of the final plat application for the review of the City and must be approved by the City before the final plat is released for recording.
14. The Developer must reimburse the City for all costs incurred by the City and its consultants in relation to review of the proposed development plans, inspection of improvements, and the preparation of the Development Agreement.
15. Developer shall be responsible for securing necessary easements and for constructing street and utility improvements as shown on the Site Plans and as required by the Development Agreement, unless otherwise agreed to with the City in writing. The cost of constructing improvements shown on the Site Plans shall be borne solely by the Developer, unless otherwise agreed to by the City or County and specified in the Final Plat Resolution, any Cooperative Agreement with the County and the Development Agreement. The location of stormwater improvements within the Subject Property shall be as approved by the City Engineer.
16. Utility lines are required to be placed underground at the sole expense of the developer.
17. The Developer shall be responsible for obtaining and complying with all necessary permits from any other governmental agencies.
18. The Developer may not commence construction of any improvements on the Subject Property until the Final Plat, any required easements and the Development Agreement have been recorded.
19. The Developer shall survey all storm water holding ponds as required by the City. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required, by the City prior to completion of the development of the Subject Property.
20. The approval of the preliminary plat shall terminate if an application for a final plat has not been submitted for by the Developer by May 1, 2025.
19. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney as review of the project progresses and is completed.

Adopted and approved by the City Council of the City of Credit River on a vote of \_\_\_\_ ayes and \_\_\_\_ nays effective on the 18<sup>th</sup> day of March, 2024.

Approved:

A handwritten signature in black ink, appearing to read 'Chris Kostik', written over a horizontal line.

Chris Kostik, Mayor

Attested:

A handwritten signature in black ink, appearing to read 'Cathy Reynolds', written over a horizontal line.

Cathy Reynolds, Deputy City Clerk