

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

**RESOLUTION NO. 2024-13**

**A RESOLUTION FOR APPROVAL OF AN AMENDMENT TO CONDITIONAL USE PERMIT  
#1257-C-7/8**

**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**, ME Development, (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:

Outlot K, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot J, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot L, TERRITORIES FIRST ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot A, TERRITORIES THIRD ADDITION according to the recorded plat thereof, Scott County, Minnesota

And

Outlot H, TERRITORIES THIRD ADDITION according to the recorded plat thereof, Scott County, Minnesota

**WHEREAS**, the Developer has requested approval of an amendment to Conditional Use Permit #1257-C-4/5 so as to allow the Developer to plat the property into an Open Space Design Development within the proposed plat for The Yellowstone of Credit River.

**WHEREAS**, the Planning Commission of the City did on January 18<sup>th</sup>, 2024, conduct a public hearing in relation to the Developer's request for a conditional use permit amendment; and

**WHEREAS**, the Planning Commission of the City did on January 18<sup>th</sup>, 2024 recommend approval of the amendment to the conditional use permit to the City Council; and

**WHEREAS**, the amended conditional use permit would apply to the following lots should approval of the preliminary and final plat be confirmed, legally described as follows:

Block 1 Lots 1,2,3,4,5, THE YELLOWSTONE OF CREDIT RIVER

Block 2 Lots 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17, THE YELLOWSTONE OF CREDIT RIVER

Block 5 Lots 9,10,11,12,13,14,15, THE YELLOWSTONE OF CREDIT RIVER

Block 7 Lots 1,2,3,4,5,6,7,8,9,10, THE YELLOWSTONE OF CREDIT RIVER

**WHEREAS**, the City Council has considered the proposed application for a conditional use permit amendment and it makes the following *findings of fact*:

1. The Developer submitted an application ("Application") for a Conditional Use Permit Amendment. The project proposed under the Application is an open space design development with residential neighborhood and related streets, utilities, and open space and recreation areas within the development proposed to be platted as THE YELLOWSTONE OF CREDIT RIVER.
2. The Subject Property was previously platted as the Territories of Credit River First and Third Addition, and the preliminary plat associated with the Conditional Use Permit expired in 2018.
3. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on January, 18<sup>th</sup> 2024.
4. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of the conditional use permit amendment at their January 18<sup>th</sup> meeting subject to the Developer submitting revised plans prior to City Council review and consideration.
5. These findings and resolutions are based upon the Planning Staff Memo dated March 27, 2024 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 April 1, 2024 will be the subject of a separate list prepared by the City Planner following the April 1, 2024 meeting.
6. 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.

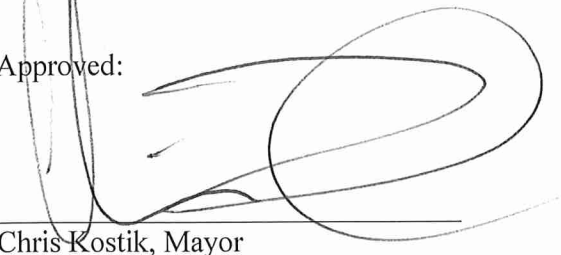
7. The proposed application is consistent with the guidance in the Comp Plan.
8. The property has an existing Conditional Use Permit from 2003 that allows Open Space Design Development on a portion of the property.
9. The plans prepared by the Developer, in combination with the conditions included within this resolution and the amended conditional use permit, will meet the requirements of the Zoning Ordinance.
10. The proposed trail adjacent to Dakota Avenue appears to meet the requirements for active recreational open space.
11. The proposed open space easement on the north side of Dakota Avenue, south side of Dakota Avenue, and the triangular lot on the southside of Block 7 Lot 4 appear to meet the requirements for accessible open space.
12. The proposed conservation easement located in portions of Block 7 Lots 4-10 appears to meet the general open space requirements.

**NOW, THEREFORE, BE IT RESOLVED** the conditional use permit amendment is approved subject to following conditions:

1. Adequate water supply, sewage treatment facilities and stormwater management facilities will be provided in accordance with applicable standards.
2. Upgrades and connections to the community sewage treatment system will be in full compliance with all requirements and permitting from the Scott County Environmental Services Department, Minnesota Pollution Control Agency, and the Subordinance Service District.
3. If the City does not take ownership of the open space easements it should be the full responsibility of the developer to maintain the areas to City standards.
4. The Preliminary and Final Plat approval for THE YELLOWSTONE OF CREDIT RIVER.

Adopted and approved by the City Council of the City of Credit River on a vote of 5 ayes and 0 nays effective on the 1<sup>st</sup> day of April, 2024.

Approved:



Chris Kostik, Mayor

Attested:



Cathy Reynolds, Deputy City Clerk