

**CITY OF COLOGNE  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 20-11**

**A RESOLUTION APPROVING A PRELIMINARY PLAT FOR A DEVELOPMENT  
KNOWN AS WINKLER CROSSING ADDITIONS**

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

**WHEREAS**, Winkler Crossing 2<sup>nd</sup>, LLC, a Minnesota limited liability company (the “Developer”) is the owner of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Outlot A, WINKLER CORSSING 2<sup>ND</sup> ADDITION, Carver County, Minnesota

(the “Subject Property”); and

**WHEREAS**, the Subject Property was included in a Planned Residential Development approved by the City of Cologne under Resolution No. 02-03, 2002 on April 15, 2002 (the “2002 PRD”); and

**WHEREAS**, the 2002 PRD contained various conditions related to the manner and terms under which development of this property was permitted to commence; and

**WHEREAS**, the Developer has applied for an amendment to the 2002 PRD in order to change the preliminary plat that was approved as part of the 2002 PRD (the “2002 Preliminary Plat”), which preliminary plat has expired; and

**WHEREAS**, changes in regulations warrant amendments to the 2002 PRD for the Subject Property; and

**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 Winkler Crossings Additions, the most recent revision of said preliminary plat updated April 8, 2020 (unless otherwise noted) was prepared by James R. Hill, Inc. and containing the following sheets:

- a. Title Sheet (Sheet 1.0)
- b. Existing Conditions (Sheet 1.1)
- c. Existing Drainage Map (Sheet 1.2)
- d. Proposed Drainage Map (Sheet 1.3)

- e. Preliminary Plat (Sheet 2.0) – revised March 18, 2020
- f. Erosion and Sediment Control Plan (Sheet 3.0)
- g. Erosion and Sediment Control Notes (Sheets 3.1 to 3.2)
- h. Erosion and Sediment Control Details (Sheet 3.3)
- i. Grading and Drainage Plan (Sheets 4.0 to 4.4)
- j. Utility Plan (Sheets 5.0 to 5.4)
- k. Construction Details (Sheets 6.0 to 6.1)
- l. Lot Phasing Plan (Sheet 1 of 1) – April 21, 2018
- m. Site Grading Phasing Plan (Sheet 1 of 1) – April 21, 2018
- n. Preliminary Landscape Plan (5 sheets) – April 20, 2020

(the “Site Plans”); and

**WHEREAS**, the Planning Commission of the City did on March 2, 2020, 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 May 4, 2020 recommend approval of the preliminary plat to the City Council; and

**WHEREAS**, various issues in relation to the Subject Property remain to be resolved and such resolution must occur before final plat approval, 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 an amendment to the planned unit development and a Preliminary Plat, with the final revised plan submittals being received by the City on April 8, 2020. 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 WINKLER CROSSING ADDITIONS.
2. The Subject Property is bordered on the south by 122<sup>nd</sup> Street, on the west by single-family homes and vacant property, on the north by undeveloped property, and on the east by undeveloped property.
3. Sanitary sewer and water utilities are proposed to be constructed by the Developer and dedicated to the City. Storm sewer utilities are proposed to be constructed by the Developer and dedicated to the City.

***Review Process***

1. Following appropriate published and mailed notice, a public hearing was held by the Planning Commission on March 2, 2020.

2. The Planning Commission, following receipt of public comments and deliberation on the proposed Application, recommended approval of preliminary plat at their May 4, 2020 meeting.
3. These findings and resolutions are based upon the Council Memo dated April 29, 2020, the City Planner Memo updated April 28, 2020, and the City Engineer Memos dated February 2, 2020 and revised memo dated April 17, 2020 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 4, 2020 which will be the subject of a separate list prepared by the City Planner following the May 4, 2020 meeting.

### ***Comprehensive Plan***

1. The City's current Comprehensive Plan ("2030 Comp Plan") was adopted in 2009 pursuant to Minnesota Statutes Section 473.859 to be in conformance with the Metropolitan Council's 2030 Regional Development Framework and the systems statements issued by the Metropolitan Council.
2. The Comp Plan guides the Subject Property as Low-Density Residential, and notes a planned park on the Subject Property
3. The proposed application is consistent with the guidance in the Comp Plan.

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

1. The property is currently zoned Planned Residential Development. The terms of the existing 2002 PRD are generally consistent with the R-1 zoning district as amended by the 2002 PRD.
2. The 2002 PRD utilized a coving plan for the arrangement of homes on the various lots. The amendment would no longer utilize coving.
3. For the purposes of review, the R-1 Zoning District was utilized to determine potential design characteristics that would vary under the terms of a proposed amended planned unit development.
4. The proposed base zoning district for the Subject Property of R-1 is consistent with the guidance in the Comp Plan.
5. The requested use of single-family homes is an allowed use in the R-1 Zoning District.

6. The proposed plan is in compliance with the requirements for the amendment of the 2002 PRD. The Subject Property does not contain sufficient size to be a stand-alone planned unit development separate from the 2002 PRD.
7. The developer requested multiple variations from the regulations of the Zoning Ordinance for the construction of a planned unit development.
8. Following review of the requested variations, the City finds that the proposed development is appropriate under the terms of the Zoning Ordinance, that the development is not less desirable because of the variations, and that the granting of the variations will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity.
9. Reductions in lot size and lot width are requested by the developer to enable a low-density single-family residential development to be designed and accommodated on the project site.
10. The plan as proposed meets the open space requirements.

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

1. The Subject Property is primarily accessed from 122<sup>nd</sup> Street.
2. The development proposed in the Application for the Subject Property did not require a Traffic Impact Analysis.
3. The City received various comments from the public related to the speed at which drivers travel on 122<sup>nd</sup> Street, and concerns for the safety of pedestrians in crossing 122<sup>nd</sup> Street to access the proposed park.
4. 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. At this time, sufficient wastewater capacity is available to service this development based on existing experienced per capita volume and other plant capacity limit requirements. In the event that the City experiences a change in measured performance of the existing wastewater treatment facility prior to an upgrade to the existing plant, actions may need to be taken to restrict additional connections to the sanitary sewer system until the capacity situation is upgraded.
2. Additional discussion is anticipated between the City and Developer prior to approval of a final plat related to the size and depth of sanitary sewer. This

discussion may result in changes to the final utility plans as compared to the preliminary utility plans.

3. The proposed extensions of water and sanitary sewer are adequate for the development proposed in the Application, subject to the comments contained in the Staff Memos.

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

1. The foregoing findings of fact are incorporated herein by reference.
2. Single-family homes are the permitted use on the lots on Blocks 1 through 10. The outlots are not permitted to be used for residential lots.
3. No lots or outlots are permitted to access directly onto 122<sup>nd</sup> Street.
4. Outlots A and B shall satisfy the open space requirements for the 2002 PRD. The Developer shall, simultaneously with the recording of the final plat for the first phase, convey to the City by warranty deed, free and clear of all liens and encumbrances, fee title to the property described as Outlots A and B on the Preliminary Plat (the "Open Space Property"). Conveyance of the Open Space Property to the City shall satisfy the open space requirements for both the 2002 PRD and this amended planned unit development of the Subject Property. The conveyance of the Open Space Property does not constitute parkland dedication, or satisfy any applicable parkland dedication requirements which requirements shall be satisfied as described in this resolution and in future resolutions for each phase of the final plats. The City will grant the Developer a right of entry to conduct grading and improvements on the Open Space Property as shown in the Site Plans.
5. All comments contained within the memos from the City Engineer dated February 2, 2020 and revised memo dated April 17, 2020 and the City Planner dated April 28, 2020 are incorporated herein (collectively referred to as the "Staff Memos").
6. The improvements to the Subject Property shall be constructed in substantial conformance with the Site Plans as revised to conform to the requirements of the Staff Memos.
7. If the updated Site Plans addressing the comments of the resolutions, Staff Memos, or 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 Carver County Watershed Management Organization ("CCWMO") requirements may result in a loss of Residential Lots.

8. To the extent that there are differences or conflicts between updated Site Plans and this resolution, the terms of this resolution shall be controlling unless and until modified by a final plat resolution.
9. The Site Plans have not been approved for permitting for the CCWMO. Compliance with these 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.
10. The timing of the construction of the infrastructure improvements on the Subject Property will be subject to the conditions of a Developer's Agreement between the City and the Developer.
11. A title commitment shall be provided for the review of the City Attorney with the final plat application.
12. 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 Developer's Agreement.
13. Developer shall be responsible for securing necessary easements and for constructing utility improvements as shown on the attached plans, unless otherwise agreed to with the City in writing. The cost of constructing utility improvements shown on the Site Plans shall be borne solely by the Developer, unless otherwise agreed to by the City and specified in the Final Plat Resolution and Development Agreement. However, to the extent that such utilities are oversized at the request of the City, the City shall reimburse the Developer for the cost of the extra diameter of the pipe. The location of such utility lines within the Subject Property shall be as designated and approved by the City Engineer.
14. The Subject Property may be final platted in phases, which are anticipated to be similar to the lot phasing shown in the Approved Plans. At the discretion of the City Council, the phasing may be changed from the lot phasing plan and must be approved by the City concurrent with final plat review and approval for the first phase. Prior to the release of the Final Plat for recording, a Developer's Agreement must be entered into which Agreement(s) will include, but not be limited to, the following:
  - a. PRD details and information.
  - b. Street and utility construction details, processes, plans and financial guaranties.
  - c. Park dedication requirements.
  - d. All required approvals from other governmental agencies.
  - e. Final grading and drainage plans.
  - f. Maintenance requirements during construction.
  - g. Landscaping plans.



- h. Financial guaranties.
  - i. Other planning and engineering items, as appropriate.
- 15. The pond and infiltration basin shown in Outlot B shall be constructed in the first phase unless approved differently later by the City Council.
- 16. The Developer shall be responsible for obtaining and complying with all necessary permits from the Metropolitan Council, Minnesota Department of Health, DNR, Carver County Watershed Management Organization, PCA, MnDOT, and any other governmental agencies.
- 17. The Developer shall complete construction, site restoration and erosion control in accordance with all permitting agency requirements including but not limited to MPCA-NPDES, CCWMO, and City Standards.
- 18. The Developer may not commence construction of any improvements on the Subject Property until the City Engineer has approved both the detailed grading plan and the detailed construction plan and issued written confirmation to the City and the Developer of the approval of such plans.
- 19. The lowest floor elevations and garage floor elevations for each building pad on each separate lot must be shown on the grading plan. The lowest floor elevation shall be at least two (2) feet above the calculated high water level of the storm water detention ponds from a one hundred (100) year, twenty-four (24) hour storm event, or one (1) foot above the EOF for the area, whichever is higher. Residences and garages shall not be constructed within twenty-five (25) feet of the calculated high water level of any storm water detention pond on a one hundred (100) year, twenty-four (24) hour storm event.
- 20. The Developer must submit details on corrected building pads including compaction tests, limits of the pads and elevations of the excavations. The general soils report for the development must also be submitted to the City Engineer for review and approval prior to the issuance of building permits.
- 21. Map updating fees shall be paid prior to the release of the final plat for recording. Fees shall be paid by the Developer for each lot and outlot contained with the Subject Property as per the City fee schedule in effect at the time of the execution of the Developer's Agreement for each phase of final plat recorded. The Developer shall submit the plat, construction, and as-built plans in the electronic format required by the City Engineer.
- 22. Park dedication requirements shall be met for each phase prior to the release of the final plat for recording. Park dedication shall be satisfied through a combination of improvements made to Outlot B and payment-in-lieu of dedication. Improvements required with each phase shall be as follows:

- A. Phase 1: Construction of a bituminous parking lot, a bituminous access drive from 122<sup>nd</sup> Street to the parking area and the sewer stub as shown on the Approved Plans.
- B. Phase 2: Purchase and installation of playground selected by City, unless previously purchased or installed by the City.

If the cost of the improvements as determined by the City Engineer for any phase exceeds the value of park dedication fees owed for that phase, the Developer shall be granted a credit for park dedication that will be carried over to the next phase of the plat. The cost of the improvements shall not include costs for grading or installation of six (6) inches of topsoil and seed mix approved by the City Engineer, all of which shall be completed at the sole expense of the Developer. The value of park dedication fees for any phase shall be calculated by multiplying the number of lots platted in each respective phase by the park dedication fee in effect at the time of recording of the final plat. The Development Agreement for each phase shall specify the park dedication requirements and carry-over credits, if any.

- 23. Trails within the development shall be constructed at the sole expense of the Developer as shown on the Site Plans. The trails shall be installed with the following phases:
  - A. The trail in Outlot A shall be constructed with Phase 1.
  - B. The trail in Outlot B located commencing at Outlot A and ending at Street D shall be constructed with Phase 1.
  - C. The trail in Outlot B commencing at 122<sup>nd</sup> Street and ending at the intersection with the trail in paragraph b above shall be constructed with Phase 1.
  - D. The trail in Outlot B commencing at Winkler Trail North and ending at the intersection with the trail in paragraph b above shall be constructed with Phase 2.
  - E. A trail in Phase IV between lots connecting between Prairie View Drive and the western border.
- 24. Civil defense siren fees shall be paid prior to the release of the final plat for recording as per the City fee schedule in effect at the time of execution of the Developer's Agreement.
- 25. Street lights shall be installed by the developer and lights selected shall be consistent with those in Winkler Crossing 2<sup>nd</sup> Addition. Streetlights will be maintained by the City if they are done in accordance with the provisions of the street light maintenance plan that the City has in effect.
- 26. 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.
- 27. Each residence constructed within any lot within the Subject Property shall have drain lines and sumps which must include an operable sump pump which shall be hard plumbed to the exterior, discharging through a drain tile to either a stormwater pond



or to a tile connection in the right-of-way. Any deviation from this requirement must receive written prior approval of the City Engineer. These improvements must be constructed by the Developer or, if the Developer sells any lot to any builder, the Developer's purchase agreement with such builder must obligate the builder to construct the drain tiles, sump, and install the sump pump in the manner set forth herein.

28. In relation to landscaping, the Developer shall cause the following to occur:
- A. Until sod is installed as required herein, the Developer shall provide for silt fences (as an erosion control measure) to be installed within ten (10) days after small utilities are installed in the boulevard.
  - B. At the time each single-family residence is constructed, sod shall be installed from the curb back to the rear lot line. The sod must be installed within sixty (6) days of the issuance of a Certificate of Occupancy, unless the Certificate of Occupancy is granted after September 15<sup>th</sup> in a given year in which case the sod must be installed by July 15<sup>th</sup> of the following year.
  - C. To the extent sidewalks are required in a given phase, the sidewalk must be constructed at the same time the streets are constructed. Sod shall be placed between the curb and sidewalk and for two (2) feet on the house side of the sidewalk within thirty (30) days after the issuance of a Certificate of Occupancy, unless a certificate of occupancy is granted after September 15<sup>th</sup> in a given year, in which case the sod must be installed by June 15<sup>th</sup> of the following year.
  - D. Sod from the curb to four (4) feet away from the curb line shall be installed within thirty (30) days after the issuance of a certificate of occupancy, unless a certificate of occupancy is granted after September 15<sup>th</sup> in a given year, in which case the sod must be installed by June 15<sup>th</sup> of the following year.
  - E. Comply with all requirements of the preliminary landscape plan dated April 20, 2020.

The obligations of the Developer to install landscaping, sod and trees are the sole responsibility of the Developer and are not relegable to the homeowner.

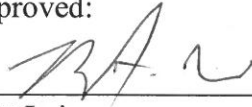
29. The Developer shall pay for the production and installation of all required City street signs. In addition, the Developer shall provide a street lighting system in accordance with City and electric company standards. The street lighting system shall be completed and energized for each phase of the Subject Property at the earliest of the following events:
- A. When the Developer has applied for building permits upon 10% of the lots in each phase, or
  - B. One year from the date of the approval of the final plat for each phase.
30. The City projects that sufficient wastewater capacity is available to service this development based on existing experienced per capita volume and other plant capacity limit requirements. In the event that the City experiences a change in measured

performance of the existing wastewater treatment facility prior to an upgrade to the existing plant, building permits may cease to be issued until the capacity situation is upgraded.


31. The approval of the preliminary plat shall terminate if either a final plat has not been approved or a Developer's Agreement has not been entered into between the City and Developer in the timeframe as required by the Subdivision Ordinance.
32. Grading on the Subject Property may be commenced subject to the conditions of a Grading Permit Agreement between the City and the Developer, and City staff is authorized to negotiate and execute such Grading Permit Agreement. If Developer proceeds with grading prior to the approval of (i) final plat and (ii) revised Site Plans for the Subject Property as required by Condition #10, Developer is proceeding at their own risk.
36. 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 Cologne on a vote of 5 ayes and 0 nays effective on the 4<sup>th</sup> day of May, 2020.

Approved:

  
\_\_\_\_\_  
Matt Lein  
Mayor

Attested:

  
\_\_\_\_\_  
Michelle Morrison  
City Clerk

M/ Kells

Lein yes

Szaroletta yes

Kells yes

S/ Lenzen

Bruss yes

Lenzen yes