

RESOLUTION NO. R2018 - 049

**A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING THE
PRELIMINARY PLAT OF WINDERMERE SOUTH FIRST ADDITION.**

WHEREAS, D.R. Horton, Inc. - Minnesota, applicant and Joe Theis, property owner, have made application for Preliminary Plat of Windermere South; and

WHEREAS, the property upon which the request is being made is legally described as:

Outlot A, Theis Highlands 1st Addition; and

WHEREAS, all required public notices regarding the public hearing for the Preliminary Plat were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

WHEREAS, the Planning Commission held a public hearing and reviewed the Preliminary Plat on April 5, 2018.

WHEREAS, the City Council reviewed the Preliminary Plat on April 17, 2018.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Shakopee, Minnesota that the Preliminary Plat of Windermere South is hereby approved subject to the following conditions:

I) The following procedural actions must be completed prior to the recording of a Final Plat:

- A. Approval of title by the City Attorney.
- B. Provide electronic files (AutoCAD and Portable Document Format) of the Final Plat to be recorded with datum on the Scott County coordinate system.
- C. Park dedication fees in the amount required by the City Code and adopted City fee schedule shall be paid prior to the recording of the final plat: A total of 6.32 acres of land or \$843,720 in cash dedication is required. The developer has provided 5.42 acres of park space in Outlot B, resulting in a required balance of 0.94 acres. Based on the cash dedication calculation, the cash equivalent of 0.94 acres has been calculated to be \$125,490.
- D. Easements will be shown on the Final Plat as approved by the City Engineer. They include, but are not be limited to, the following:

1. Once adequate utility plan and profile sheets are prepared, the applicant will verify appropriate drainage and utility easements for public sanitary sewer, storm sewer and watermain systems are provided. The minimum widths of drainage and utility easements are set forth in Section 10.1 (A-D) of the City of Shakopee Design Criteria.
 2. Provide a minimum of 15 feet of drainage and utility easement adjacent to all of CSAH 15 (Marystown Road) and CSAH 78 (130th Street) rights-of-way.
 3. Provide a minimum of 10 feet of drainage and utility easement adjacent to the Windermere Way right of way, even in the outlots.
 4. Provide a minimum of 5 feet of trail/sidewalk easement adjacent to the entire length of the westerly right-of-way of Windermere Way, the northerly right-of-way of 128th Street (Street 5), the westerly right-of-way of Street 4 and the easterly right-of-way of Street 8.
 5. Provide a 15-foot trail/sidewalk easement along the entire property frontage along CSAH 15 (Marystown Road) and CSAH 78 (130th Street).
- E. Execution of a Developer's Agreement, which needs to include provisions for security for public improvements within the subdivision and payment of the Street and Utility Fee and the Watermain Fee.
- F. The applicant must pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule:
1. Storm Water Management Plan Review Fees.
 2. Trunk Sanitary Sewer Charge.
 3. Trunk Storm Water.
 4. Sign Installation Fee.
 5. Bituminous Sealcoat Fee.
- G. The applicant will submit a detailed contractor's bid for all public improvements associated with this subdivision.
- H. The applicant will submit a detailed lot area drawing showing the total plat area, the total drainage and utility easement area encompassing high water levels of wetlands/storm water basins, the total area of right-of-way, the total area of conservation easements and outlots, the total area of bituminous street and the total area of lots.
- I. The current utility plan shows a stretch of unlooped watermain near pond 2 in Outlot B. This needs to be mitigated with a 8 inch parallel to the 12 inch in Windermere Way or move the watermain between Lots 8 & 9 of Block 5 further to the North. All watermain located in the side yards must have minimum 20-foot wide easements centered on the pipe.
- J. Watermain must extend to the far SE and SW property corners of the property for connection to future watermain south of CSAH 78.
- K. The applicant must submit a detailed wetland delineation report/review and application to document the existence/nonexistence of wetlands onsite. This application needs to be reviewed by members of a TEP and needs to be approved by the City of Shakopee acting in its role as the LGU for administration of the WCA.
- L. Should wetlands exist in the subdivision, the applicant will provide the required buffers, dedicate adequate outlots or conservations easements to encompass the buffers and wetlands and provide signage per requirements set forth in Chapter 54.32 of the City of Shakopee Code of Ordinances.

- M. The applicant must, at a minimum, obtain conditional approval of the subdivision's storm water management plan.
- N. The applicant must submit a detailed geotechnical report outlining any groundwater encountered as well as infiltration rates in appropriate locations.
- O. The applicant will provide additional right-of-way in the form of sight triangles 15 feet in dimension at every intersection.
- P. Outlot H and Outlot I must be incorporated into future development lots as development progresses west.
- Q. Coordinate with the gas company to shift Street 8 west as far as the gas company allows and is feasible with proposed utilities.
- R. Show 10 feet of drainage and utility easement along Street 8 in Outlot H and Outlot I.
- S. The proposed Outlot G needs to be eliminated and incorporated into the adjacent lots.
- T. Reconfigure Street 2 to provide lots that back up to the proposed storm ponds along Marystown Road. Outlots D and E should be eliminated and ponds incorporated into the adjacent lots with drainage and utility easements encompassing the 100-year high water level.
- U. Backyard storm sewer should be eliminated, to the extent possible. Lateral lines with backyard catch basins will be allowed but trunk lines should be located in public right-of-way.
- V. Pond 3 EOF is directed to an adjacent property. This must be addressed via drainage easement or redirecting the EOF.
- W. There is a concern with the placement of Ponds/Infiltration Basins 3 and 4. The location could limit the development potential on adjacent properties. This must be addressed.
- X. There is a concern that Pond/Infiltration Basin 2 is higher than the adjacent road. This must be addressed.
- Y. All roads must be centered in the public right-of-way.
- Z. The maximum allowable sanitary sewer depth is thirty (30) feet.
- AA. Sidewalks and trails shall be shown as indicated on the Trails & Sidewalks Plan.

II. Following approval and recording of the final plat, the following conditions shall apply:

- A. The developer shall contact SPU directly for specific requirements related to municipal water service, underground electric service, and street lighting installation for this project. The developer will be responsible for complying with their standard terms and conditions, installing a lateral water main distribution system in accordance with utility policy, paying the associated inspections costs, granting any necessary easements, paying the Trunk Water Charge, paying the Water Connection Charge, entering into an Underground Distribution Agreement and paying all associated fees.
- B. Grading for future trails along CSAH 78 and CSAH 15 shall be required, with the developer to provide escrow funds for the construction of these future trails.
- C. The applicant shall install park signage and posts as determined to be needed by the city. The city shall provide the signage and posts.
- D. All trails and sidewalks shall be constructed to meet ADA requirements/guidelines.

III. The following conditions need to be addressed/completed prior to approval of a grading permit, a street and utility plan, and/or a building permit:

- A. The applicant shall grade the entire site, as proposed on the approved plans, in one phase within one (1) year from the date of approval of the grading permit application. Grading is defined as bringing the site to the proposed finished grade with materials deemed acceptable by the City of Shakopee engineering department, providing topsoil per City requirements and applying seed, mulch and/or sod per City requirements and providing an as-built record grading plan per Section 2.5 of the City of Shakopee Design Criteria.
- B. All plans must receive final approval prior to any construction.
- C. The applicant will submit detailed pavement design calculations.
- D. The applicant must obtain final approval of the subdivision's storm water management plan.
- E. The applicant must obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage card and letter must be provided to the city.
- F. The applicant shall provide a sign and street lighting plan.
- G. The applicant must enter into a Construction Management Agreement with the City of Shakopee. A copy of the agreement can be obtained from the Public Works Department.
- H. Record plans need to be provided per the City of Shakopee Design Criteria, Section 2.5 and Section 11.2 (A-L). The record plans need to be submitted to the engineering department.
- I. Specific performance/design standard details will be reviewed for compliance with the City Code Section 151.034 & Section 151.105 at the time of any building permit application(s). Variances to allow 7 ½ foot side yard setbacks for all lots were approved, and Variances for lots less than 60 feet in width were approved for the following lots:
 - 1. Lots 2-9 & 16-26, Block 9;
 - 2. Lots 6, and 12-15, Block 10; and
 - 3. Lots 13-22, Block 11.
- J. The number of water service connections may be limited by the Shakopee Public Utilities Commission until a Shakopee Public Utilities water tower and pumphouse are operational in 2nd high pressure zone.
- K. Domestic water service and fire protection is not available until Shakopee Public Utilities Booster Station is operational.
- L. Any field accesses to CSAH 78 and CSAH 15 along the property shall be completely removed from the right-of-way and graded to match the existing ditch.
- M. Noise issues may arise as traffic volumes increase on the County roadway over time. Noise attenuation for the new homes is the responsibility of the developer.
- N. No ponding, berming, landscaping, or signage shall be permitted within the County right-of-way.
- O. Any work within the County right-of-way shall require a County permit.
- P. Any stormwater entering the County right-of-way shall require detailed stormwater calculations to be submitted to the County Engineer for review and approval.

- Q. The developer shall participate in CSAH 78, CSAH 15 and Zumbro Avenue (inc. south of CH78) improvements, including information such as grading limits, drainage, right-of-way need, intersection street lights and cross sections.
- R. Street 8 will be a State Aid route. The plans should be designed to State Aid standards.
- S. The applicant will line the proposed storm water treatment basin(s) with a minimum of two (2) feet of clay up to the normal water level. However, this depth can be reduced to one (1) foot if the material meets certain specifications set forth by the City Engineer.
- T. Fieldstone riprap and geotextile fabric must be placed at each flared end section. The riprap and fabric will be installed to the bottom of the storm water basin.
- U. The applicant must seed the disturbed storm water basin area with a native vegetation. The seed mixture, application and maintenance requirements will be determined by the City Engineer or their assign.
- V. The applicant must install trunk sanitary sewer to the south property line as directed and approved by the city engineer.
- W. Retaining walls 4 feet or greater in height must have a design certified by a registered professional engineer.
- X. The applicant must provide vertical street curves that comply with city requirements, unless otherwise approved by the city engineer.
- Y. The applicant must submit a small utilities joint trench design and detail.
- Z. The applicant must submit a landscaping plan in compliance with the most recent version of the City of Shakopee's Easement Fencing and Landscaping Policy.
- AA. Conditions noted in the Stormwater Review Memo (Kirby Templin, March 26, 2018, attached) shall be addressed in the Final Plat Submittal.

Adopted in Regular session of the City Council of the City of Shakopee, Minnesota, held on the ____ day of _____, 2018.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

PREPARED BY:
City of Shakopee
129 Holmes Street South
Shakopee, MN 55379