



STAFF REPORT

DATE: 4/08/2019
BUSINESS ITEM
ITEM #: 5A
MOTION

TO: Planning Commission
FROM: Ken Roberts, Planning Director
SUBJECT: **Easton Village 5th Addition Final Plat**
REVIEWED BY: Jack Griffin, City Engineer

BACKGROUND:

The Planning Commission is being asked to consider a Final Plat request from Chase Development for the 5th Addition of Easton Village, a planned 217 unit residential development. The 5th Addition includes 48 single family home lots that are located on 17.57 acres to the north of Easton Village 4th Addition. Staff is recommending approval of the request subject to compliance with the conditions listed in this report.

ISSUE BEFORE COMMISSION:

The Commission is being asked to recommend approval or denial of the Final Plat request for the 5th Addition of Easton Village based on its consistency with the approved Preliminary Plat (revised on 6/21/2017).

PROPOSAL DETAILS/ANALYSIS:

General Information.

Applicant: Chase Development, 2140 West County Road 42, Burnsville, MN
Property Owners: Easton Village, LLC (Tom Wolter) 2140 West County Road 42, Burnsville, MN
Location: Outlots D, E, F, G and H, Easton Village 3rd Addition
Request: Application for final plat approval of a 48 unit residential subdivision to be named Easton Village 5th Addition.
Zoning: LDR – Limited Density Residential
Surrounding: North – vacant/agricultural land (RT – Rural Transitional) across the Union Pacific Railroad; West – single family home, City park, natural vegetation (PF – Public and Quasi Public Open Space; South – Easton Village 4th Addition (under construction) (LDR – Limited Density Residential); East – Outlots D, G and J, Easton Village (east of Village Parkway) (LDR – Limited Density Residential) and Lake Elmo Airport across Manning Avenue (Baytown Township).
Comp. Plan: Village Urban Low Density Residential (1.5 - 2.49 units per acre)

History: The property for the Easton Village development was included in Village Planning Area boundary and municipal sewer service area as defined in the 2013 Village Land Use Plan. The site had been used for farming activities, including the growing of agricultural crops. Sketch Plan review by Planning Commission on 1/27/14 with Preliminary Plat approval on July 15, 2014. 1st An AUAR for the Village Planning area was approved by the City in May of 2009. 1st Addition approval on March 3, 2015, 2nd Addition approval on May 2, 2017, and 3rd Addition approval on July 18, 2017. Preliminary Plat revised approved on 6/21/2017. 4th Addition final plat approval occurred on May 15, 2018.

Action Deadline: Application Complete – March 12, 2019
60 Day Deadline – May 10, 2019
Extension Letter Mailed – No
120 Day Deadline – NA

Regulations: Chapter 153 – Subdivision Regulations
Article 10 – Urban Residential Districts (LDR)
§150.270 Storm Water, Erosion, and Sediment Control

Consistency with Preliminary Plat.

- *Revised Preliminary Plat.* Before the 1st Addition Final Plat approval, the developer revised the approved Preliminary Plat in December of 2014 to address the following:
 - The need to reconfigure the temporary access into the subdivision.
 - Revisions to the grading plan.
 - Adjustments to the property boundaries adjacent to the gas line that bisects the site.
 - The provision of a slightly larger buffer from the railroad tracks.
 - Revisions to the storm water management plan.
 - With the 2nd Addition, the developer again revised the preliminary plat. A condition of 2nd Addition approval was that the revised Preliminary Plat and Plans be approved before submittal of the 3rd Addition.
- *Lot Sizes.* The proposed lot areas and widths in the 5th Addition are generally consistent with the revised and approved preliminary plat. The smallest proposed lot size is 8,114 square feet, meeting the required minimum lot size of 8,000 square feet and all the lots meet or exceed the minimum requirement of 60 feet of width at the setback line.

Outlots. The applicant is not proposing any new outlots within the 5th Addition. Outlot A will be HOA owned and maintained. The City will require a drainage and utility easement over all of Outlot A.

Parkland. The Applicant platted outlots with 3rd Addition to indicate phasing for the rest of the development. Outlots I and J were dedicated to the City with the 3rd Addition for stormwater management purposes and parkland. The dedication of these outlots as parkland satisfied the remaining parkland dedication requirements for the entire development.

Engineering Comments. The City Engineer has reviewed the Final Plat, and these comments can be reviewed in the attached Easton Village 5th Addition Final Plat Engineering comments review memo dated April 3, 2019. It is a recommended condition of approval that the developer incorporate all the requested changes and conditions of the City Engineer in their final project plans.

Temporary Cul-de-Sac and Road Connection. The Applicant has proposed a temporary cul-de-sac at the north end of Village Parkway where the new road meets the railroad tracks. The City will require the applicant to construct Village Parkway in accordance with the Village Parkway typical section and design standards (including a trail and a sidewalk) without a temporary cul-de-sac. The City will require the contractor to install Type III barricades to prohibit traffic on this stretch of street until the City can complete the UPRR crossing.

In addition, the City will require the developer to connect the private driveway for 11361 Upper 33rd Street and the Northern Natural Gas property at 11371 Upper 33rd Street to the proposed 34th Street cul-de-sac, immediately following the placement of bituminous base course along 34th Street North. The project engineer must revise the construction plans to address the construction details for the private driveway connections and the construction phasing.

Landscape Plans. The landscape plans have been reviewed by the City's Landscape Architect. He is recommending changes to plans to meet the original conditions of approval for Easton Village. I have included his comments for your consideration.

Street Naming. There are no other streets in the City with the name Lilac Avenue and so this street name is consistent with the City's Street Naming Policy. All the other proposed street names are consistent with City standards.

Fire Chief Review. The City's Fire Chief reviewed the proposed final plat and offered two comments. They were:

- Review final hydrant placement with Engineering.
- Ensure appropriate parking signage for road width.

Final Plat Approval Process. The City's subdivision ordinance establishes the procedure for obtaining final subdivision approval, in which case a final plat may only be reviewed after the City takes action on a preliminary plat. As long as the final plat is consistent with the preliminary approval, it must be approved by the City. Please note that the City's approval of the Easton Village Preliminary Plat did include a series of conditions that must be met by the applicant, which are addressed in the "Review and Analysis" section below. The City does not require a public hearing as part of a final plat review and approval process.

In order to provide the Planning Commission with an update concerning the conditions associated with the preliminary plat for Easton Village, staff has prepared the following:

Preliminary Plat Conditions – With Staff Update Comments (updated information in bold italics):

- 1) Within six months of preliminary plat approval, the applicant shall complete the following: a) the applicant shall provide adequate title evidence satisfactory to the City Attorney; and b) the applicant shall pay all fees associated with the preliminary plat. The above conditions shall be met prior to the City accepting an application for final plat and prior to the commencement of any grading activity on the site. *Comments: a) all title work will need to be submitted and reviewed by the City Attorney before City officials sign the final plat; b) the applicant has submitted an escrow payment with Final Plat application that is being used to cover Staff and consultant expenses related to the City's review.*

- 2) The grading plan shall be updated to include the protective tree fencing necessary to preserve all vegetative areas identified for protection around the 5.15 acre residential parcel to the west of the subdivision. ***Comments: The applicant updated the grading plan accordingly. All disturbed areas are shown on the plan, and the applicant will need to replace disturbed trees in accordance with the City's tree replacement schedule. There is no tree protection or removal in the 5th Addition.***
- 3) The applicant shall work with the City and Washington County to identify and reserve sufficient space for a future trail corridor along the western right-of-way line of Manning Avenue. ***Comments: The proposed Manning Avenue right-of-way is consistent with County requirements, as the planned roadway segment includes room for trails on one or both sides of the right-of-way. The County's future plans for Manning Avenue include a trail along the western side of this road. This condition is not applicable to 5th Addition.***
- 4) The applicant shall submit a landscape plan prepared by landscape architect for review and approval by the City. The landscape plan submittal will include a tree protection and replacement plan consistent with City ordinances. ***Comments: The applicant submitted updated Preliminary Landscape Plans dated 12/17/2014 with the application for 1st Addition Final Plat. Revised landscape plans were submitted with the 2017 Preliminary Plat revisions. The applicant submitted landscape plans for 5th Addition that the City's Landscape Architect will be reviewing.***
- 5) The final plat will incorporate all review comments from the City's landscape architect, including the selection and mix of plantings within storm water basins and infiltration areas. ***Comments: Please see above condition.***
- 6) The landscape plan shall include additional plantings around the Northern Natural Gas utility site. ***Comments: This condition applies to 5th Addition as the utility site is north of the west end of 34th Street North and west of Lots 6-10, Block 2. The City's Landscape Architect will need to approve the planting plans for this part of the development.***
- 7) The proposed access to Manning Avenue will be permitted as a temporary access until such time that the Village Parkway is connected to 30th Street. The construction plans will be updated to reflect the temporary nature of this street. ***Comments: The applicant asked during the 1st Addition Final Plat that this provision be updated to state that the temporary access will be allowed for a minimum of five years. Staff was supportive of this revision and has updated the proposed conditions the 1st Addition Final Plat approval to reflect the change. This condition is not relevant to the 5th Addition Final Plat.***
- 8) The applicant shall be responsible for the construction of all improvements within the Manning Avenue (CSAH 15) right-of-way as required by Washington County and further described in the review letter received from the County dated June 24, 2014. ***The final construction plans for the 1st Addition were updated to incorporate the required improvements to Manning Avenue. This condition is not relevant to the 5th Addition final plat.***
- 9) The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act, and shall acquire the needed permits from the appropriate watershed districts for the storm water management system prior to the commencement of any grading or

development activity on the site. **Comments: The Applicant has been granted a Valley Branch Watershed District permit.**

- 10) The applicant shall enter into a maintenance agreement with the City that clarifies the individuals or entities responsible for any landscaping installed in areas outside of land dedicated as public park and open space on the final plat. **Comment: A Landscape License Agreement was executed for the 1st, 2nd, 3rd and 4th Additions and will be for the 5th Addition.**
- 11) The developer shall provide an updated accounting of the land to be dedicated for park purposes prior to submission of a final plat. If required, the developer shall be required to pay a fee in lieu of park land dedication equivalent to the fair market value for the amount of land that is required to be dedicated for such purposes in the City's Subdivision Ordinance less the amount of land that is accepted for park purposes by the City. Any cash payment in lieu of land dedication shall be paid by the applicant prior to the release of the final plat for recording. **Comments: The park dedication requirements for the entire Easton Village development is 9.84 acres of land, representing 10% of the development area. The dedication of Outlots I and J with the 3rd Addition Final Plat satisfied the park dedication requirements for the entire development.**
- 12) Any land under which public trails are located will be accepted as park land provided the developer constructs said trails as part of the public improvements for the subdivision. **Comments: There is a public trail with this phase of the development. It will run from the west end (at the cul-de-sac on 34th Street North) to the east and north behind the lots and on the north side of Lilac Avenue Alcove to Village Parkway. The City will need to determine the final end and connection points of the trail on the west end.**
- 13) All required modifications to the plans as requested by the City Engineer in a review letter dated June 26, 2014 shall be incorporated into the plans prior to consideration of a final plat. **Comments: The applicant submitted revised preliminary plans that were approved by the City dated February 22, 2019. The City will require the final plat/plans to be consistent with the approved preliminary plans and the review comments of the City Engineer from his review memo dated April 3, 2019.**
- 14) The City and developer will determine the appropriate distribution of future costs associated with the Village Parkway railroad crossing improvements as part of a developer's agreement for any portion of Easton Village. **Comments: Staff will be drafting a developer's agreement for consideration by the Council that will incorporate a section dealing with this provision.**
- 15) The developer shall address any comments from Metropolitan Airport Commission as part of a final plat submission for any portion of Easton Village. MAC will be asked to comment on the landscape plan, and the plan shall be revised to address any specific comments concerning the appropriate vegetation to be planted within storm water facilities. **Comments: MAC has provided a review of the updated plans and provided comments to the developer in a letter dated December 8, 2015. This letter contains recommended mitigation strategies to reduce the attractiveness of the storm water retention and infiltration areas for waterfowl. Other recommendations from MAC have been incorporated into the applicant's landscape plans. Mac's comments about noise mitigation and notification about the airport are relevant to the 5th Addition Final Plat.**

- 16) The landscape plan shall be revised to eliminate all trees planted within the Lake Elmo Airport Regulatory Protection Zone. ***Comments. The Preliminary and 1st Addition landscape plans have been updated accordingly. MAC's comments are not relevant to the 5th Addition.***
- 17) The final plat shall include a paved trail connection between Lots 13 and 14 of Block 3. ***Comments: This condition is not relevant to the 5th Addition Final Plat. This trail was removed with 2nd Addition approval.***
- 18) The applicant shall submit written acknowledgement from the property owner of the parcel immediately to the south of Easton Village concerning the storm water being outlet running into their property. ***Comments: Since the approval of the preliminary plat, the applicant has met with the watershed district, county, and Gonyea Homes to discuss the proposed storm water management system along Manning Avenue. This condition is not relevant to the 5th Addition Final Plat.***
- 19) The applicant is encouraged to incorporate elements from the Lake Elmo Theming Study into the open space areas within the subdivision. ***Comments: This was Staff recommendation at the time of Preliminary Plat to encourage the applicant to utilize a white "horse fence" with landscaping in order to address the comments from MAC to provide a barrier around the storm water ponds. This fence was not erected, but instead additional landscaping was installed to provide screening. The applicant's landscape plan for the 1st Addition incorporated elements from the theming study, including the proposed entrance monument sign. This condition is not relevant to the 5th Addition Final Plat.***
- 20) The developer shall obtain all required permits from Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site. ***Comments. Northern Natural Gas provided review comments to the developer in has submitted final construction plans to the gas company for review, and will need to abide by any conditions imposed by Northern Natural Gas. The applicant has not yet provided copies of these permits for the 5th Addition, and so it has been added as a recommended condition of approval that this be done.***
- 21) The developer shall be required to extend sewer to the northernmost boundary of the site. ***Comments. The Easton Village Trunk Sewer Line project has been completed and has extended sanitary sewer service to the northern boundary of the plat, connecting to the sewer line recently installed by the City of Lake Elmo under the railroad tracks that continues further north (and connects to the 39th Street line installed by the City).***

Based on the above Staff report and analysis, staff is recommending approval of the Easton Village 5th Addition final plat with several conditions intended to address the outstanding issues noted above and to further clarify the City's expectations in order for the developer to proceed with the recording of the final plat.

DRAFT FINDINGS

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed Easton Village 5th Addition Final Plat:

- 1) That all the requirements of City Code Section 153.07 related to the Final Plan and Final Plat have been met by the Applicant.

- 2) That the proposed Final Plat for Easton Village 5th Addition consists of the creation of 48 lots for detached single-family homes.
- 3) That the Easton Village 5th Addition Final Plat is generally consistent with the Preliminary Plat and Plans as approved by the City of Lake Elmo on July 15, 2014 and as amended to comply with conditions of preliminary plat approval with the exceptions of issues identified in the March 31, 2019 Staff report to the Planning Commission.
- 4) That the Easton Village 5th Addition Final Plat is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 5) That the Easton Village 5th Addition Final Plat complies with the City's Urban Low Density Residential zoning district regulations.
- 6) That the Easton Village 5th Addition Final Plat complies with all other applicable zoning requirements, including the City's landscaping, storm water, sediment and erosion control and other ordinances with the exception of the issues identified in this staff report to the Planning Commission.
- 7) That the Easton Village 5th Addition Final Plat complies with the City's subdivision ordinance.
- 8) That the Easton Village 5th Addition Final Plat is generally consistent with the City's engineering standards with the exception of necessary plan revisions outlined by the City Engineer in his review comments to the City dated April 3, 2019.

Recommended Conditions of Approval:

- 1) Final grading, drainage, and erosion control plans, sanitary and storm water management plans, landscape plans, and street and utility construction plans shall be reviewed and approved by the City Engineer and applicable staff before the recording of the Final Plat. All changes and modifications to the plans requested by the City Engineer in the memorandum addressing Easton Village 5th Addition Final Plat and Construction Plan Review dated April 3, 2019 and those of the City's Landscape Architect dated March 29, 2019 shall be incorporated into these documents and plans before the City will approve the plans.
- 2) Before the execution of the Final Plat by City officials, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements for the Easton Village 5th Addition Final Plat with financial guarantees therefore. Payment for pipe oversizing from the City standard 8-inch watermain to the required 12-inch watermain shall be addressed in the developer's agreement.
- 3) All easements as requested by the City Engineer and Public Works Department shall be documented on the Final Plat before its execution by City Officials.

- 4) The final grading plans must provide a sufficient emergency overland flow path that is adequately protected by lot easements from the Outlot A drainage area to prevent this area from being landlocked and thereby becoming a flood threat to adjacent properties. The extent of the required easement for this purpose over Lot 1, Block 3 may render this lot unbuildable unless an improved design can be worked out and approved by the City Engineer.
- 5) A Landscape License Agreement shall be executed for the maintenance of commonly held HOA and City outlots and right-of-ways before release of the final plat by City Officials.
- 6) The applicant shall provide a disclosure statement to all first homeowners in the development advising of the location of the Lake Elmo Airport and associated over-flights.
- 7) All builders shall be encouraged to incorporate interior noise reduction measures into single family residential structures within the subdivision based on the Metropolitan Council's Builder Guide.
- 8) The developer shall provide copies of the Northern Natural Gas permits to the City and shall abide by any conditions of approval as listed in permits issued by Northern Natural Gas to perform construction work over the gas line that runs from north to south across this site.
- 9) The developer shall maintain the temporary secondary access to Village Parkway in the 4th Addition until a permanent 35th Street North is constructed to connect to Village Parkway and the contractor has placed the wear course of bituminous on the streets within the 5th Addition. Lot 13, Block 3 of the Easton Village 4th Addition shall remain platted as outlots (Outlots A and B) owned by the developer with a temporary road access granted to the City until such time as the City accepts 35th Street North.
- 10) That the development improvements include the connection of the private driveways from 11361 Upper 33rd Street and the Northern Natural Gas property at 11371 Upper 33rd Street to the proposed 34th Street cul-de-sac, immediately following the placement of bituminous base course along 34th Street North.
- 11) Final Plat approval shall be contingent upon the development improvements including the installation of bituminous trail and a concrete sidewalk along Village Parkway and the developer extending a 12-inch watermain to the northerly plat limits along Village Parkway.
- 12) The applicant/developer shall revise the landscape plans to meet the conditions of approval of the preliminary plat and the changes required by the City's Landscape Architect as outlined in his memo dated March 29, 2019.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the Easton Village 5th Addition Final Plat with the conditions of approval as listed in the staff report. Suggested motion:

“Move to recommend approval of the Easton Village 5th Addition Final Plat with the conditions of approval as listed in the staff report.”

ATTACHMENTS:

1. Narrative dated March 12, 2019
2. 2 City Maps
3. Easton Village Final Plat (4 pages)
4. City Engineer Review Memo dated April 3, 2019.
5. Landscape Architect review memo dated March 29, 2019.