



STAFF REPORT

DATE: 5/29/2019

REGULAR

ITEM #: 4A

TO: City Council
FROM: Ken Roberts, Planning Director
AGENDA ITEM: **Four Corners 2nd Addition** – Easement and Right-of-Way Vacations and Final Plat
REVIEWED BY: Jack Griffin, City Engineer
Ben Prchal, City Planner

BACKGROUND:

The City has received a request from Terry Emerson for approval of the vacation of easements and a road right-of-way and Final Plat for a commercial development to be known as Four Corners Second Addition. This proposal includes the realignment of Hudson Boulevard and the creation of several lots for commercial development (including a lot for park and ride lot) for the property generally on the northwest corner of Manning Avenue and Hudson Boulevard North.

The City Council approved the Concept PUD plans for this site on July 17, 2018.

On March 19, 2019, the City Council approved a preliminary plat, preliminary PUD plans and a zoning map amendment for the Four Corners Second Addition. This approval was subject to 20 conditions of approval.

ISSUE BEFORE THE PLANNING COMMISSION:

The Commission is being requested to review, hold a public hearing and make recommendations to the City Council about the proposed vacations and on the Final Plat for the proposed Four Corners Second Addition.

PROPOSAL DETAILS/ANALYSIS:

General Information.

- *Property Owner:* Terry Emerson, 2204 Legion Lane Circle North, Lake Elmo, MN 55042
- *Location:* North of I-94/Hudson Boulevard and West of Manning Avenue North, lying east of 11530 Hudson Boulevard North
- *Current Site Area:* 56.9 acres
- *Land Use Guidance:* The 2030 Comprehensive Plan guides the eastern portion of the site as Commercial, and the western portion is guided as Business Park. The 2040 Comprehensive Plan guides the eastern part of the site as Commercial and the western part as Business Park.
- *Current Zoning:* Rural Development Transitional
- *Proposed Zoning:* Commercial

- *Current Surrounding Land Use Guidance:* Vacant land to the north (Rural Development Transitional); I-94 to the south (Woodbury); Stillwater School Bus facility and vacant land to the west (Rural Development Transitional); Manning Avenue to the east (West Lakeland).
- *History:* The property has been used as rural vacant land.
- *Application Timeline:* The City received the complete application on April 26, 2019. The 60-day review ends on June 24, 2019.

Overall Plan Review:

Subdivision and Right-of-Way Realignment. The proposed project plans show the applicant realigning Hudson Boulevard about 470 feet to the north from where it now intersects with Manning Avenue. This new street alignment has several advantages. It will have Hudson Boulevard lining up with the driveway for the Holiday Station on the east side of Manning Avenue, will provide more spacing between Hudson Boulevard and the on and off ramps to Interstate 94 and will create buildable lots and a storm water ponding area on the south side of Hudson Boulevard. The new alignment also provides street access to the property to the north of the site from the new Hudson Boulevard. City and County staff support this realignment design.

As shown, the relocated Hudson Boulevard will be located in a 100-foot-wide right-of-way that will accommodate drive lanes, turn lanes, sidewalks and trails and utilities. The City Engineer's report dated May 20, 2019, includes the following review comments about the required right-of-way dedication and improvements for transportation. He noted that there may be a need for additional right-of-way along Manning Avenue, sight triangle right-of-way and additional intersection improvements at Hudson Boulevard and Manning Avenue.

The proposed realignment, design details and standards will be subject to the approval of the City Engineer, Washington County and MnDOT.

Site Data. The entire subdivision area is 56.9 acres which includes all of Lot 1, Block 1, Outlots A, B and C and the right-of-way for Hudson Boulevard.

Lot Sizes. The lots within the development will have a range of widths and sizes. As proposed, the lots would be 2.42 acres, 5.66 acres, 7.92 acres and 36.39 acres in area. As proposed and expected commercial sites, the developer had each lot shown on the preliminary plat and PUD plans for a specific uses or functions.

Outlots. As proposed, Outlot B is expected to have commercial development, Outlot C is intended for a storm water ponding area and the uses for Outlot A are unknown at this time. The developer is proposing to own Outlot C and keep it private for storm water ponding purposes. The developer does not have any definitive uses or users for Outlots A and B, so they will need City approval of final PUD plans and a final plat outlot as each outlot proceeds through the City review process toward development.

Urban Services Required. Because the property is within the MUSA, any development of the property will require that the property be hooked up to city services (sanitary sewer and water). Therefore, the developer has submitted utility (sanitary sewer and water) and other construction plans to the City for approval as part of the overall project approval process.

Sidewalks and Trails. The City/County Comprehensive Trails Plans show the need for a trail along the entire length of Hudson Boulevard in Lake Elmo. The City is planning to have 8 foot-wide trails along the north side of Hudson Boulevard to meet this need. The City will require the developer to install this trail as part of the realignment and reconstruction of Hudson Boulevard.

Parkland Dedication. The City requires commercial development to provide fees to the City in lieu of parkland dedication. The City will require the developer or applicant to pay these fees before recording the final plat of each phase of the development. The current City parkland dedication fee for commercial properties is \$4,500 per acre. For this phase, the developer is creating several outlots and one lot for building (Lot 1, Block 1) that will be 5.66 acres. At \$4,500 an acre, the total park charge with this final plat is \$25,470.00

Consistency with Preliminary Plat. (Final Plat Review):

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 Four Corners Second Addition Preliminary Plat included a series of conditions that must be met by the applicant, which staff has addressed 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 Four Corners Second Addition, staff has prepared the following:

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

1. The Final Plat and PUD Plans include a portion of PID# 34.029.21.43.0003.

This condition has been met.

2. That City approve a zoning map amendment to rezone Outlots A and B and Lot 1, Block 1 of the plat to C (commercial).

This condition has been met.

3. The Final Plat and PUD Plans shall identify proposed land uses, and those land uses shall accompany a detailed site plan to be approved by the City. Any use that is not designated on the Preliminary Plat and PUD Plans and is not designated as a permitted use within the Commercial zoning district shall require a conditional use permit.

The applicant noted in their project narrative that they are planning commercial land uses for Outlots A and B, a Metro Transit Park and Ride Facility is proposed for Lot 1, Block 1 and a storm water pond will be on Outlot C.

4. That the applicant submit and the City approve updated preliminary plat and PUD plans that meet all city conditions of approval before submitting a Final Plat application and final PUD plans to the City.

It is recommended condition of approval for the Four Corners Second Addition final plat that the applicant address all items outlined in the City Engineer's memo dated May 20, 2019 for the final plat.

5. Before the execution of a final plat for any phase of the development by the City, the developer or applicant shall enter into a development agreement with the City for that phase according to the City Attorney and shall be approved by the City Council. This agreement shall delineate who is

responsible for the design, construction and payment for the required improvements with financial guarantees therefore.

City staff will be working with the applicant to prepare a Development Agreement for City Council consideration and approval.

6. The Final Plat and PUD Plans shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement. The City must approve any proposed amenities as part of the development approval process.

The applicant is aware of this requirement. City staff will be verifying the amount of open space and amenities with each building or development plan within the plat.

7. The Final Plat and PUD Plans should detail proposed amenities in exchange for flexibility from standards of the Zoning Code.

City staff will be verifying the proposed amenities with each building or development plan within the plat.

8. The Final Plat and PUD Plans shall comply with comments outlined in the City Engineer Review Memo dated May 20, 2019.

It is recommended condition of approval for the Second Addition final plat that the applicant address all items outlined in the City Engineer's memo for the Final Plat dated May 20, 2019.

9. The Final Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water as well as sanitary sewer and water capacity demands. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost. Sanitary sewer and water main stubs will be required to all adjacent properties.

The proposed construction plans include sanitary sewer and public water along and in Hudson Boulevard.

10. The Final Plat and PUD Plans shall include right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue.

The applicant has indicated to staff that he has an agreement with the property owner to the north to plat and build Hudson Boulevard as proposed – including on the neighboring property. The City will verify this approval before allowing the applicant to record the final plat or to construct Hudson Boulevard. This approval may require signed agreements from the adjacent property owner and/or his signatures on the final plat before the recording of the final plat at Washington County.

11. The Final Plat and PUD Plans shall include a storm water management plan including a summary report describing the overall management plan and performance criteria for all required storm events.

The applicant's project engineer has submitted a storm water management plan to the City and VBWD and permits from the VBWD and MnDOT will be required before the construction plans will be approved by the City Engineer.

12. The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District and MnDOT approval before starting any grading or construction activities.

The applicant is aware of this condition and staff is recommending that the City require this as a condition of approval for the final plat and prior to recording the final plat.

13. Storm water facilities shall be privately owned and maintained. A maintenance agreement in a form acceptable to the City shall be executed and recorded with the final plat.

Staff will be preparing such an agreement for the applicant to record with the final plat.

14. The Final Plat and PUD Plans shall include tree planting and landscape plans for each lot and building site or project phase to be approved by the City's Landscape Architect.

City staff will be reviewing the tree planting and landscape plans for each lot and building site as they proceed through the City review and approval process to ensure they meet or exceed the City's tree and landscaping standards.

15. The Final Plat and PUD Plans shall include architectural renderings for each lot and building site.

City staff will be reviewing the architectural plans for each lot and building site within the plat as they proceed through the City approval process to ensure they meet the City's design standards.

16. The Applicant(s) or developers shall submit a photometric plan for each lot and building site. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.

City staff will be reviewing the photometric plan for each lot and building site within the plat as they proceed through the City approval process to ensure each the lighting plans meet all City standards.

17. That the developer provide the City fees in lieu of park land dedication as required by 153.15 of the City Code with final plat.

City staff will include the required park dedication fees in the development agreement for this project.

18. The Applicant shall meet all requirements and requests of Washington County including the needs and requirements for drainage, right-of-way, turn lanes and trails.

City staff and the applicant will verify that all conditions of Washington County have been met before the applicant records the final plat.

19. The applicant shall meet all the requirements of MNDOT as outlined in their comments dated February 15, 2019.

City staff will require documentation that the applicant and the project plans have met all the requirements of MN/DOT.

20. That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of fire hydrants, driveway design and emergency vehicle access within each building site.

City staff will be reviewing the site and building plans for each lot and building site within the plat to ensure that all plans meet the requirements of the Fire Chief and the Building Official.

Engineering Comments.

The City Engineer prepared review memos for the final plat and for the construction plans (dated May 20, 2019) for the Four Corners Second Addition. I have attached his final plat review memo for your reference. In these memos he notes several conditions that the applicant and project engineer will need to complete before the applicant may proceed with this project including the need for easements within and adjacent to the development site. Many of these are conditions and issues the City raised during the review and approval of the preliminary plat for this site.

EASEMENT AND ROAD RIGHT-OF-WAY VACATIONS:

Right-of-way and Easement Vacations: There are two public rights-of-way the developer will need to have vacated as part of the approvals of the final plat for this development. The first is an existing 60-foot-wide right-of-way lying between the existing Hudson Boulevard and the north side of I-94 (near the proposed lot line between Lot 1, Block 1 and Outlot C) (owned by MNDOT) and the other is the existing Hudson Boulevard right-of-way lying west of Manning Avenue. The City will not need either of these rights-of-ways after the new Hudson Boulevard and the new lots and easements are dedicated to the public with the final plat.

Minnesota Statue outlines the provisions for vacating a public right-of-way or easement. It states in part that “Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.”

The timing of the right-of-way vacation, road construction and the recording of the final plat will need to be coordinated and implemented to ensure the City’s interests and needs are met and protected. The City Attorney has reviewed this matter and provided staff with the following information:

The resolution approving the vacation of the road should be conditioned upon the following:

1. The final plat of Four Corners being approved by the City Council and recorded at Washington County. The final plat must include the dedication of the relocated (new) Hudson Boulevard; and
2. The developer constructing the relocated Hudson Boulevard and the City accepting the relocated (new) Hudson Boulevard.

Once both of the above-listed items are complete, the vacation will be effective. The City should not record the Resolution vacating the current Hudson Boulevard until the vacation is effective.

The City Attorney also noted that at the time the vacation is effective, the City Council should adopt a resolution accepting the relocated road and declaring that both of the conditions of the vacation (as noted above) have been met. This resolution will provide confirmation from the City that is of record that the conditions have been met and the vacation is effective.

RECOMMENDED FINDINGS. Staff recommends approval of the Four Corners Second Addition Final Plat based on the following findings:

1. That the City approved the Four Corners Second Addition Preliminary Plat and PUD Plans on March 19, 2019 and the submitted final plat is generally consistent with the city-approved preliminary plat and PUD plans.
2. That the Applicant has submitted all application requirements outlined in Section 153.10: Application Requirements for Final Plat approval.
3. That the proposed Final Plat is consistent with the intent of the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
4. That the proposed Final Plat meets the general intent of the Commercial zoning district with PUD modifications.
5. That the Four Corners Second Addition Final Plat complies with all other applicable zoning requirements, including storm water, sediment and erosion control and other ordinances with the exceptions identified in this staff report to the Planning Commission.
6. That the Four Corners Second Addition Final Plat generally meet the City's Subdivision regulations.
7. That the proposed Four Corners Second Addition Final Plat is generally consistent with the City's engineering standards with exceptions as noted in the City Engineer's memorandum dated May 20, 2019.

Recommended Conditions of Approval: Staff recommends the Planning Commission recommend approval of the requested Four Corners Second Addition Final Plat with the following conditions:

- 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 Four Corners Second Addition Final Plat and Construction Plan Review dated May 20, 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 Four Corners Second Addition Final Plat with financial guarantees therefore.
- 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, or dedicated to the City in the City's standard form of agreement and be fully signed by all parties prior to recording the final plat.
- 4) That the applicant/developer meet all requirements and requests of Washington County including the needs and requirements for drainage, right-of-way, turn lanes and trails. The developer shall provide the City written verification from Washington County that sufficient right-of-way has been provided on the plat along with a sufficient right-of-way easement along Manning Avenue before plat recording. Before construction, the plan section detailing southbound right turn lanes and center left turn lanes on Manning Avenue at Hudson Boulevard must be submitted and approved by the county traffic engineer, applicable Washington County right-of-way permits must be obtained, drainage report and calculations must be submitted, and access control shall be dedicated to Washington County along CSAH 15/Manning Avenue frontage. The Applicant shall be solely responsible for all construction costs associated with the intersection improvements as recommended by Washington County.

- 5) That the applicant/developer pay the City the required parkland dedication fees in lieu of park land dedication applicable to this phase of the development (\$25,470.00) before the City releases the final plat for recording.
- 6) The Final Plat and PUD Plans for each building site shall provide the required 20% open space within the development or specify what the proposed public or site amenity the development will provide that the City may consider as an alternative to the open space requirement. The City must approve any proposed amenities as part of the development approval process for each lot or building site.
- 7) The Final Plat and PUD Plans for each building site shall detail proposed amenities in exchange for flexibility from standards of the Zoning Code.
- 8) The Final Plat and PUD Plans shall include provisions for City sanitary sewer and municipal water. The Applicant shall be responsible to extend City sanitary sewer and municipal water to the site at the applicant's cost, including all oversize costs. Sanitary sewer and water main stubs will be required to all adjacent properties.
- 9) The Final Plat and PUD Plans shall include right-of-way and easements from the adjacent property to the north to allow for the Hudson Boulevard realignment at Manning Avenue. The owner/applicant must submit such documentation before the city releases the final plat for recording. An off-site roadway and utility easement to be acquired from the adjacent property north of the plat to accommodate the Hudson Boulevard realignment at the intersection with Manning Avenue (CSAH-15). A roadway and utility easement with 80-foot right-of-way is to be provided to facilitate a public street connection from the adjacent property to the north to Hudson Boulevard at the first intersection west of Manning Avenue (CSAH 15). In addition, the applicant/developer shall provide a drainage and utility easement for the drainage ditch on the north side of Hudson Boulevard, for the storm sewer pipe stubs from STMH18 and CB27 and an on-site and off-site drainage and utility easement for the existing 100-year HWL ponding. Written landowner permission must be submitted to the City as part of the final plat and construction plan approval for any off-site grading work, easements and storm water discharges to adjacent properties.
- 10) The Applicant shall obtain all necessary permits including but not limited to all applicable city permits (building, grading, sign, etc.), NPDES/SWPPP permits and Valley Branch Watershed District and MnDOT approval before starting any grading or construction activities.
- 11) Storm water facilities shall be privately owned and maintained. A maintenance and easement agreement in a form acceptable to the City shall be executed and recorded with the final plat.
- 12) The Final Plat and PUD Plans for each lot shall include tree planting and landscape plans for each building site or project phase to be approved by the City's Landscape Architect.
- 13) The Final Plat and PUD Plans for each lot shall include architectural renderings for each lot and building site.
- 14) The Applicant(s) or developers shall submit a photometric plan for each lot and building site. All lighting must meet the requirements of Sections 150.035-150.038 of the City Code.
- 15) The applicant shall meet all the requirements of MNDOT as outlined in their comments dated February 15, 2019.
- 16) That the applicant or developer address all the comments of the Fire Chief and the Building Official with final site and building plans including the placement of fire hydrants, driveway design and emergency vehicle access within each building site.

RECOMMENDATIONS:

Staff recommends that the Planning Commission recommend approval of the proposed vacation of road right-of-way and easements for Hudson Boulevard as shown on the Vacation Exhibit dated January 23, 2019.

“Move to recommend approval of the request for the vacation of part of the Hudson Boulevard road right-of-way and the easements as shown in the vacation exhibit dated January 23, 2019.”

Staff recommends that the Planning Commission recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval listed in the staff report. Suggested motion:

“Move to recommend approval of the Four Corners Second Addition Final Plat with the recommended findings and conditions of approval as listed in the staff report.”

ATTACHMENTS:

- 3 City Maps
- Final Plat Narrative dated May 6, 2019
- Approved Preliminary Plat
- Proposed Final Plat
- Right-of-way Vacation/Jurisdiction Map
- Lake Elmo Easement Vacation Map
- City Engineer Final Plat Review memo dated May 20, 2019
- MnDOT Review memo dated February 15, 2019
- Washington County review memo dated February 22, 2019