



**AGENDA STATEMENT NO. 17-1**  
**BUSINESS OF THE PLANNING COMMISSION**  
 City of Victoria, Minnesota

**STAFF REPORT**

**TO:** Planning Commission

**PREPARED BY:** Erin Smith,  
Senior Planner

**RE:** Waterford Landing Project – Rezoning and Conditional Use Permit related to creation of a PUD and Preliminary Plat related to the property at 1001 Highway 7.

**MEETING DATE:** January 17, 2017

**GENERAL INFORMATION:**

**Applicant:**

Casco Ventures (Developer)

**Requested Action**

Recommendation of Approval Related to:

- Rezoning of Property and Conditional Use Permit to change zoning of R to include a PUD overlay
- Preliminary Plat (Public Hearing)

**Location and Size:**

Property is generally located in the southwest corner of the Highway 7 and Country Road 13 intersection. The south side of the property abuts Schutz Lake. Total acres involved in the sketch plat include 20.65 acres more or less, with estimated net acreage of property exclusive of right of way, bluff areas, and public outlots equals 13.26 acres.

**Proposed Density:**

2.41 units per acre

**LAND USES AND ZONING:**

Location	Existing Land Use	Comprehensive Plan	Current Zoning
Property in Question	Residential District – Undeveloped	Park & Open Space / Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	Residential *R-PUD
North	Bayview Neighborhood	Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	Lake Minnetonka Residential
South	Schutz Lake	Lakes	N/A
West	Three Rivers Park District	Park & Open Space	Agriculture
East	Schutz Lake Shores Development	Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	Residential

(\*)= PROPOSED

## BACKGROUND

The subject property is currently undeveloped and zoned for residential use. The property has unique factors including existing wetlands, tributaries, bluffs and shoreland overlay due to the property having lakeshore on Schutz Lake. The property is guided for single-family residential development at a density of 1.5-5.9 units per acre in the Comprehensive Plan.

A sketch plat of 33 detached villa lots was presented to the Planning Commission and City Council on September 6<sup>th</sup>, 2016 and a neighborhood meeting was held on August 30, 2016. Information presented at the sketch plat meeting included details of a private lake access for use of residents in the development with two pontoon boats to be managed by the HOA and used by residents. During the neighborhood meeting and sketch plat, the development team heard feedback from residents with concerns about run-off from the development impacting the lake as well as concerns with the currently quiet lake operating more like a marina due to the lake access within the development. The development team has worked to address concerns identified through the sketch plat process as reflected in the preliminary plat. Motorized boat access to Schutz lake will be limited to two boats provided for resident use by the development through covenants held by the home owners association and as determined and defined within the conditional use permit held with the city. The conditions as listed within the permit will continue with the property if ownership of the development changes in the future.

Notable changes from the time of the sketch plat includes one fewer lot, bringing the total to 32 detached villa lots, relocation and reconstruction of the lift station currently west of the proposed development, removal of the wood chipped trail through Outlot A and pervious materials throughout the private boat access that are cognizant of run-off concerns as heard from neighbors of the property.

The development is targeted primarily for an empty nester population looking for low maintenance living. A homeowner's association will complete lawn care, trash, and snow removal services for the development. Charles Cudd has partnered with the developer for construction of the proposed project.



**ABOVE:** Preliminary site plan of proposed development superimposed over aerial of property and surrounding area.

**LOTS, UNITS, & ZONING**

The proposed project is requesting a Planned Unit Development (PUD) overlay for the property to accomplish specific purposes as outlined in the Zoning Ordinance for PUDs. Based on the following information, the preliminary plat meets the intent of a PUD. Applicable information is as follows:

Section 109-564 The provisions of this article apply to the PUD. The purpose of the planned unit development is to provide or encourage the following:

- Energy conservation through the use of more efficient building designs and sitings and the clustering of buildings. Clustering may allow some reduction in side yard or building separation, if other purposes are satisfied, especially those dealing with preservation.

The proposed project utilizes reduced sideyard setbacks to create a cluster housing development. The siting of the homes allows for preservation of features unique to the site including wetlands, bluffs, and shoreline. Nearly half of the site will be preserved within outlots, both public and private, totaling 9.72 total acres or roughly 47% of the site.

- Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including steep slopes, poor soils and trees

Desirable site characteristics including steep slopes, trees, shoreland, and wetlands will be preserved via outlots on the site. The proposed lots within the development are all non-riparian which will allow for preservation of the shoreline. Outlot B will be held within a conservation easement to limit possible disruption of sensitive features.

- Development which is consistent with the comprehensive plan.

The density of the property aligns with the density as prescribed in the Comprehensive Plan.

Bulk Regulations related to the proposed Waterford Landing Planned Unit Development in relation to standard zoning are as follows:

Waterford Landing Villa Comparison

Bulk Regulation	Proposed PUD	Standard Zoning Requirements
Lot Size	9,300 square feet	17,500 square feet (Residential District)
Lot Width	60 feet	90 feet
Lot Depth	155 feet	135 feet
Front Yard Setback	25 feet	35 feet
Side Yard Setback	15 feet total; minimum 5 feet one side	15 feet
Building Separation	15 feet	N/A
Impervious Surface	55% per lot 30% of total development	30%
Ordinary High Water Level Setback	100 feet	100 feet

The proposed lots range in size from 9,437 square feet (.21 acres) to 15,663 square feet (.35 acres). Outlots A and C will be retained by the City due to existing wetlands and corresponding wetland buffer locations on the site. Outlot B will be private and maintained by the HOA. Outlot B will be within a conservation easement to preserve the bluff and other

sensitive areas within the outlot. The conservation easement will limit development within Outlot B. The proposed Lakeside Park could include a gazebo, a small water oriented accessory structure for storage of non-motorized boats and equipment as well as seating areas for residents to use.

### **STREETS, ACCESS & SIDEWALKS/TRAILS**

Access to the development will be provided via Highway 7. The proposed access point is a 2/3 access. MnDOT has indicated general support of the access on Highway 7 and the Preliminary Plat is currently under review.

The new public street is providing access to the property and is proposed at the standard right-of-way width of 60 feet and roadway width of 28 feet. In the future, the street could be extended to Rolling Acres Road should redevelopment occur on adjacent parcels to the east.

Sidewalk is anticipated on at least one side of the street and the development may include an informal nature path through Outlot B and the homeowner's association will complete any trail maintenance.

### **UTILITIES**

All public utility services will be extended throughout the plat to provide access to the proposed residential lots.

An 8-inch water main would be extended to the property from Highway 7.

As part of the preliminary plat, the development team is proposing to relocate the existing lift station the Waterford Landing development. It is anticipated that the lift station will be constructed with the intent to serve additional future development that could occur east of the property, towards Rolling Acres Road. The existing lift station on the adjoining property is in need of upgrade/maintenance. The City Engineer and Public Works Department will work with the development team as part of the final plat process to ensure the lift station is built to a standard that the city is comfortable with both in construction and maintenance. As part of the construction of the lift station, the developer will be installing a new force main from the lift station site, through existing drainage and utility easement on properties to the east where it will be connected to gravity sewer main on the east side of Rolling Acres Road (County Road 13).

Storm water will be designed and directed toward the storm water management facilities illustrated on the site plan sheet of the preliminary plat drawings within Outlot A. Existing drainage from the north side of Highway 7 currently drains through a wetland on the northern edge of the development and directly into the tributary north of Schutz Lake that drains toward Smittown Bay. This drainage pattern will remain largely unchanged through the development of the property. A significant portion of the property itself drains into wetlands bordering or adjacent to the eastern boundary of the site. As part of the site development, storm water will be directed to a proposed storm water pond and filtration system. From the new storm water pond, the water is proposed to be discharged into Schutz Lake near the proposed boat launch within Outlot B. The storm water management design is required, under Minnehaha Creek Watershed District rules, to address no net increase in peak runoff rate for a range of rainfall conditions (1-year, 10-year, 100- year rainfall events), demonstrate 0% increase of phosphorus into the lake, and volume control of abstraction of the first 1-inch of rainfall over impervious surface on the site. This is a more stringent requirement that would have been in place for the previous development proposal in 2007 (referred to as Lakeview Meadows), as well as other developments surrounding or tributary to Schutz Lake such as Parkside Estates, Swiss Mountain and Madelyn Creek. The proposed boat launch access from Waterford Lane is proposed to consist of 2 paved wheel paths with a grass pave application in the middle. The grasspave application is a porous materials proposed for the landing and turnaround area adjacent to the launch which is intended to infiltrate surface waters and minimize runoff that is directed toward the lake.

### **PARKLAND DEDICATION & IMPROVEMENT FEE**

Parkland dedication is required of all residential development in the City. One acre of land (or value) is required for dedication for every 75 residents that are anticipated to live within the development. The parkland dedication requirement for Waterford Landing is

calculated at the resident rate associated with both attached and detached townhomes based on the lifestyle associated with the development. The developer has chosen to provide cash in lieu of land dedication. Based on the unit type of the proposed development, dedication is calculated for 2 residents per unit. The formula is as follows:

$32 \text{ units} \times 2 \text{ residents per unit} = 64 \text{ new residents. } 64 \text{ new residents} / 75 \text{ residents per one acre required for dedication} = 0.85 \text{ acres of land.}$

The developer is electing to provide the parkland dedication fee in lieu of land dedication. Based on the calculation above, the parkland dedication fee is \$85,000.

The closest neighborhood park to the property is in the South Lake Virginia Shores Park, which is roughly 1/3 mile away from this development.

## **BUFFERS & LANDSCAPING**

The site has well-established woodland areas along the east and west portion of the property that is intended to be preserved through outlots maintained by the homeowners association or city. Outlots wrap the development on the north side of the property that abuts Highway 7 which will offer buffering for the development. A tree survey and preliminary landscape plan have been provided as part of the preliminary plat submission.

## **ADEQUATE PUBLIC FACILITIES**

Schools: This development is located within the Eastern Carver County School District. Staff will continue to update the School District on new development.

Weather Warning: The nearest weather siren is located northeast of the proposed plat at 1000 Bayview Drive

## **JURISDICTIONAL REVIEW**

Department of Natural Resources (DNR): The DNR reviewed the submitted project and has approved the PUD and preliminary plat stating that "the proposal is well designed and exceeds the requirements for Planned Unit Developments contained in the State Shoreland Rules." As part of the DNR's review and approval process, the developer will need to obtain final development approval prior to the City granting final plat approval of Waterford Landing.

Minnesota Department of Transportation (MnDOT): MnDOT has reviewed the submitted project and has given conditional approval the ¾ access for the development. Final design of the Waterford Lane and Highway 7 intersection will be completed and presented at time of final plat. The developer will be required to construct the project access in accordance with established MnDOT design standards.

Metropolitan Council (Met Council): Staff has discussed the proposed project with the Metropolitan Council staff as they provide for oversight of local comprehensive plan implementation through the sanitary sewer application and permit process. The Metropolitan Council has the ability to deny applications for sanitary sewer construction within the City of Victoria on projects that do not meet the established densities identified within the adopted comprehensive plan. Through discussion with the Metropolitan Council staff, the project was viewed as compliant with the established density for the property and staff was encouraged to look for additional density within the project if feasible, in order to satisfy the Met Council's objective for Victoria to develop at an average of 3 units per acre.

Minnehaha Creek Watershed District (MCWD): MCWD has been provided with a copy of the preliminary plat for Waterford Landing. The District reviews storm water management plans for development as well as general oversight of natural resources preservation. Based upon recent discussions with the District staff, the project as presented is in general conformance with District rules or has the ability to meet the rules without altering lot location or proposed infrastructure improvements. The District's practice is to provide preliminary approval only after a project has received preliminary plat approval from the local jurisdiction (City of Victoria). Staff would

anticipate the project receiving preliminary approval from the District within a couple weeks upon receiving preliminary plat approval by the Victoria City Council.

**NEIGHBORHOOD COMMENTS AND CONCERNS**

Primary concerns from neighboring property owners include degradation of Schutz Lake, the HOA maintained boat access and management and overall density of the project. The development team has worked to mitigate many of the concerns heard from lakeshore owners. Below are the demonstrated mitigation of neighborhood concerns by the development team:

Resident Concern	Development Mitigation
Degradation of Schutz Lake	<ul style="list-style-type: none"> <li>● Preservation of majority of lakeshore, bluff lines, and setbacks from impact zones</li> <li>● Limiting number of motorized boats – reduce chance of invasive species, pollutants, noise issues</li> <li>● Runoff from the lake access – porous materials used in construction of drive, landing and turn around</li> <li>● Future residents will not be permitted to launch motorized boats within the development</li> <li>● If developed with straight zoning: 4 riparian lots, 2,000 square feet of clearing within shoreland impact zone per lot permitted, could have multiple docks with multiple motorized boats</li> </ul>
HOA maintained boat access	<ul style="list-style-type: none"> <li>● Access will be restricted to residents of the development (and provide emergency access).</li> <li>● Management of boat access will be both within the city's conditional use permit and covenants for the development                             <ul style="list-style-type: none"> <li>○ Final draft of documents will be presented at the time of final plat</li> </ul> </li> </ul>
Project density	<ul style="list-style-type: none"> <li>● Proposed density is within the density range as prescribed by the Comprehensive Plan</li> <li>● In evaluating the preliminary plat and previous development concepts, it appears a PUD is necessary to see development on property that achieves the minimum 1.5 units per acre identified in the Comprehensive Plan.</li> </ul>

**MISCELLANEOUS**

The intended use of the lake access is to provide use for residents within the development in a controlled way to maintain the quiet culture on Schutz Lake. With the target market for the development being empty nesters looking for low maintenance living, the development team believes the two boats that the HOA will maintain will provide the residents with enough motorized access to the lake. As proposed, the lake access meets the preservation objectives within the Shoreland chapter of the city code and preserves a majority of the shoreline while using materials that are cognizant to the welfare of the lake in areas that will require hardcover.

Developing the property with straight residential zoning would allow four riparian lots directly abutting the Schutz Lake. Under this type of development, each individual riparian lot would have direct access to the lake with lake rights including the installation of dock(s) and the use of several motorized boats at each property. In order to provide four individual accesses to the lake, each property owner would be allowed to remove up to 2,000 square feet of vegetation within close proximity to the shoreline. Impacts could also include bluff alteration and other changes to sensitive areas between home sites and the lake. The proposed development is restricting the types of improvements and access to the lake that does not include such improvements seen elsewhere on the lake such as beaches, multiple docks on one property, swimming platforms, etc.

**PROCEDURES AND REQUESTED ACTION**

The Planning Commission will hold a public hearing on the preliminary plat. Though the public hearing is for the preliminary plat, it is anticipated that residents that choose to participate in the public hearing will also have comment about the rezoning of the property and the use of a PUD. The rezoning would result in the property moving solely from residential (R) district to a residential district with a Planned Unit Development overlay (R-PUD). Notice of the public hearing was published in the Chanhassen Villager on Thursday, January 5<sup>th</sup>, 2017 and mailed to 24 property owners within the required 600-foot requirement as set by the city code. Staff has provided email notices related to meeting dates and project details to a large number of lakeshore owners.

The requested action is to recommend approval to the City Council for a Conditional Use Permit allowing for the creation a Planned Unit Development Overlay and preliminary plat for the property located at 1001 Highway 7 in relation to the development Waterford Landing.

A majority vote (4/7 if all Commissioners are present) is required for the motion to carry. The preliminary plat is currently scheduled for the January 23<sup>rd</sup>, 2017 City Council meeting agenda.

### **STAFF RECOMMENDATION**

Through review of the submitted preliminary plat, the information meets the intent of the use of a Planned Unit Development and additional applicable sections of the city code. At this time staff is comfortable with the preliminary plat and would recommend approval of the Resolution of Recommendation attached to this staff report.

### **CITY OF VICTORIA**

Erin Smith  
Senior Planner

### **ATTACHMENTS**

- Exhibit A           Draft Resolution of Recommendation
- Exhibit B           Preliminary Plat
- Exhibit C           Draft Waterford Landing PUD Ordinance
- Exhibit D           Conceptual Building Elevations and Development Renderings
- Exhibit E           Example Rules and Regulations