



**AGENDA STATEMENT NO. 17-4**  
 BUSINESS OF THE PLANNING COMMISSION  
 City of Victoria, Minnesota

**STAFF REPORT**

**TO:** Planning Commission

**PREPARED BY:** Ben Landhauser,  
 Community Development Director

**RE:** Waterford Landing Project – Final Plat related to the property at 1001 Highway 7.

**MEETING DATE:** June 20, 2017

**GENERAL INFORMATION:**

**Applicant:** Casco Ventures (Developer)

**Requested Action** Recommendation of Approval Related to a Final Plat for Waterford Landing

**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 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 13.61 acres.

**Proposed Density:** 2.35 units per acre

**LAND USES AND ZONING:**

Location	Existing Land Use	Comprehensive Plan	Current Zoning
Property in Question	Single Residence	Park & Open Space / Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	R-PUD & SOD
North	Bayview Neighborhood	Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	LMR & SOD
South	Schutz Lake	Lakes	N/A
West	Three Rivers Park District	Park & Open Space	AG & SOD
East	Schutz Lake Shores Development	Low – Single Family Residential [Density Range 1.5 – 5.9 units/acre]	R-1 & SOD

(SOD)= Shoreland Overlay District (PUD) = Planned Unit Development



**LOTS, UNITS, & ZONING**

The proposed final plat is consistent with the approved Planned Unit Development (PUD) overlay for the property.

The approved zoning criteria for the project, also known as bulk regulations, are as follows:

Waterford Landing Bulk Regulations	Approved PUD
Lot Size	9,300 square feet
Lot Width	60 feet
Lot Depth	155 feet
Front Yard Setback	25 feet
Side Yard Setback	15 feet total; minimum 5 feet one side
Building Separation	15 feet
Impervious Surface	55% per lot 30% of total development
Ordinary High Water Level Setback	100 feet

The proposed lots range in size from 9,437 square feet (.22 acres) to 15,663 square feet (.36 acres). Outlots A and C will be retained by the City due to presence of wetlands and corresponding wetland buffer locations. Outlot B will be retained under the ownership of the Waterford Landing homeowners association (HOA). A significant portion of Outlot B will be preserved within a conservation easement to protect the existing bluff and other sensitive areas within the outlot. The conservation easement will limit development/improvements within Outlot B. The proposed private lakeside park is intended to include a gazebo, a small water oriented accessory structure for storage of non-motorized boats and equipment as well as seating areas for residents of Waterford Landing to utilize.

**STREETS, ACCESS & SIDEWALKS/TRAILS**

Access to the development will be provided via Highway 7. The proposed access point, along with more detailed plan set for the Access has been reviewed by MnDOT and has been revised from the ¾ access previously presented during the preliminary plat and is now designed to provide full access into and out of the property in accordance with the request from MnDOT for the full access design. MnDOT has approved the preliminary layout of the necessary Highway 7 widening and turn lanes associated with the full access and has approved incremental plan check points up to 90% design to this point. MnDOT has a plan review sequence for all projects proposed to improve state highways related to private development that requires certain percentage of completion to be submitted and approved in lieu of allowing a developer’s engineer to submit a 100% complete plan set right away. Based upon the approval of the 90% plan set, staff believes the developer will achieve final approval of a 100% complete plan set for the Highway 7 improvement sometime around August according to MnDOT’s review timing and sequencing.

The new public street, Waterford Lanewill serve as the primary access point 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 will be installed on the north and/or east side of the street. An access route from Waterford Lane to the private lakeside park area has been designed through Outlot B and the homeowner’s association will complete any maintenance of this route.

**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, via a directional bore under Highway 7, to the property and extended to the eastern boundary of the plat for future extension and looping of the main to Rolling Acres as redevelopment may occur to properties east of the site in the future.

The existing lift station serving properties on the north side of Schutz Lake will be removed and replaced with a new lift station within Outlot C of Waterford Landing. The existing lift station on the adjoining property is in need of upgrade/maintenance. The City Engineer and Public Works Department have been working with the development team as part of the final plat process to ensure the lift station is built to city standard and could accommodate any future redevelopment of properties to the east. 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 management has been designed to direct storm sewers toward a storm water management facility 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 Smithtown 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.

### **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:

$$32 \text{ units} \times 2 \text{ residents per unit} = 64 \text{ new residents. } 64 \text{ new residents} / 75 \text{ residents per one acre required for dedication} = 0.85333 \text{ acres of land.}$$

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 \$85,333.33.

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 final landscape plan have been provided as part of the final plat.

### **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.” The DNR has given a final development approval of Waterford Landing based upon the final plat and supplemental construction drawings.

Minnesota Department of Transportation (MnDOT): The proposed access point, along with more detailed plan set for the Access has been reviewed by MnDOT and has been revised from the  $\frac{3}{4}$  access previously presented during the preliminary plat and is now designed to provide full access into and out of the property in accordance with the request from MnDOT for the full access design. MnDOT has approved the preliminary layout of the necessary Highway 7 widening and turn lanes associated with the full access and has approved incremental plan check points up to 90% design to this point. MnDOT has a plan review sequence for all projects proposed to improve state highways related to private development that requires certain percentage of completion to be submitted and approved in lieu of allowing a developer’s engineer to submit a 100% complete plan set right away. Based upon the approval of the 90% plan set, staff believes the developer will achieve final approval of a 100% complete plan set for the Highway 7 improvement sometime around August according to MnDOT’s review timing and sequencing.

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 detailed construction drawings relating to the final plat for Waterford Landing. The District has reviewed the storm water management plan as well as general oversight of natural resource preservation. Based upon recent discussions with the District staff, the project as presented is in general conformance with and meets the rules without altering lot location or proposed infrastructure improvements. Based upon the District’s process, there will be a public comment period related to the storm water management plan for Waterford Landing that is likely to end prior to July 10<sup>th</sup>. The final plat will therefore not be taken to the City Council for consideration until after the public comment period is over, which makes the earliest the project would go before the Council as Monday, July 10<sup>th</sup>.

## **CONDITIONS PLACED ON FINAL PLAT FROM PRELIMINARY PLAT APPROVAL**

The following conditions were placed upon the project proceeding any approval of a final plat for Waterford Landing:

1. The Developer shall enter into a Developer’s Agreement covering the construction of all utility, public street, and related public facility improvements. The Developer’s Agreement shall also address any responsibilities of the Developer related to future maintenance of private and common grounds, property, or landscaping. All plat improvements shall be financed by the developers of Waterford Landing or by their successors and assigns, and subject to review and approval by City staff.  
**NOTE: will be completed upon receiving final plat approval as is typical for all developments.**
2. All lots within Waterford Landing shall abide by Planned Unit Development Standards adopted under Ordinance No. 413:  
**NOTE: All lots within final plat have been designed to meet the PUD.**
3. The Developer is responsible for any and all permits and approval from other applicable governmental agencies. These permits and approvals shall be submitted to the City of Victoria prior to the execution of the Final Plat by the City.

4. Prior to final plat approval the Applicant shall demonstrate the ability to achieve approval, by the Minnesota Department of Transportation, of the proposed 3/4 access into the subdivision from Trunk Highway 7 identified on the preliminary plat.  
**NOTE: Developer has submitted plans and is tracking toward approval of the necessary access plans.**
5. Final Engineered Plans and Specifications are subject to the review and approval of the City Engineer, City Staff, and City Consultants.  
**NOTE: Developer has submitted required plans in general conformance with city requirements and plans achieve development of the 32 lots without altering lot lines or easement boundaries.**
6. The Developer shall deed Outlot A and Outlot C, identified on the preliminary plat, to the City for open space, wetlands, wetland buffers, and stormwater management at the time of final plat.  
**NOTE: Developer has submitted plans identifying the intent to meet this condition.**
7. Outlot B shall be retained under ownership of a homeowners association of Waterford Landing. The Applicant shall provide a conservation easement covering the entirety of Outlot B, with the exception of the area identified on the preliminary plat as providing for access and other minimal private improvements adjacent to Schutz Lake, for review by the City at the time of final plat. Said conservation easement shall be recorded at the time of final plat.  
**NOTE: Developer has submitted plans identifying the intent to meet this condition.**
8. A draft set of covenants and association by-laws shall be provided by the Developer to the City for review prior to the approval of a final plat. Said covenants and by-laws shall address management of association-owned property along with restricting the number and type of watercraft allowed to access the lake through the association's property. The by-laws shall also restrict the HOA's use of fertilizers and related lawn chemicals to those deemed to be environmentally friendly by industry standards.  
**NOTE: Developer is working to finalize the covenants and by-laws and will be prepared to speak to status and provide draft prior to City Council consideration.**
9. The number and type of association boats related to the Waterford Landing subdivision shall be restricted to one (1) pontoon boat unless approved by the city under separate conditional use permit. The subdivision shall also be restricted to constructing a single boat access, for use only by those homeowners within the association for Waterford Landing, compliant with requirements of Minnehaha Creek Watershed District and the Minnesota Department of Natural Resources. Said launch shall be accessed from the public street in Waterford Landing and shall not provide improvements such as a concrete launch or paved drives that would otherwise be required for emergency fire and rescue response access.  
**NOTE: Developer has submitted plans identifying the ability to meet this condition.**
10. A final landscape plan shall be provided as part of the final plat satisfying the requirements of tree replacement determined by the tree survey and Tree Preservation and Replacement Ordinance along with those requirements applicable to the development identified in the Landscape Ordinance.  
**NOTE: Developer has submitted plans identifying the ability to meet this condition.**
11. The Developer has indicated a desire to satisfy the City's parkland dedication requirements through a fee in lieu of land dedication. A final value and fee payment amount related to parkland dedication shall be determined prior to approval of the final plat by the City Council.  
**NOTE: Developer has intends to meet this condition and will include the payment in Development Agreement.**
12. No structures shall encroach onto any bluffs or bluff impact zones in a manner inconsistent with the Shoreland Overlay District provisions of the Zoning Ordinance.  
**NOTE: Developer has submitted plans identifying the intent to meet this condition.**

13. The final development plans shall include the installation of natural vegetation buffer plantings, consisting of six (6) to ten (10) foot fescue, adjacent to the rear yards of lots backing to Schutz Lake as well as those that direct rear yard drainage off site and toward public waters. Said natural buffer shall consist of grasses or native plantings that appropriately mitigate rear yard surface waters.

**NOTE: Developer has submitted plans identifying the ability to meet this condition.**

## **PROCEDURES AND REQUESTED ACTION**

The Planning Commission will look to review the final plat to ensure compliance with the approved preliminary plat and PUD zoning provisions for the property.

The requested action is to recommend approval to the City Council for approval of the final plat for Waterford Landing.

A majority vote (4/7 if all Commissioners are present) is required for the motion to carry. The final plat is currently scheduled for the July 10, 2017 City Council meeting agenda.

## **STAFF RECOMMENDATION**

At this time staff is comfortable with the final plat and would recommend approval of the Resolution of Recommendation attached to this staff report.

## **CITY OF VICTORIA**

Ben Landhauser  
Community Development Director

## **ATTACHMENTS**

- Exhibit A          Draft Resolution of Recommendation
- Exhibit B          Final Plat
- Exhibit C          Construction Plans
- Exhibit D          Preliminary Plat (for reference)