



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
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Blaine MN 55449

## Legislation Details (With Text)

<b>File #:</b>	RES 21-198	<b>Version:</b>	1	<b>Name:</b>	CUP - Lexington Waters (21-0061)
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/4/2021	<b>In control:</b>	City Council		
<b>On agenda:</b>	10/4/2021	<b>Final action:</b>	10/4/2021		
<b>Title:</b>	Granting a Conditional Use Permit to Allow for the Construction of 272 Single-Family Homes in a DF (Development Flex) Zoning District on the 13000 Block of Lexington Avenue NE. Lexington Waters (Sotarra) (Case File No. 21-0061/SLK)				
<b>Sponsors:</b>	Erik Thorvig				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachments, 2. Unapproved PC Minutes 091421				

Date	Ver.	Action By	Action	Result
10/4/2021	1	City Council	Adopted	Pass

**Development Business** - *Erik Thorvig, Community Development Director*

### Title

Granting a Conditional Use Permit to Allow for the Construction of 272 Single-Family Homes in a DF (Development Flex) Zoning District on the 13000 Block of Lexington Avenue NE. Lexington Waters (Sotarra) (Case File No. 21-0061/SLK)

### Executive Summary

The applicant is requesting a conditional use permit to allow the construction of 272 single family homes in the DF (Development Flex) Zoning District.

### Schedule of Actions

Planning Commission Public Hearing	09/14/21
City Council (Conditional Use Permit)	10/04/21
Action Deadline	10/16/21

### Background

*Staff report prepared by Shawn Kaye, Associate Planner*

This proposed plat is composed of several parcels just east of Lexington Avenue and along the 131<sup>st</sup> Avenue alignment. An EAW (Environmental Assessment Worksheet) was prepared for the project. That process concluded with the City Council Declaring a Negative Need for EIS at the August 16, 2021 council meeting.

The project proposal includes land set aside for the following uses:

- 180 single family lots
- 92 detached townhomes
- Storm ponding, a park, and trails

### Rezoning

Currently, the property has an existing zoning designation of FR (Farm Residential) and is guided in the Comprehensive Plan as LDR (Low Density Residential). The property is within the MUSA (Metropolitan Urban Service Area) which indicates it is intended to be served with city sewer and water. The zoning is proposed to be DF (Development Flex) to cover all of the residential uses. With the DF zoning, housing products and neighborhood design issues will require and be regulated by a Conditional Use Permit (CUP). Lot 19, Block 5 is being platted for the existing home on Lexington Avenue.

### Preliminary Plat

The preliminary plat proposal consists of subdividing approximately 111 acres into a subdivision with a total of 272 new dwelling units and a lot for an existing home. The preliminary plat also includes outlots for ponds, drainage, a park and wetlands. This application proposes single-family homes and detached townhomes.

Because the developer is proposing different housing styles with different design issues, platting requirements, lot sizes, markets and price ranges, the DF (Development Flex) zoning is to establish the minimum standards for each of these areas.

### Neighborhood Description

In summary, Lexington Waters development is proposed to contain the following:

- 104- 65 foot Single-Family Lots
- 76- 55 foot Single-Family Lots
- 55-50 foot Detached Townhomes
- 37-60 foot Detached Townhomes

The single-family lots are proposed to be 55 and 65 feet in width, and the typical depth being 135 feet. These homes will be enhanced with exterior architectural details. The homes will include brick, stone, Hardie/LP (fiber cement) siding on the front elevation, and varying gables and hip rooflines. The floor plans would provide 1,200-1,600 square feet of finished area. The estimated price range will start at \$450,000 to \$650,000 for the 65 and 55-foot wide lots.

All single-family (55 and 65-foot wide lots) units are proposed to be constructed with a minimum 25-foot front yard setbacks and 30-foot rear yard setbacks.

The applicant is also proposing to construct detached single-family townhomes. The homes will consist of two-story and rambler layouts. The proposed units will have a minimum of 1,500 square feet of finished square footage above grade. The homes will include brick, stone, Hardie/LP (fiber cement) siding on the front elevation. The homeowner will be required to be a part of an association that would cover yard maintenance and snow removal. The homeowner would be responsible to provide exterior building maintenance. The estimated price range is from \$350,000-\$500,000.

The required landscaping consists of one front yard tree, one rear yard tree, and a third tree on all corner lots. Site grading will remove a number of trees over the development. The required two trees per lot, plus a third tree on corner lots, and additional landscaping planted along Lexington Avenue will meet the tree replacement requirement for the plat. The developer proposes to plant 629 trees.

A 6-foot maintenance free fence will be required to be constructed on the west side of the lots on Lexington Avenue to enhance the landscape screening along this roadway.

The plat will be accessed through a connection to Lexington Avenue at 131<sup>st</sup> Avenue, also through the Lexington Woods development to the south and Lever Street on the east. Sidewalks will need to be located on all public streets with the exception of short cul-de-sacs and 131<sup>st</sup> Avenue will require a sidewalk on the north side and a trail on the south side. The only trail/sidewalk connections to Lexington Avenue will be at 131<sup>st</sup> Avenue as this will be a controlled intersection allowing residents access to the regional trail on the west side of Lexington Avenue. The two trails proposed on the east side of the plat that connect to the trail on city open space property will be required to be constructed by the developer.

Due to the proximity of portions of this development to Lexington Avenue, it is recommended that Noise Abatement Standards be incorporated into all housing constructed within 500 feet of Lexington Avenue.

Park dedication is required for this plat for each of the new lots created. If platted in 2021 the rate would be \$4,449 per lot (272 lots), or \$1,210,128. A 1.82 acre park will be created on Outlot B of the plat and the developer will receive a credit for the value of the park land that the City intends to purchase. The value of the park land (Outlot B) is calculated to be \$144,996 (established from applicant documentation). This payment must be made prior to release of final plat mylars for recording at Anoka County. Future phases will pay park dedication at the park rate in effect of platting. The proposed park will have play equipment located on the parcel.

The park outlot will be finished, graded and seeded to allow for future park improvements. All unsuitable soils are required to be removed. The developer will be responsible to provide a water service for irrigation.

#### Engineering Items

The developer has responsibility to construct 131<sup>st</sup> Avenue and Lexington Avenue NE intersection improvements associated with this development. Developer will be required to make any and all improvements as outlined in the Anoka County review of the plat.

131<sup>st</sup> Avenue is designated as a MSAS collector route on the City's network and will require dedication of 70 feet of right-of-way and be designed to state aid standards. All the remaining local public streets require dedication of 60 feet of right-of-way and shall be constructed to 29 feet back to back of width. All streets will follow the Anoka County street name grid system.

Developer and staff will work together to identify areas of the plat where additional trees can be saved through the use of custom grading, retaining walls, and by structure design.

The property owners in this plat, together with other property owners along Lever Street, have petitioned for trunk sanitary sewer, water main, and street improvements to be constructed to serve the plat. A feasibility report was prepared and presented to the City Council on June 1, 2017. The report identified assessments that each parcel on Lever Street would pay for the proposed improvements. The estimated cost for property owners of this plat are estimated at \$80,198. The Blaine City Council held a public hearing and ordered improvements on July 13, 2017 (City Project No. 17-07). The Lexington Waters development will be responsible for paying assessments for the improvements.

Trunk Sanitary Sewer area charges become due with platting for upland acreage. The 2021 rate of \$6,747/acre for Sanitary Sewer District 7 will apply to all upland acreage if platted in 2021.

Standard utility and drainage easements must be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds. The Developer is to provide access for inspection and maintenance of storm water management infrastructure. Restrictions will be placed on

lot lines as needed to limit fences and landscaping to insure access.

Development requires a National Pollutant Discharge Elimination System (NPDES) Phase II General Storm Water Permit for Construction Activity from Minnesota Pollution Control Agency (MPCA). A prerequisite to the MPCA permit application includes preparation of a site Storm Water Pollution Prevention Plan (SWPPP) for the development site.

Coon Creek Watershed District review and permit is required.

Construction contract documents shall include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheets. Plans shall detail wetland information, tree preservation, erosion protection, sediment control, proposed grading contours, utilities, roadway geometrics, storm drainage, storm water quality management, custom lot-grading, house type, and house elevation information. Additional information is required on adjacent parcels to the south to confirm that existing drainage patterns are being addressed. The development plan shall indicate all structures will be protected from flooding. Supporting wetland delineation report, geotechnical investigation report, soil boring logs and hydrology report shall be included in the submittal for city review and approval.

The Developer shall process a Letter of Map Change with FEMA prior to issuance of building permits within the unnumbered A-Zone on the FEMA flood map. Developer shall provide all FEMA paperwork and structure as-built surveys to homeowners at time of lot closing. Developer is responsible for following through with FEMA as necessary to receive final FEMA documents and to provide those documents to the homeowners, and to record the final documents on the certificate of title for each parcel in the development.

As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.

The existing home on Lot 19 Block 5 is required to connect to city water and sewer with the development of Lexington Waters and to remove the existing driveway from Lexington Avenue. The existing home will be required to construct a new driveway to proposed Street F on the preliminary plat.

### **Strategic Plan Relationship**

This item is consistent with the strategic plan goal related to maintaining current growth in the northeast area of the City.

### **Board/Commission Review**

The Planning Commission voted unanimously to approve the conditional use permit. There were comments at the public hearing from a representative of property owners adjacent to the north (Ham Lake) related to providing a right-of-way extension to their property and possible sewer and water connections in the future. He also stated he was not opposed to the project.

Comments were received from a property owner in the Woodridge Development. He had questions related to construction traffic and hours permitted for the construction. The property owner also requested a 10 foot tree preservation buffer be provided in the rear yards of Lots 13-19 Block 11 that would be similar to the tree buffer he has on his property. The developer stated he would make this change to the plan and a condition will be added to the Preliminary Plat. A commissioner thanked the developer for working with the adjacent resident.

The developer was asked if a builder has been determined. He stated they are in conversations with DR Horton but they have not reached an agreement at this time.

### **Financial Impact**

Not Applicable.

### **Public Outreach/Input**

Notice of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.
4. Posted (sign) on the property with contact information for the Planning Department.

### **Staff Recommendation**

By motion, adopt the resolution.

**Attachment List**

Zoning and Location Map  
Color Site Plan/Lot Exhibit  
Cover - Preliminary Plat  
Preliminary Plat (6)  
Utility Plan (2)  
Grading Plan (7)  
Tree Preservation (2)  
Landscape Plan (4)  
Elevations  
Narrative  
Unapproved Planning Commission Minutes 091421

**WHEREAS**, an application has been filed by Sotarra as Conditional Use Permit Case File No. 21-0061; and

**WHEREAS**, said case involves the land described as follows:

The North One-Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, except the North 316 feet thereof (measured along the West line), Anoka County, Minnesota. Also except Parcel 31 of Anoka County Highway Right-of-Way Plat No. 81.

And

The South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, except the South 300 feet of the West 726 feet thereof, Anoka County, Minnesota. Also except Parcel 32 of Anoka County Right-of-Way Plat No. 81.

And

The North ½ of the Northwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota, Except parcels 27, 43 and 44 of Anoka County, Highway Right-of-Way Plat No. 61.

And

The Northeast Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota.

And

The South ½ of the Northwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota, Except the West 675 feet.

And

The West 675 feet of the South ½ of the Northwest ¼ of the Northwest ¼, Section 1, Township 31, Range 23, except the Northerly 322.85 feet thereof, Anoka County, Minnesota. Except Parcel 29 of the Anoka County Highway Right-of-Way Plat No. 81.

And

The North 316 feet (measured along the West line) of the Southwest ¼ of the Northwest ¼ of Section 1, Township 31, Range 23, Anoka County, Minnesota. Except Parcel 30 of Anoka County Highway Right-of-Way Plat No. 81.

And

The South 300 feet of the West 726 feet of the South Half of the Southwest Quarter of the Northwest Quarter of Section 1, Township 31, Range 23, Anoka County, Minnesota. Except Parcel 33 of Anoka County Highway Right-of-Way Plat No. 81.

(Abstract Property)

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on September 14, 2021; and

**WHEREAS**, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on October 4, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 29.110 of the of the Zoning Ordinance to allow for the construction of 272 single-family homes in a DF (Development Flex) zoning district based on the following conditions:

**Single Family - DF Development Standards - 65 foot wide lots (104), 55-foot wide lots (76), and existing home on Preliminary Plat Lot 19 Block 5.**

Permitted Uses

1. Single-family detached dwellings.
2. Group family daycare.

Accessory Uses

1. Private garages - one detached accessory structure, with area less than 120 square feet, will be permitted.
2. Private swimming pools meeting the requirements of Blaine Municipal Code Section 6-121.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

Conditional Uses

1. Home occupations listed as Conditional Uses fewer than 33.10.

Standards

1. Front yard setback - 25 feet
2. Side yard setback - 7.5 feet for house and 7.5 feet for garage
3. Corner side yard setback - 20 feet
4. Rear yard setback - 30 feet
5. Rear yard setback (Lexington Avenue)- 50 feet
6. Maximum building height - 2 1/2 stories or 35 feet
7. It shall be required for all single-family dwellings that there be an attached garage constructed of a minimum of four hundred (400) square feet, with no dimension less than 20 feet. Total garage space shall not exceed one thousand (1,000) square feet. Detached garages or accessory storage buildings above 120 square feet are not permitted. Accessory storage buildings below 120 square feet must meet 5-foot side and rear yard setbacks, and be located within the rear yard.
8. The minimum finished floor area above grade for all homes shall be:
  - 1,600 square feet for 65-foot wide lots
  - 1,200 square feet for 55-foot wide lots
9. All homes shall have a minimum depth and width of 24 feet.
10. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations attached to this CUP. Use of premium materials such as brick, natural stone, stucco, cementious or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/metal siding can be utilized on the side and rear elevations. Care to be taken to utilize a variety of home styles, front elevations and colors to provide maximum housing variety within each neighborhood. Developer to establish criteria to ensure that adjacent single-family homes built within the development do not have the same exterior color or architectural elevations.
11. All residential dwellings must be built in conformance with the current edition of the Minnesota State Building Code.
12. Driveways shall not be constructed closer than 3 feet to the property line. All driveways and approaches shall be hard surfaced using concrete, bituminous asphalt or other city approved material that is consistent in durability and quality.
13. It shall be required that all yards of a new single-family dwelling be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35 percent sand). Yards may be seeded over 4 inches of black dirt if underground irrigation is installed with the home.
14. Each lot shall contain one front yard tree and one rear yard tree with a minimum of 2½-inch caliper. Corner lots shall each have one additional front yard tree.
15. A 6-foot maintenance free fence will be required to be constructed on the west side of the lots on Lexington

Avenue to enhance the landscape screening along this roadway.

16. All homes within 500 feet of Lexington Avenue NE, to incorporate the Noise Abatement Standards with central air conditioning to mitigate noise impacts.
17. Developer to execute and record, if deemed appropriate by the City Engineer, an affidavit with the sale of each single family lot indicating to homebuyers that the soils located in the rear and side yards of the single family lots have not been corrected to accommodate general building construction or pools, and that additional effort may be required by the homeowner, to stabilize those soils before additional construction could occur.
18. All development entrance signage by separate permit.

### **Single Family-Detached Townhomes-50 foot wide lots and 60 foot wide lots -DF Development Standards (92 units)**

#### Permitted Uses

1. Single-family detached dwellings.
2. Group family daycare.

#### Accessory Uses

1. Private garages - No detached structures permitted.
2. Private swimming pools meeting the requirements of Blaine Municipal Code Section 6-121.
3. Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

#### Conditional Uses

1. Home occupations listed as Conditional Uses fewer than 33.11.

#### Standards

1. Construction of all detached townhomes to be generally guided by depictions, drawings and information submitted for review and approval for this conditional use permit. All site plans and unit plans require approval of the Planning Department prior to work beginning. All site work to meet the Performance Standards Section 33.00 of the Zoning Ordinance. A landscape plan to be submitted prior to Site Plan approval.
2. Minimum floor area above grade for detached townhomes must be 1,500 square feet.
3. All homes to be constructed are to be consistent in architecture, materials and style with the drawings/elevations attached to this CUP. Use of premium materials such as brick, natural stone, stucco, cementious or engineered wood siding or shake shingle siding are to be used on all front elevations. Vinyl/metal siding can be utilized on the side and rear elevations. Care to be taken to utilize a variety of home styles, front elevations and colors to provide maximum housing variety within each neighborhood. Developer to establish criteria to ensure that adjacent single -family homes built within the development do not have the same exterior color or architectural elevations.
4. All units to be placed according to the following minimum building setbacks:
  - 25-foot front yard setback for houses and garages
  - 5-foot side yard setback for garages
  - 5-foot side yard setback for houses
  - 25-foot rear yard setback for houses and garages
  - 20-foot corner side yard setback for houses and garages
5. All garages to be minimum of 400 square feet with no dimension less than 20 feet. Maximum garage area limited to not more than 1,000 square feet.
6. No detached accessory structures except for those associated with or required for operation and maintenance of swimming pools.
7. Each lot shall contain one front yard tree and one rear yard tree with a minimum of 2 ½-inch caliper. Corner lots shall each have one additional front yard tree.
8. All lots shall have underground irrigation.
9. All entrance monument signage to be approved by a separate permit.
10. The landscape plan must detail any landscaping associated with entrance monument signage.
11. Developer to execute and record, if deemed appropriate by the City Engineer, an affidavit with the sale of each single family lot indicating to homebuyers that the soils located in the rear and side yards of the single family lots have not been corrected to accommodate general building construction or pools, and that additional effort may be required by the homeowner, to stabilize those soils before additional construction could occur.
12. It shall be required that all yards of a new single-family dwelling be sodded over a minimum of 4 inches of topsoil (black dirt containing not more than 35 percent sand). Yards may be seeded over 4 inches of black dirt if underground irrigation is installed with the home.

**PASSED** by the City Council of the City of Blaine this 4<sup>th</sup> day of October, 2021.