



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 13-067, Version: 2

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**ITEM: 11.7 A DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 87.5 ACRES  
INTO A MAXIMUM OF 177 SINGLE FAMILY LOTS AND 6 OUTLOTS TO BE  
KNOWN AS THE PRESERVE AT LEGACY CREEK AT LEGACY CREEK  
PARKWAY/NORTH OF 127<sup>TH</sup> AVENUE NE. MAJESTIC FINANCIAL, LLC. (CASE  
FILE NO. 12-0030/LSJ)**

Planning Commission (Public Hearing)	04/09/13
City Council (Preliminary Plat/CUP)	05/02/13
Action Deadline	05/06/13

### Planning Commission

The Planning Commission voted unanimously at the public hearing to approve the preliminary plat. Two written comments were received from nearby property owners with concerns about overall development of the vacant land, grading and drainage concerns and concerns regarding traffic on 131<sup>st</sup> Avenue. Several residents spoke at the public hearing regarding traffic on 131<sup>st</sup> Avenue and the overall condition of that road. Another gentleman noted that a traffic signal will be warranted at the intersection of 125<sup>th</sup> Avenue and Legacy Creek Parkway.

The owners of the development known as Legacy Creek wish to create a new single family plat from an outlot that was originally platted with Legacy Creek in 2007. The first two phases of the single family portion of the original plat are getting close to being completely built out and it is Majestic Financial's desire to create another single family area and complete the plat for the property they own.

The preliminary plat known as The Preserve at Legacy Creek consists of 177 single family lots and six (6) outlots. All of the outlots are either created ponds or will be in drainage and utility easements.

Park dedication will be required for this plat in the amount of \$2,813 per unit. A total of 177 units will be constructed with this development. Outlot A in Legacy Creek 2<sup>nd</sup> Addition was deeded to the City for the purpose of a City park and the developer is to be given credit towards the park dedication fee for the various phases of the development for the value of the outlot. It

had been previously determined that the value of the outlot, as it was configured, is \$270,970. The park dedication due for the previous 2<sup>nd</sup> Addition was \$60,875 leaving a remaining credit of \$210,095 (rounded to 75 lots) towards the park dedication fee for the final phases of the development. Therefore, park dedication will be calculated and due for the final 102 lots within Preserve at Legacy Creek at the park rate in effect at time of platting. If calculated at the current rate of \$2,813 per lot, 102 lots would generate \$286,926.

The developer has responsibility for financial participation in 125<sup>th</sup> Avenue NE improvements associated with this development. This includes, but is not limited to, intersection improvements, traffic signal installations, and roadway widening improvements. The City has calculated the development potential of all of the developable property, lying north of 125<sup>th</sup> Avenue and within the current development schedule provided by the 2005 MUSA and has determined the per lot cost associated for the improvements to be \$1,307 per lot (2013 rate). A total of 177 units will be constructed with this development so the total charge required would be \$231,339 (future phases would be calculated and paid at current rates).

All local public streets require dedication of 60 feet of right-of-way and shall be constructed to 29 feet back to back of width. Legacy Creek Parkway will be required to install 6-foot concrete walk on both sides of the street and provide additional street width at the park to allow for seven cars to park on street. All other sidewalks to be constructed as shown on the plat presented for approval. All streets will follow the Anoka County street name grid system.

Developer will be required to participate in dust control measures on 131<sup>st</sup> Avenue at the time when Legacy Creek Parkway is constructed and connected to 131<sup>st</sup> Avenue.

Developer installed improvements shall include construction of trunk water main extension from the plat of Savanna Grove, lateral sanitary sewer and water main with services, storm drainage improvements, storm water management and water quality treatment infrastructure, streets with concrete curb and gutter, 6 foot concrete sidewalks, streetlights, mailboxes, traffic control signs, street signs, and all appurtenant items. Plans and specifications must be approved by the City prior to start of construction.

With final platting, Outlots D and A should be deeded to the City of Blaine along with dedicating an additional 33 feet of right of way along the northern property line.

The developer has responsibility for financial participation in 131<sup>st</sup> Avenue NE improvements associated with this development. This includes, but is not limited to, one half of the cost to construct 131<sup>st</sup> Avenue across the entire northern property line of the Legacy Creek Plat,

approximately 1650 feet. These improvements will include construction of 131<sup>st</sup> Avenue to a width of 33 feet and meet the current State Aid street standards along with a 10 foot bituminous trail and a six foot concrete sidewalk.

By motion, approve the Resolution.

### **Attachments**

Zoning and Location Map

Preliminary Plat

Landscape Plan

Phasing Plan

Narrative from Ryland Homes

Building Elevations and Floor Plans

Public Comments

**WHEREAS**, an application has been filed by Majestic Financial, LLC as subdivision Case File No. 12-0030; and

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

OUTLOT B, LEGACY CREEK 2<sup>nd</sup> ADDITION, ANOKA COUNTY, MINNESOTA.

**WHEREAS**, the Blaine Planning Commission has reviewed said case file on April 9, 2013; and

**WHEREAS**, the Blaine Planning Commission has recommended subdivision Case File No. 12-0030 be approved subject to certain stipulations; and

**WHEREAS** the Blaine City Council has reviewed said case file on May 2, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that preliminary plat approval per Section 74-42 of the subdivision regulations is hereby granted to Majestic Financial, LLC permitting preparation of a final plat for The Preserve at Legacy Creek for approval per Section 74-43 subject to the following conditions:

1. The developer has responsibility for financial participation in 125<sup>th</sup> Avenue NE improvements associated with this development. This includes, but is not limited to, intersection improvements, traffic signal installations, and roadway widening improvements. The City has calculated the development potential of all of the developable property, lying north of 125<sup>th</sup> Avenue and within the current development

schedule provided by the 2005 MUSA and has determined the per lot cost associated for the improvements to be \$1,307 per lot (2013 rate). A total of 177 units will be constructed with this development so the total charge required would be \$231,339 (future phases will be calculated at the unit rate in effect at time of platting).

2. All streets will follow the Anoka County street name grid system.
3. Developer will be required to participate in dust control measures on 131<sup>st</sup> Avenue at the time when Legacy Creek Parkway is constructed and connected to 131<sup>st</sup> Avenue.
4. Developer installed improvements shall include construction of trunk water main extension from the plat of Savanna Grove, lateral sanitary sewer and water main with services, storm drainage improvements, storm water management and water quality treatment infrastructure, streets with concrete curb and gutter, 6 foot concrete sidewalks, streetlights, mailboxes, traffic control signs, street signs, and all appurtenant items. Plans and specifications must be approved by the City prior to start of construction.
5. Trunk sanitary sewer area charges become due with platting for upland acreage. The 2013 rate for Sanitary Sewer District 6-5 is \$ 5,179 per upland acre.
6. 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.
7. Hydrant locations must be reviewed and approved by the Fire Department.
8. 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.
9. Development requires a National Pollutant Discharge Elimination System (NPDES) Phase II General Storm Water Permit for Construction Activity (MN R100001) 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.
10. Construction contract documents shall include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheet(s). Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for City Engineer review and approval.
11. Sidewalks and trail improvements must be soil corrected to full depth. Driveway subgrades must be fully corrected or provide a geotechnical report designing an alternate section. Driveways not having fully corrected subgrades shall have an extended warranty to protect future property owners. The development contract shall set forth the length and details of the warranty.
12. The development plan shall indicate all structures will be protected from flooding.
13. A twenty foot buffer strip shall be considered adjacent to wetland edges and shall be placed in an easement.

14. CCWD permit is required prior to City approval of construction plans and specifications.
15. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.
16. Home construction prior to the installation and acceptance of developer installed improvements will be subject to longer response times from public safety responders. Certificates of Occupancy will not be issued until the developer installed improvements are accepted and private utility service available.
17. A total of 177 units will be constructed with this development. Outlot A in Legacy Creek 2<sup>nd</sup> Addition was deeded to the City for the purpose of a City park and the developer was to be given credit towards the park dedication fee for the various phases of the development for the value of the outlot. It had been previously determined that the value of the outlot, as it was configured, is \$270,970. The park dedication due for the recent 2<sup>nd</sup> Addition was \$60,875 leaving a remaining credit of \$210,095 (rounded to 75 lots) towards the park dedication fee for the final phase of the development. Therefore, a park dedication fee will be due for the final 102 lots within Preserve at Legacy Creek. If platted in 2013 that amount would be \$286,926. Actual amounts to be paid will be calculated at the park dedication rate in effect at time of platting.
18. Developer to install grouped mailboxes with design and locations approved by City and US Postal Service.
19. Water and sanitary sewer availability charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.
20. Sidewalks to be constructed as shown on the plat presented for approval. A Six-foot concrete sidewalk will also be required on the east end of 128<sup>th</sup> Avenue from Quemoy Street to the east plat line.
21. All development signage issued under a separate permit.
22. Execution and recording of a Development Agreement, which sets forth in greater detail the plat conditions as well as other responsibilities for the development of this plat.
23. With final platting, Outlots D and A should be deeded to the City of Blaine along with dedicating an additional 33 feet of right of way along the northern property line.
24. The developer has responsibility for financial participation in 131<sup>st</sup> Avenue NE improvements associated with this development. This includes, but is not limited to, one half of the cost to construct 131<sup>st</sup> Avenue across the entire northern property line of the Legacy Creek Plat, approximately 1650 feet. These improvements will include construction of 131<sup>st</sup> Avenue to a State Aid street standard, a 10 foot bituminous trail, and a six foot concrete sidewalk.

**PASSED** by City Council of the City of Blaine this 2<sup>nd</sup> day of May 2013.