



# 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 21-223, Version: 2

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**Development Business** - *Sheila Sellman, City Planner*

### Title

**Granting Final Plat Approval to Subdivide Approximately 4.69 Acres into 58 Townhome Lots and 1 Common Lot to be Known as Groveland Village Second Addition at 8585 Groveland Court NE. M/I Homes (Case File No. 21-0082/EES)**

### Executive Summary

The applicant is requesting final plat approval for the first phase of the Groveland Village preliminary plat. The final plat is consistent with the preliminary plat.

### Schedule of Actions

Planning Commission Public Hearing	01/12/21
City Council (Preliminary Plat)	02/17/21
City Council (Final Plat)	12/20/21
Action Deadline	01/15/22

### Background

*Staff report prepared by Elizabeth Showalter*

On December 6, 2021 the Final Plat for Groveland Village Second Addition was removed from the consent agenda and tabled to allow for resident concerns regarding the project to be addressed. Final plats are included in the consent agenda since they are being reviewed solely to confirm the conditions of the preliminary plat has been met. The concerns raised by the resident are addressed below and the original staff report follows. Staff has communicated with the resident since the last meeting and offered to meet with the developer and resident.

### Drainage and Wetland

The resident expressed concern that a large stormwater pond on the north side of the project was over excavated and believes that this has resulted in the adjacent wetland, which is partially located on her property, being dry this summer.

The Coon Creek Watershed District and city staff reviews the developer provided storm water calculations to ensure that the proposed development is within compliance, not adding or removing too much storm water from the areas surrounding the proposed development. The provided storm water management plan states "A large lake will be constructed in the north end of the site and the wetland outlet will be replaced to maintain existing hydrology." The plan includes comparison tables which indicate that, while the amount of inflow volume does slightly increase to the wetland area, the existing hydrology of the wetland remains essentially unchanged.

Staff has discussed with existing residents the review process of the watershed district and city,

explaining that the lake was part of the plan and that the existing wetland is a large part of the storm water plan for the site. It has also been stated that the proposed development should maintain the existing hydrology, therefore the construction of Groveland Village should not drastically affect the wetland.

In an effort to obtain or “mine” suitable material to bring the proposed building pads to the correct elevation, the construction of the large pond area is a common practice within the City.

Unfortunately, there are several other factors that occurred during 2021 that might be affecting the current water levels within the pond and existing wetland areas.

- a. During construction, it is required that the areas for pond excavating and utility installation be “dewatered” in order to safely and correctly install the infrastructure for the subdivision. Depending on the area and conditions, the recovery of the ground water level can take some time.
- b. 2021 was an unusually dry year; this likely has contributed to the delay in the recovery of the groundwater level.

#### Metropolitan Airports Commission (MAC) Opposition

The property was historically owned by MAC. In 2015, the property was identified as excess property by MAC and was listed for sale. At that time the City Council created a new zoning district called PBD -A for this property and another property owned by MAC at the corner of 105<sup>th</sup> Avenue and Radisson Road. The PBD-A zoning allows for a limited number of commercial/industrial uses (not residential) per a request by MAC in 2015.

MAC sold the property to Spring Lake Park schools as this was one of three sites the school district identified for a new elementary school. The school was ultimately constructed on National Sports Center property therefore the school district sold the land to a private party. The property was listed for sale and purchased by Fenway Land Company. Fenway Land Company desired to develop the property for residential use and submitted an application to change the zoning and land use designation in the comprehensive plan. During this process, MAC provided a letter to city staff noting that *“MAC strongly encourages the City to consider development other than residential for this location. However, if the City does move forward with development, MAC asks for the City for the following...”*. The requests generally related noise mitigation efforts in the construction of homes, notifying buyers of the right of passage of aircrafts overhead and limiting the type of vegetation that can be planted. MAC has no approval authority over the project as the land does not fall within regulated runway zones.

#### Ownership

The overall developer is Fenway Land Company, owned by Mark Guenther. The apartment portion was sold by Fenway Land to Kuepers to construct Glenfield Park Estates. That land is owned by Glenfield Park Estates LLP.

The townhome portion was sold by Fenway Land to M/I Homes. M/I currently owns all of the land except for one outlot for the wetland and stormwater which is owned by the townhome association. As part of their agreement, all of the grading, streets, etc., was done by M/I except for what is actually on the apartment lots.

#### Setbacks

The townhomes are setback 45’ from the west property line. In residential zoning districts where

townhomes are permitted, the setback requirement is typically 35'.

#### Fence

The resident expressed concern that the fence proposed at the western property line of the project had not been installed. The development agreement required that the fence be installed within 3 months of completing grading work in the vicinity of the proposed fence. Grading and utility work have not yet been completed in that portion of the project (which is included in the second addition plat). The developer is aware of the requirement and will be installing the fence once grading work is complete in the spring or summer of 2022.

#### Procedure

The resident expressed concerns about the procedure and opportunities for public input. Staff has reviewed the procedure and has found that the process required in the zoning code, subdivision code, neighborhood meeting policy, and the Metropolitan Council process for comprehensive plan amendments were followed. Public engagement included a neighborhood meeting held by the developer (Fenway Land) prior to the Planning Commission meeting, a public hearing at the Planning Commission, and public comment at the City Council meeting (at the second of the two required City Council meetings). When the specific plans for the apartment portion were developed, an additional neighborhood meeting was held by the apartment developer (Kuepers) and the typical public hearing and council meeting were held. For both portions of the project, the public notice boundary was extended to include all homes east of Hastings. Throughout the application review and construction, staff has been in contact with the resident that spoke at the meeting and connected her with the onsite construction manager so that any concerns could be addressed as quickly as possible.

#### Original Staff Report

The City Council granted preliminary plat approval to Groveland Village on February 17, 2021, which included subdivision of a 27-acre lot into 106 townhome lots, 2 apartment lots, common lots and outlots. The first phase of the project which included two apartment lots and 48 townhome lots, received final plat approval on March 15, 2021. At this time, the developer is requesting final plat approval for the remainder of the project, which consists of 58 townhome lots and 1 common lot.

Park dedication will be required for each unit being constructed. The 2021 park dedication rate is \$4,449 per unit. A total of \$258,042 will be due if paid in 2021. If paid in 2022, the 2022 rates will apply. Park dedication must be paid prior to release of mylars for recording.

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 ensure 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 are required prior to any city plan approval.

The developer will be responsible for installation of sanitary sewer, water main, storm drainage improvements, street with concrete curb and gutter, street lights, mailboxes, traffic control signs, street signs, and all appurtenant items.

A Site Improvement Performance Agreement (SIPA) and associated financial guarantee for the site improvements associated with this phase of the project will be required prior to the release of mylars for recording.

Hydrant locations will need to be reviewed with the city's Public Works and Fire Departments prior to final plan approval. Additional hydrants may be needed to facilitate maintenance.

The final plat is consistent with the approved preliminary plat, Resolution No. 21-023.

Not applicable.

The Planning Commission voted unanimously to approve the conditional use permit and preliminary plat. Three residents spoke at the public hearing. Comments included concern about the residential uses in close proximity to the airport; increased traffic on 85<sup>th</sup> Avenue and on Groveland Road into Mounds View; and concerns about the removal of trees and change to the natural environment.

The Planning Commission does not review final plats.

Not applicable.

As required by the recently adopted neighborhood meeting policy, the developer held a virtual neighborhood meeting on January 8, 2021.

Concerns identified in the neighborhood meeting process included the height of the townhomes adjacent to the existing homes on the west side of the property, the impact of the residential uses on the neighborhood, particularly if the residents were low income, and traffic.

The public notice boundary for the project was extended beyond the statutorily required 350-foot radius to include all properties east of Hastings Street.

No public notice or neighborhood meeting was conducted for the final plat.

By motion, approve the Resolution. As mentioned by the City Attorney at the December 6, 2021 meeting, the concerns raised are not directly related to the approval of the final plat item. Staff will continue to work with the developer/builder and homeowners to address concerns during site development and construction.

Zoning and Location Map  
Final Plat

**WHEREAS**, an application has been filed by M/I Homes; and

**WHEREAS**, said case involves the division of land in Anoka County, Minnesota, described as

follows:

Outlot B, Groveland Village

**WHEREAS**, the Blaine City Council granted preliminary plat approval on February 17, 2021, subject to the stipulations as contained in Blaine City Council Resolution No. 21-0023; and

**WHEREAS**, the applicant has submitted a final plat in general conformance with the approved preliminary plat.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that final plat approval for Groveland Village per Section 74-43 of the subdivision regulations is hereby granted subject to the following conditions:

1. Park dedication is required for each unit being constructed. The 2021 park dedication rate is \$4,449 per unit. If paid in 2021, \$258,042 will be due for park dedication. Park dedication must be paid prior to release of mylars for recording.
2. Developer will need to obtain a Coon Creek Watershed District permit prior to any site work. The developer shall be responsible for the construction, maintenance, and repair of storm water features.
3. Site plan and grading approval is required prior to any construction activities occurring on site.
4. A Site Improvement Performance Agreement (SIPA) and associated financial guarantee is required prior to release of mylars.
5. As-built surveys shall be required to verify structure elevations, custom grading requirements, and final lot grading elevations.
6. The developer will be responsible for installation of sanitary sewer, water main, storm drainage improvements, street with concrete curb and gutter, street lights, mailboxes, traffic control signs, street signs, and all appurtenant items. The City shall approve plans and specifications prior to start of construction. Hydrant locations will need to be reviewed by the Fire Department.
7. Standard utility and drainage easements must be dedicated along all lot lines. The Developer is to provide access for inspection and maintenance of this storm water infrastructure.
8. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreement and releases related to the approval, recording or administration of Groveland Village Second Addition.

**PASSED** by the City Council of the City of Blaine this 20<sup>th</sup> day of December, 2021.