



Staff Report Final Plat Legacy Village

Application: 2018-34D Final Plat approval for a PUD in the Rec, and R-2 Zoning Districts.

Applicant: Legacy Homes 1 LLC

Property Legal Description:

Legal Description:

The Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota,

AND

The West 471.00 feet of the North 630.00 feet of the Northwest Quarter of the Southwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota,

AND

That part of the Northwest Quarter of the Southwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:

Commenting at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assigned bearing of North 89 degrees 42 minutes 25 seconds East, along the north line of said Northwest Quarter of the Southwest Quarter, a distance of 471.00 feet to the intersection with the east line of the West 471.00 feet of said Northwest Quarter of the Southwest Quarter and the point of beginning of the tract to be herein described; thence South 00 degrees 16 minutes 47 seconds East, along said east line, a distance of 406.73 feet; thence North 89 degrees 43 minutes 13 seconds East 26.00 feet; thence North 00 degrees 31 minutes 59 seconds West 406.74 feet to said north line; thence South 89 degrees 42 minutes 25 seconds West, along said north line, a distance of 24.20 feet to the point of beginning,

AND

That part of the South Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:

Beginning at the northwest corner of said South Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence on an assigned bearing of North 89 degrees 41 minutes 48 seconds East, along the north line of said South Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 307.05 feet; thence South 00 degrees 07 minutes 54 seconds West 62.41 feet; thence South 89 degrees 41 minutes 10 seconds West 307.05 feet to the west line of said South Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence North 00 degrees 07 minutes 54 seconds East, along said west line, a distance of 62.46 feet to the point of beginning,

AND

That part of the North Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota, lying west of the following described line:

Commencing at the southwest corner of said North Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter; thence on an assigned bearing of North 89 degrees 41 minutes 48 seconds East, along the south line of said North Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 307.05 feet to the point of beginning of the line to be herein described; thence North 00 degrees 07 minutes 54 seconds East 330.11 feet to the north line of said North Half of the Southeast Quarter of the Southwest Quarter of the Northwest Quarter and said line there terminating,

AND

The Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota,

LESS AND EXCEPT

That part of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter described as follows:

Beginning at the southeast corner of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter; thence on an assigned bearing of South 89 degrees 42 minutes 25 seconds West, along the south line of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter, a distance of 164.72 feet; thence North 00 degrees 31 minutes 59 seconds West 267.53 feet; thence North 89 degrees 41 minutes 10 seconds East 167.82 feet to the east line of said Southwest Quarter of the Southwest Quarter of the Northwest Quarter; thence South 00 degrees 07 minutes 54 seconds West, along said east line, a distance of 267.59 feet to the point of beginning.

Proposed Ingress and Egress Easement:

A perpetual 33.00-foot-wide easement for ingress and egress purposes over, under, across and through that part of Outlot E, LEGACY VILLAGE, Cass County, Minnesota, according to the recorded plat thereof, the centerline of said easement is described as follows:

Commencing at the intersection of the east line of said Outlot E and the south line of the Northwest Quarter of Section 28, Township 134 North, Range 29 West, said county; thence on an assigned bearing of North 00 degrees 31 minutes 59 seconds West, along said east line, a distance of 28.01 feet to the point of beginning of the centerline to be herein described; thence North 69 degrees 40 minutes 38 seconds West 166.30 feet to the west line of said Outlot E, and there said centerline terminating. The sidelines of said easement shall be shortened or prolonged to terminate at the east and west lines of said Outlot E. Said easement contains 5,492 square feet, more or less.

Proposed Preservation Easement Description:

A perpetual preservation easement over, under, across and through that part of the Northwest Quarter of the Southwest Quarter of Section 28, Township 134 North, Range 29 West, Cass County, Minnesota, described as follows:

Commencing at the northwest corner of said Northwest Quarter of the Southwest Quarter; thence on an assigned bearing of South 00 degrees 16 minutes 47 seconds East, along the west line of said Northwest Quarter of the Southwest Quarter, a distance of 740.00 feet to the south line of the North 740.00 feet of said Northwest Quarter of the Southwest Quarter; thence North 89 degrees 42 minutes 25 seconds East, along said south line, a distance of 119.11 feet to the east right of way line of County Road 70, and the point of beginning of the easement to be herein described; thence continue North 89 degrees 42 minutes 25 seconds East, along said south line, a distance of 451.89 feet to the east line of the West 571.00 feet of said Northwest Quarter of the Southwest Quarter; thence North 00 degrees 16 minutes 47 seconds West, along said east line, a distance of 582.89 feet; thence North 89 degrees 59 minutes 03 seconds West 23.31 feet; thence North 28 degrees 32 minutes 58 seconds West a distance of 110.27 feet; thence South 00 degrees 31 minutes 59 seconds East 346.89 feet; thence South 89 degrees 43 minutes 13 seconds West 26.00 feet to the east line of the West 471.00 feet of said Northwest Quarter of the Southwest Quarter; thence South 00 degrees 16 minutes 47 seconds East, along said east line, a distance of 223.27 feet to the south line of the North 630.00 feet of said Northwest Quarter of the Southwest Quarter; thence South 89 degrees 42 minutes 25 seconds West, along said south line, a distance of 350.86 feet to said east right of way line; thence South 00 degrees 15 minutes 13 seconds West, along said right of way line, a distance of 110.00 feet to the point of beginning.

Background: Cragun's Enterprises Inc. has owned or acquired a total of 24.11 Acres being considered for this residential PUD development of 38 individual homes located north of the Legacy Golf Clubhouse site. Two adjoining 5-acre parcels with homes currently being used for rentals have been acquired on Suomi Drive to provide additional buffer space and additional parking space for Legacy Golf employees. 2.5 acres of these parcels were added to the PUD. The 38 proposed home sites being developed would be located on new roads being built just off Cass County State Aid Highway 70 or East Gull Lake Dr and also accessing the City road referred to as the Gull River Road. New roads with city required 66 foot right of ways are being proposed to meet City specs and included Legacy Drive, Dutch Circle, Bobby's Circle, and Legacy Court. All 38 homes would be part of a HOA (home owners association) and would have HOA fees for included services common to this type of development. Covenants would also be established for the HOA that would include development rules and policies for future owners. This development is being designed for people downsizing and having a desire for less ground's maintenance. It also will appeal to those that may be a of seasonal nature and want a home in a more securely patrolled area

Applicable Statutes: The subdivision requirements are listed in Sections 7.1 and Section 8 of the Land Use Ordinance. Section 8, Planned Unit Developments, controls the lot size and density requirements.

The Final plat shall comply with the following subdivision standards (Section 8.4):

1. Each lot shall be served by the public sewer.
2. Commonly owned property or green space used for access in a planned unit development shall have a minimum of 33 feet of frontage on a public right of way.
3. Proposed streets shall conform to the Comprehensive Plan of the City, County, and State highway plans and existing boundary conditions.
 - a. All streets within the subdivision shall be constructed by the sub-divider. Local streets and collector streets shall be constructed according with the established minimum standards.
 - b. Please refer to Section 8.4 of the Ordinance for specific street layout requirements.
4. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be the following widths at a minimum:
 - a. Watermain – 20 feet
 - b. Sanitary Sewer – 40 feet
 - c. Storm Sewer – 20 feet
 - d. Electrical, telephone or cable television – 10 feet
 - e. Drainageway – 10 feet

Findings of Fact:

1. East Gull Lake has very few transitional type housing units off the lake for those that do not wish to have or maintain a single-family home. Residents who purchase these units tend to be older as they enjoy the social involvement with others and the fact the homeowner's association does the tasks typically required in Single family ownership.

Our Current Comprehensive plan states on page 16: The City should encourage and support housing developments that provide for different housing options and styles. The housing currently available in the City is largely composed of detached single-family homes with average prices higher than that found in the region. Residents seek to diversify the housing stock to include different housing types, such as townhomes, that will allow residents to remain in the City as they age and that will encourage younger residents to move to the City.
 2. Draft Covenants and Easements have been provided by the developer for owner protection and City access to adjoining property for utilities.
 3. The use or development, with conditions, conforms to the comprehensive land use plan that emphasizes preserving rural character. The City Code section VII section 8.7-1.3.6C Page 323 also allows for preservation of rural character within the community by allowing PUD density increases when certain conditions are met such as City Sewer being available and the distance from any shoreline. For many years while I was on the planning commission, the city was criticized for only offering 2.5-acre developments. All the developed properties during that time were not HOA developments with services provided that transitional couples are looking for today. Families were looking for privacy and larger homes at that time. The last real condensed PUD was the East Pointe development started in 1985. This is an HOA that is very popular and resale of homes is at an all-time high.
 4. An engineered storm water pollution prevention plan has been submitted.
 5. A preliminary Landscape plan has been submitted for the proposed development area with trees and shrubbery provided. The development would also be screened from the roads by existing vegetation in areas left in their natural state.
 6. New roads will be added in the development with connections to the city road, Gull River Road and the county road Cass County Sate Aid Highway 70 or East Gull Lake Drive. Connections to these roads will receive City and County approval for safety. Presently a right-hand turn lane will be added by the developer on the north right entrance to Legacy Drive. These new roads would be built to City and County standards and then dedicated to the city and county when completed to City and County Specs for future ownership and maintenance.
 7. The entire PUD will not exceed 24% of impervious coverage including all estimated structures, parking areas, roadways, trails, pickleball courts and other hard surfaces. This meets the standard of less than 25% impervious with a storm water plan, as provided.
 8. Setbacks of home sites from the road right of way is a minimum of 20 feet. Setbacks vary from 20 feet to 97 feet with the coving concept. The average setback for the 38 homes is approximately 29 feet (City road standards are 30 feet from the ROW.)
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9. The East Gull Lake Wastewater and Road committee met on July 11th 2018 and has reviewed the road and sewer plans and with a motion by Jerry Stromberg and a second by Dennis Lang, the vote was passed unanimously by the committee.
10. The Conditional use will not be a financial burden to the City as the extra tax revenue and additional sewer revenue will more than offset any City expense.

11. **Density issue comparisons in East Gull Lake**

I have compared three different PUD's currently in East Gull Lake for density comparisons;

East Point Developed in 1985, Originally designed for 72 units on 23.48 acres. All in the R3 zoning area and primarily first and second tier. 1,022,788 sq. ft. total property area divided by **72 units is 14,205 sq. ft. per unit**, second 36 units was abandoned from approved plan so the development ended up to be **36 units at 28,410 sq. ft. per unit**

Green Hill Townhouse Developed in 1978 Designed for 20 units on 5.426 acres. All in R3 zone all in the first and second tier. 20,337 sq. ft. in total property area divided by **20 units is 11,816 sq. ft. per unit**

The Harbor developed in 2016 Designed for 27 units on originally over 58 acres. Property was donated to the city after the development was approved and the housing portion sits on 26 acres all on tier 1,2 and 3 on land zoned R3 and R2 or 1,132,560 sq. ft. of total property area divided by **27 units is 41,946 sq. ft. per unit**

Legacy Village proposed in 2018 Proposed for 38 units on 24.11 acres all to be rezoned to R2. Property is more than 1,250 feet from any shoreline and falls beyond any tier. 1,050,211 sq. ft. of total property area divided by **38 units is 27,637 sq. ft. per unit**

The Legacy Village PUD falls approximately in the middle of PUD's already approved. The original East Point and the Green Hill Townhouse PUD's are much denser. A determining factor is this development is 1,250 feet away from any lake. It has city wastewater facilities available to the area and is also very close to a major golf facility that will attract buyers to the development.

On computing standard density in the Legacy Village proposed PUD:

1. There are approximately 24.81 usable acres for the development.
2. There are 38 proposed building sites that range from 8,218 sq. ft to 22,785 sq. ft.
3. The PUD impervious coverage calculations for the entire 24.81 acres is as follows:
 - 75,705 SF Road Impervious area
 - 1,000 Well House Impervious
 - 117,318 SF House pad impervious area (see chart SF for each 60 x 60 Pad)
 - 51,883 SF Projected driveway impervious area
 - 3,600 SF Pickleball court area
 - 5,665 Trails – Cart Paths
 - 255,171 Total Impervious
 - 1,080,709 SF Total PUD area

23.61% Percentage impervious for entire property involved and not to exceed 24%

NOTES: Building pads are calculated at (see chart) SF
 Driveways averaged at (see chart)
 38 total lots in PUD

Please see Exhibit A on plans provided for impervious calculations

4. The PUD meets all density requirements in our ordinance.

On the design criteria for a PUD:

1. The PUD proposes 38 units, which exceed the minimum requirement of three units.
2. The required **50-foot vegetative buffer** around the development is indicated on the Preliminary Plat
3. Based on details provided with the preliminary plat, the 25 percent open space requirement has been met with a total of 39.3 % total.
4. More than **50.3 % percent of the development is common space**, which exceeds the requirement of 50%. Common space includes the stormwater management ponds, the 50-foot vegetative buffer, and recreation facilities.
5. The common spaces are managed by the Home Owners Association created for the residential development.

6. The PUD **includes a 10-year, 24-hour stormwater management plan.**
7. The applicant has submitted a professionally prepared stormwater management plan.
8. The development will be connected to the City sewer system for all 38 lots to be sold and additionally the maintenance building, Dorms and adjacent rentals homes will be hooked up in the near future.
9. All on site lighting to be installed will be pointed downward or away from neighboring properties.
10. All building colors will be in conformance with the City Ordinance. This is set in the Owners Covenant restrictions as well.
11. A grading, drainage and erosion control plan has been submitted.

Planning Commission Direction: The Planning Commission can recommend approval of a Final plat, recommend denial, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact, City staff recommends approval of the Final Plat subject to the following conditions:

1. The City Attorney shall review the draft covenants for the Home Owners Association to make sure they follow City code. The review shall only be to determine how the documents administer and enforce the provisions and conditions of this approval. These documents must be deemed acceptable to the City Attorney or revisions shall be made to make them acceptable.
2. The City Engineer shall review the sewer connections for compliance to City and State codes when wastewater system is completed and ready for operation
3. Upon final completion and inspection of the new roads proposed to City Specifications and the completion of the Waste Water Collection system being completed according to the City Engineers Specifications, these public facilities will be turned over to the City of East Gull Lake when 50% of the homes are sold The second lift of bituminous will not be installed until 75% of the lots are sold and built, or 2021, whichever is sooner and the city will retain escrow or Bank line of credit until completed.
4. Existing tree vegetation shall be marked, fenced and preserved, wherever possible.
5. All structures shall conform to the City's minimum building standards for a PUD and to the state building code.
6. Any future changes to the Property Owners Association Covenants shall be submitted to the City for approval as a modification to the Conditional Use Permit. All changes will be submitted to the City Planning and Zoning Administrator. The declaration shall include a provision to this effect.
7. Developer will extend the wastewater stub to Gull River Road within public easement for potential future wastewater construction.
8. Developer has provided an exhibit showing an ingress and egress easement on the driveway going to the maintenance building to prevent future owners from eliminating this option and provide continued access to the existing maintenance facility property. The Ingress and Egress Easement will be recorded concurrently with the plat.
9. Developer shall pay all costs of installation of the public infrastructure.
10. Construction of all structures shall conform to the building code of the State of Minnesota.
11. All mail delivery shall be done as approved by the US Postal Service.
12. The execution of the appropriate Developers Agreement to ensure compliance with the conditions of approval and compliance with the relevant ordinances and statutes.
13. A Residential PUD shall meet the following open space requirements:
 - a. At least 25% of the total project area shall be preserved as open space, plans show 39.03% currently
 - b. A minimum of 50% open space shall be left in its natural state and shall be contiguous, plans show 50.3%
 - c. Dwelling units or sites, road right-of-way, land covered by road surfaces, parking areas, stormwater basins, collection and treatment areas, structures and landscaped areas which are routinely maintained are developed areas and shall not be included in the computation of minimum open space.
 - d. Open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or un-platted cemeteries.
 - e. A 50-foot buffer is to be maintained or established along the boundary of the PUD and a public road. A 30-foot buffer shall be maintained to the north and west of the maintenance facility. The buffer shall be included as open space, minus areas used as accesses.

- f. The appearance of open space areas shall be preserved by use or restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means acceptable to the City.
 14. A PUD shall develop and maintain a stormwater management plan
 - a. Capacities of existing drainage ways shall be maintained.
 - b. Inlets and outlets to adjacent parcels shall be maintained.
 - c. All PUD's shall contain the 10-year, 24-hour storm even within the development
 - d. Runoff from the parcel shall not be concentrated unless part of a city stormwater management plan
 15. The PUD shall be connected to the City sewer systems where available and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
 - a. A central water system will be installed to MN Dept of Health Standards and maintained by the HOA
 - b. Based on the City engineer's recommendation, all drainage facilities are to be owned and maintained by the HOA. Any damage to City infrastructure due to drainage or water system activities are to be the responsibility of the HOA.
 16. Existing resort dormitories and maintenance facilities shall be required to be hooked up to City sewer with appropriate ERC's and current connection fees charged by size when the wastewater system is operational for the development. Existing adjoining rental homes at 11363 Suomi Dr. and 11391 Suomi Dr. will be connected to City sewer if a permit to expand their footprint is requested or if the existing wastewater system fails. Cragun's will use existing connection fee credits for sewer connection fees and if units required to connect are not connected to the wastewater system within a year, quarterly billings will begin at that time.
 17. All PUD's shall develop and maintain erosion control by MPCA rules throughout construction activities. All ground shall be restored or stabilized as soon as possible after being disturbed.
 18. All planned exterior lighting shall be directed downward and shall not illuminate adjacent parcels that are directly or indirectly affected.
 19. All PUD's shall meet the following building standards:
 - a. Parking and driving areas must be paved
 - b. All buildings shall be earth tone in color, no vinyl siding shall be allowed, and shall be designed, constructed and positioned to be compatible, in color, character and mass, with the surrounding land use.
 20. Developer is allowed to proceed with construction provided final plat is recorded with Cass County.
 21. A 6-foot-high opaque fence will be constructed by Cragun's along the West and North sides of the maintenance shop along with additional common space property for the HOA as part of the plat.
 22. Driveway entries along a cul-de-sac area will be limited to a 12-foot width at the entry point and then expand according to impervious coverage to garage.
 23. An excel spreadsheet system will be provided to City staff and developer to keep track of what's to be built by lot so we do not exceed 24% impervious coverage and will allow some flexibility by maintaining records of as-built and comparing to the impervious chart. Credit will be allowed on larger lots if impervious is less on others.
 24. Trees to be planted along County Road 70 shall be mixture of sizes and maintained and replaced if there is tree failure.
 25. A Performance Bond shall be submitted for remaining infrastructure such as legal fees, City Engineer fees, roads to be built, water wells to be installed, WW pumping stations and piping yet to be installed, Landscaping to be done, stormwater retention areas to be built, pickleball courts to be built, trails to be built, Boundary fence around Maintenance areas, Right hand turn lane on County Rd 70, Hooking up City sewer to Cragun's buildings (Dorms, Maintenance Building, Exterior lighting to be installed at a 125% estimate to cover engineering costs and legal costs if needed, SEH has provided an itemized estimated dollar amount list for City staff and developer to keep track of.
 26. A plat check letter shall be submitted by an independent surveyor before the Final plat is recorded
 27. Mylars shall be provided and signed by the City and Developer before the Final Plat is recorded
 28. Developer will provide the City with as built drawings for the sewer and water system infrastructure.
 29. Developer to record an easement as described on page 1 of this document for the golf course property to meet the buffer requirement.
 30. Dedications to the Public
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- a. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the sub-divider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.
- b. In addition, for every new subdivision of land involving three or more lots which are to be developed for residential purposes, the Planning Commission, with the concurrence of the City Council, shall require either a payment to the City or a land dedication for conservation purposes or for public use as parks, recreational facilities playgrounds, trails, wetlands, utility easements or open space, of a sum not to exceed ten percent (10%), of the fair market value of the land to be subdivided. The fair market value of the land to be subdivided shall be the value as determined by the Cass County Assessor at the time of Final Plat approval by the City Council. All dedications shall be included in the dedication portion of the plat, included in the development contract, or received by the City in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

c. Current Assessed land value as of 7-23-2018 for 2018 taxes payable 2019

PID	87-028-2300	\$60,500.00	
	87-028-2301	\$66,000.00	
	87-028-2304	\$22,650 .00	(50% of land value 2.5 acres used in plat)
	87-028-2302	\$9,360.00	(20% of land value 1.0 acres used in plat)
	<u>87-028-3202</u>	<u>\$47,600.00</u>	
	Total	\$206,110.00	

\$206,110.00 x 10% = **\$20,611.00 Park Dedication fee was paid to East Gull Lake on January 11,2019**