

PUBLIC HEARING – FINAL PLAT

Application: Amendment to Final Plat of The Range

Applicant: Premier Homes, Inc.

Agenda Item: 3.2

The subject property has recently been transferred to a new owner. The proposed amended final plat is identical to the previous final plat approval other than the updated ownership information.

Background Information: The Applicant is proposing to subdivide property along Little Walnut Lane into 15 single-family residential building sites and one commonly owned lot (greenspace). The property is zoned “Rural Residential” and is located within the “Residential-Golf Course Community Overlay District”. The City Council approved the Preliminary Plat of The Range on May 7, 2019. This Final Plat application is the final step in the subdivision process.



Applicable Regulations: To obtain Final Plat approval, an applicant must fulfill the Final Plat requirements contained in the Ordinance and must also meet any conditions imposed by the City during the Preliminary Plat approval. The Preliminary Plat for The Range was approved with the following conditions:

On the conditional use permit and preliminary plat:

1. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, buffers, infiltration basins and improvements dated April 8, 2019.
2. Prior to construction, excavation, grading or other terrain disturbance, final plans for all infrastructure (private roads, water system, etc.) and grading shall be submitted to and approved by the City Engineer. The improvements within the development shall be designed by a licensed engineer.
3. The 50-foot buffer around the perimeter of the planned unit development shall remain in a natural state in perpetuity, except for road access areas and SSTS components. The vegetation in the buffer shall not be altered except to create areas for SSTS tanks/drainfield(s) and road accesses. Structures may not be constructed in the buffer.
4. Lots 1 – 15 may only be developed with single family homes.
5. Lot 16 (greenspace) may not contain any structures, except a well house that will not exceed 120 square feet in size. Vegetation located in Lot 16 shall substantially remain in a natural state. Vegetation may be removed from Lot 16 in order to construct trails, private roads, sewer system, and water system. Reference to these provisions shall be made in the development covenants.
6. A hydrant shall be installed off of the deep water well for fire protection.
7. Ownership and long-term maintenance responsibilities/obligations for the community water system shall be described in the development covenants.
8. Ownership and long-term maintenance responsibilities/obligations for the sewer system shall be described in the development covenants.
9. The cluster sewer system shall conform to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the City of Pequot Lakes SSTS standards. The final plat shall not be signed until the final SSTS design is reviewed and approved by an Advanced Inspector per Minnesota Rules.
10. The cluster water system shall conform to the Minnesota Department of Health Rules and Regulations MHD 210-230 “Water Well Construction Code”, and the cluster system shall receive the approval of the City Engineer.
11. The city attorney shall review and approve the declaration, covenants, by-laws, etc. before the final plat is signed.
12. The developer shall pay a park dedication fee in the amount of \$14,040.00 in accordance with Section 17-9.10 “Dedication to the Public – Standards”. (416 X 2.25 PPH = \$936 X 15 lots = \$14,040.).

13. Prior to the submission of a Final Plat application the applicant shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in 10.3. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

Section 17-11.9 SUBDIVISIONS

7. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council. All coincident variance requests, conditional use permit requests and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.

- A. The subdivider shall submit 9 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days prior to the Planning Commission meeting.
- B. The Zoning Administrator shall distribute the information received to the City Attorney and the City Engineer, who shall review the submission for conformance with the standards and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council. An independent Licensed Land Surveyor as designated by the City, shall compare the approved Preliminary Plat with the Final Plat, provide a plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.
- C. The Planning Commission shall review the reports of the Attorney, Engineer, Zoning Administrator and independent Licensed Land Surveyor and make recommendation to the City Council within the required timeframe. The Planning Commission shall consider the following:
 - (1) Has the applicant complied with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or

execution of appropriate agreements assuring performance?

- (2) Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
- (3) Does the City Attorney agree that all parties with an interest in the property are shown as signers of the document?
- (4) Does the City Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
- (5) Does an independent Professional Land Surveyor agree that the final document meets the statutory requirements?
- (6) Has financial security been posted in the appropriate amount?

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The development of the subdivision and planned unit development are in substantial conformance with the approved Preliminary Plat, site plan and elevations that govern the general location of lots, roadways, buffers, infiltration basins and improvements dated April 8, 2019.
2. The Final Plat agrees with the Preliminary Plat. The design has not changed since Preliminary Plat approval.
3. The City Engineer has reviewed and approved the excavation, grading or other terrain disturbance, and final plans for all infrastructure.
4. The applicant has complied with Conditions 4, 7 and 8 as they are included in the Declaration.
5. Lot 16 (greenspace) shall not contain any structures. The Water Utility Plan indicates 3 flushing hydrants with 2" connection for fire hose.
6. The cluster sewer system design conforms to Minnesota Pollution Control Agency Standards (Chapter 7080 – 7083 of the Minnesota Administrative Rules) and the design has been reviewed and approved by Tom Espersen, a licensed Advanced Inspector per Minnesota Rules.
7. The City Engineer has reviewed and approved the cluster water system conforms to the Minnesota Department of Health Rules and Regulations MHD 210 – 230 "Water Well Construction Code".
8. The review by the City Attorney is pending.
9. The developer has paid a park dedication fee in the amount of \$14,040.00.

10. The developer has provided financial security in the amount of \$281,250.00, which represents 125% of the estimated cost of the uncompleted improvements. (Letter of Credit?)
 11. An independent Plat Check has not been received.
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Planning Commission Direction: The Planning Commission should develop findings to either approve or deny the Final Plat. In general, the Commission cannot deny a Final Plat unless the applicant will not or cannot meet the final platting requirements or the conditions of the Preliminary Plat approval. The Commission cannot impose additional conditions that do not fall directly within the guidelines of the Final Plat or relate directly to conditions imposed in the Preliminary Plat.

The Commission also has the option to table the Final Plat to obtain additional information.

Staff Recommendation: Based on the Findings of Fact presented in this report, the Staff recommends approving the application, subject to the following condition:

1. All documents must be acceptable to the City Attorney prior to Council approval of this Final Plat.

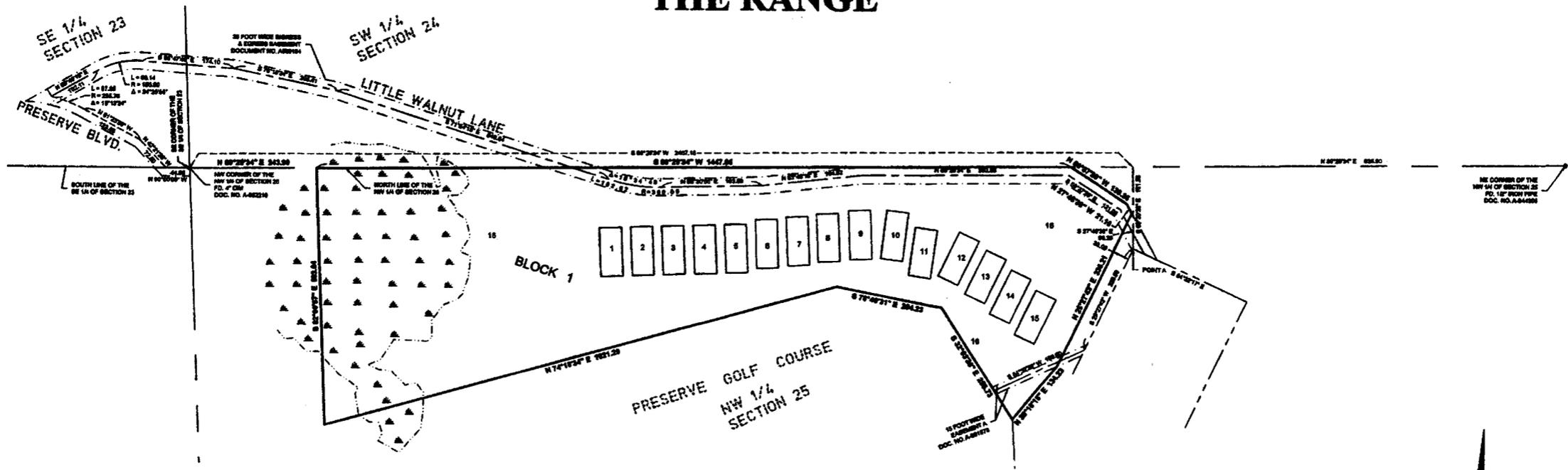
In addition, before the final plat is signed by the city the applicant shall provide the following:

- a) "Pumphouse details" referenced on Sheet 3 and Sheet 4 of the plans for the water distribution system. (We have received this)
- b) A copy of submittals (and response) to the Minnesota Department of Health regarding the water well, pumphouse and water distribution system.
- c) A copy of the Construction Stormwater General Permit from the Minnesota Pollution Control Agency (MPCA).
- d) Updated erosion control plan to include a double row a silt fence or a combination bio-rolls (bio-logs) and silt fence located on the west/south side of Unit 1 to the east side of Unit 2.
- e) Updated stormwater management plan to include a 6-inch to 12-inch tall vegetated (mowable) berm outside of the toe of sloped areas to prevent direct stormwater runoff to wetlands and adjacent properties.
- f) Updated specifications on the private road/driveway which includes pavement thickness.

Before permits are issued for the development the applicant shall provide the following:

- i) Copies of all required plumbing permits for the dwelling units from the MN Department of Labor and Industry.
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THE RANGE



KNOW ALL PERSONS BY THESE PRESENTS: That Premier Homes, Incorporated, a North Dakota Corporation, the owner of the following described property situated in the County of Crow Wing, State of Minnesota, to-wit:

TRACT A
That part of the Northwest Quarter, Section 25, Township 136 North, Range 29 West, Crow Wing County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest Quarter; thence North 89 degrees 29 minutes 34 seconds East, assumed bearing, along the north line of said Northwest Quarter 243.90 feet to the point of beginning of the tract to be herein described; thence South 02 degrees 00 minutes 57 seconds East 503.64 feet; thence North 74 degrees 18 minutes 34 seconds East 1021.29 feet; thence South 78 degrees 49 minutes 31 seconds East 204.23 feet; thence South 22 degrees 03 minutes 37 seconds East 256.73 feet; thence North 39 degrees 10 minutes 15 seconds East 134.23 feet; thence North 21 degrees 27 minutes 43 seconds East 335.21 feet; thence North 27 degrees 46 minutes 38 seconds West 21.10 feet; thence North 56 degrees 37 minutes 20 seconds West 130.35 feet to said north line; thence South 89 degrees 29 minutes 34 seconds West along said north line 1447.83 feet to the point of beginning.

Together with and subject to a 33.80 foot wide easement for ingress and egress purposes over and across the Southeast Quarter, Section 23, over and across the Southwest Quarter, Section 24, and over and across the Northwest Quarter, Section 25, all in Township 136 North, Range 29 West, Crow Wing County, Minnesota, the easement is described as follows: Commencing at the southeast corner of said Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds West, assumed bearing, along the south line of said Southeast Quarter 44.66 feet; thence North 42 degrees 21 minutes 28 seconds West 72.59 feet; thence North 61 degrees 23 minutes 59 seconds West 123.65 feet; thence northerly 67.95 feet along a tangential curve concave to the southwest having a radius of 255.76 and a central angle of 15 degrees 13 minutes 24 seconds to the point of beginning of the easement to be herein described; thence North 59 degrees 46 minutes 19 seconds East not tangent to last described curve 102.11 feet; thence northeasterly 90.14 feet along a tangential curve concave to the southeast having a radius of 150.00 feet and a central angle of 34 degrees 25 minutes 55 seconds; thence South 25 degrees 47 minutes 46 seconds East tangent to said last described curve 174.10 feet; thence South 71 degrees 18 minutes 34 seconds East 205.41 feet; thence South 71 degrees 34 minutes 15 seconds East 548.54 feet; thence southerly 102.22 feet along a tangential curve concave to the north having a radius of 300.00 feet and a central angle of 19 degrees 34 minutes 49 seconds; thence North 88 degrees 30 minutes 56 seconds East tangent to said last described curve 193.89 feet; thence North 83 degrees 48 minutes 18 seconds East 194.62 feet; thence North 89 degrees 29 minutes 34 seconds East 392.96 feet; thence South 56 degrees 37 minutes 20 seconds East 121.08 feet; thence South 27 degrees 46 minutes 38 seconds East 98.25 feet and said described easement there terminating.

The sidelines of eastern end of easement shall be prolonged or shortened to terminate on lines bearing South 25 degrees 27 minutes 43 seconds West and South 64 degrees 32 minutes 17 seconds East from Point A. Said Point A is described as follows: Commencing at the southwest corner of said Northwest Quarter; thence North 89 degrees 29 minutes 34 seconds East, assumed bearing, along the north line of said Northwest Quarter 1812.18 feet; thence South 00 degrees 30 minutes 26 seconds East 161.56 feet to said Point A.

Also subject to easements, restrictions and reservations of record.
Have caused the same to be surveyed and plotted in THE RANGE.

In witness whereof said Premier Homes, Incorporated, a North Dakota Corporation has caused these presents to be signed by its proper officer _____ day of _____, 20__.

Signed: Premier Homes, Incorporated
Wade Vogel, President

STATE OF MINNESOTA
COUNTY OF _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Wade Vogel, President of Premier Homes, Incorporated, a North Dakota Corporation

(Notary Signature) _____ (Notary Printed Name) _____
NOTARY PUBLIC, COUNTY, STATE OF _____
MY COMMISSION EXPIRES _____

Patrick A. Truitt do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 5 as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20__

Patrick A. Truitt, Licensed Land Surveyor
Minnesota License Number 41002

STATE OF MINNESOTA
COUNTY OF _____
This instrument was acknowledged before me this _____ day of _____, 20__ by Patrick A. Truitt, Minnesota Licensed Land Surveyor.

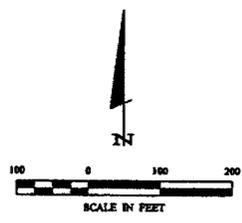
(Notary Signature) _____ (Notary Printed Name) _____
NOTARY PUBLIC, COUNTY, STATE OF MINNESOTA
MY COMMISSION EXPIRES _____

Department of Auditor-Treasurer
Permanently to Minnesota Statutes, Chapter 272.12, that there are no delinquent taxes on the land heretofore described on this plat and transfer and payment to Chapter 505.021, Subd. 5, taxes payable for the year 20__ on the land heretofore described have been paid this _____ day of _____, 20__.

Gary Griffin, Auditor-Treasurer for Crow Wing County, Minnesota

City Council, City of Pequot Lakes, Minnesota
This plat of THE RANGE was approved by the City Council for the City of Pequot Lakes, Minnesota on this _____ day of _____, 20__.

By _____ By _____
James Taylor, Mayor Angie Dean, City Clerk



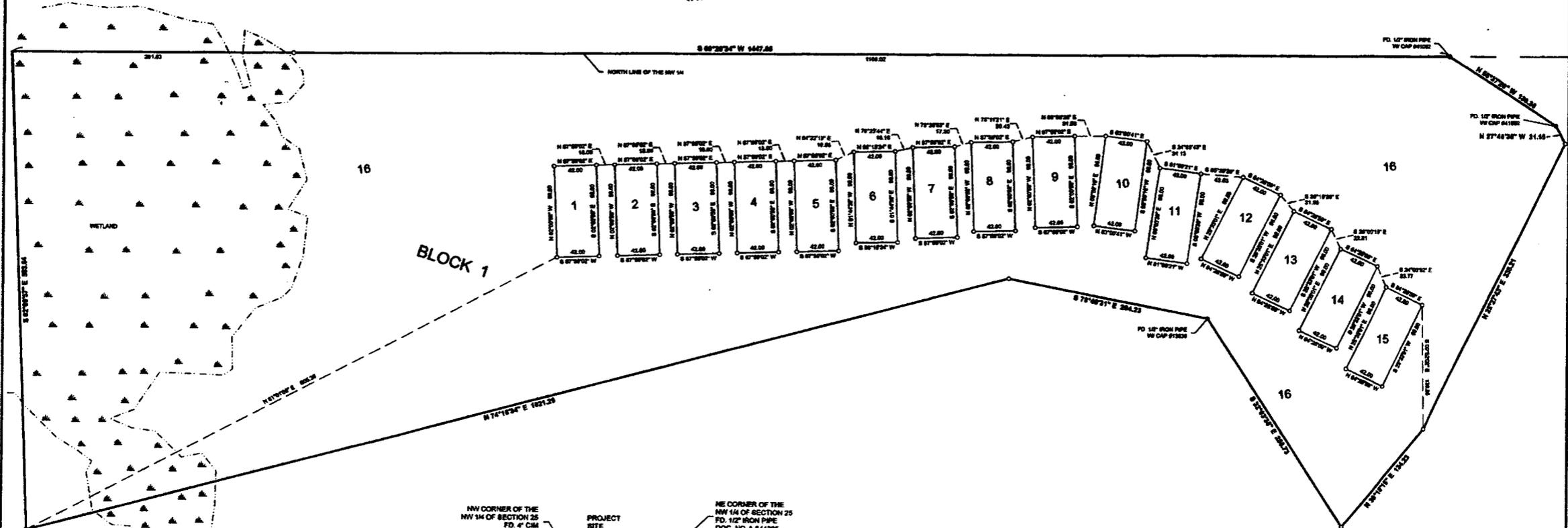
LEGEND
 ■ DENOTES DELINEATED WETLAND
 ● DENOTES BROWN PINE FOUND AS NOTED
 ○ DENOTES 1/2 INCH x 1/2 INCH BROWN PINE SET AND MARKED BY LICENSE NO. 41002
 ORIENTATION OF THE BEARING SYSTEM IS BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 25 TO HAVE AN ASSUMED BEARING OF N 89°29'34" E.

SEE SHEET 2 OF 2 FOR LOT LAYOUT

30296 Encumbrance Road
Suite 1
P. O. Box 874
Pequot Lakes, MN 56472
218-568-4948
www.stonehamsurvey.com

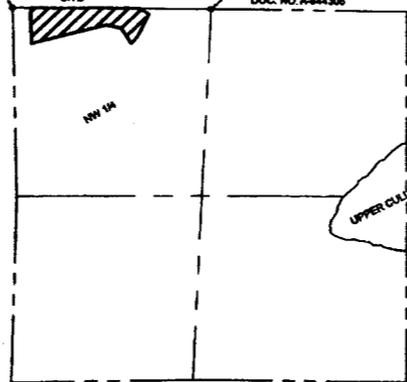
THE RANGE

SW 1/4
SECTION 24-T136N-R29W

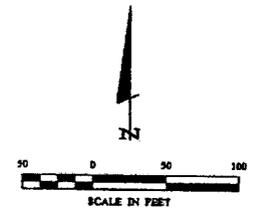


NW CORNER OF THE NW 1/4 OF SECTION 25
FD. # Cas
DOC. NO. A-852219

NE CORNER OF THE NW 1/4 OF SECTION 25
FD. 1/2" IRON PIPE
DOC. NO. A-844306



SECTION 25-T136N-R29W
VICINITY MAP
NOT TO SCALE



LEGEND

- ▲ DENOTES DELINEATED WETLAND
 - DENOTES IRON PIPE FOUND
SIZE AS NOTED
 - DENOTES 1/2 BACH x 1/8 BACH
IRON PIPE SET AND MARKED
BY LICENSE NO. 41962
- ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE NORTH LINE OF THE NORTHWEST
QUARTER OF SECTION 22 TO HAVE AN ADJACENT
BEARING OF N 89° 23' 41\"

30296 Raccoon Road
Suite 1
P. O. Box 874
Project Labs, MD 56472
315-566-8946
www.titon-engineering.com