



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/04/2013

CONSENT

ITEM #: 5

AGENDA ITEM: Christ Lutheran Church Minor Subdivision – 3549 Lake Elmo Avenue

SUBMITTED BY: Kyle Klatt, Director of Planning

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... Staff
- Report/Presentation Staff
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on MotionMayor Facilitates

PUBLIC POLICY STATEMENT

A Minor Subdivision is allowed as an exception to the City’s platting requirements in instances when a division of land results in no more than four parcels.

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider a request from Christ Lutheran Church, 11194 36th Street North, for a Minor Subdivision to split off a portion of the parking lot associated with the former Lake Elmo Bank property at 3549 Lake Elmo Avenue North. The split is intended to allow the church to retain ownership of the majority of the parking lot on this site while selling the building to another party along with a small portion of the parking area next to the building. The City has previously granted a variance to allow the split, which was necessary because the parcels to be created are smaller than the minimum lot size allowed in a GB General Business District. The Planning Commission is recommending that the City Council approve the Minor Subdivision request and take the following action / with the following motion (should this item be removed from the consent agenda):

“Move to adopt Resolution No. 2013-46 approving a Minor Subdivision to allow the division of a parcel at 3549 Lake Elmo Avenue into two lots”

BACKGROUND AND STAFF REPORT:

Christ Lutheran Church acquired the former Lake Elmo Bank property sometime after the bank relocated along State Highway 5, and has previously leased out office space within the building while using the parking lot for people attending church events. This arrangement has worked out fairly well over the past several years because the peak parking demand associated with the office use falls outside of the church’s

peak parking periods on nights and weekends. The St. Croix Sensory business was in the building for several years, but has since relocated recently leaving the building vacant.

The applicant has been in discussions with potential buyers for the property, and at least one interested party has indicated that they will not need all of the parking on the site for their business. As a result, the Church would like to retain ownership of a majority of the parking lot if it does sell the building, which would allow them to retain control of the parking lot as an accessory to their main facility. The Church recently undertook a renovation of the parking lot at 3549 Lake Elmo Avenue North by resurfacing the entire lot and adding a new storm water infiltration feature in the middle of the property. The proposed lot split would keep the rain garden areas under the control of the Church.

The parcels to be created by the minor subdivision would be 0.42 acres (identified as Tract A on the attached survey including the building plus the smaller parking area) and 0.27 acres (identified as Tract B including parking and a rain garden). The minimum lot size within the City's GB district is 1.5 acres; however, the variance previously granted by the City will allow the minor subdivision to move forward. In fact, the City Council must consider the lot sizes noted above as compliant with the Zoning Ordinance because of the variance approval. In all other aspects of the request, the applicant meets the City's review and submittal requirements. Staff has attached Resolution No. 2013-07, approving the lot size variance, for consideration by the Council.

As part of the variance approval, the applicant is required to provide a shared parking easement over the entire parking area that would be reciprocal for both parcels. This means that the future building tenant would be able to use the Church's parking area on "Tract B" and the Church would be able to use the parking in front of the building on "Tract A". This is essentially how the parking area has been used in the past when the Church leased the building to the St. Croix Sensory business.

A shared parking easement has since been drafted by the Church and is attached to this memorandum for review by the Council. Although the easement as drafted does give the Church full usage of the parking areas during church events, this language should not be problematic for a commercial/office user since the Church's peak parking demands occur on weekends and weekday evenings.

The variance approval also requires that the applicant provide a drainage easement over the infiltration area since this area collects storm water from both of the parcels to be created by the minor subdivision. This easement is also attached for consideration.

Because both easements are not necessary until the minor subdivision is recorded with the County, Staff is recommending that the recording of the easements be included as a condition of approval. This will allow the Church to record the easements either at the same time or immediately after the property transaction has occurred.

A minor subdivision must be reviewed by the Planning Commission with final approval by the City Council. There is no public hearing required for this type of request.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the proposed Minor Subdivision at its meeting on May 29, 2013. The Commission unanimously recommended approved of the request as submitted and found that the lot split met all applicable City Code requirements and that it was consistent with the variance previously approved for the property.

The Planning Commission recommendation did include two conditions of approval as follows:

- 1) The Applicant shall execute and record a shared parking easement in a form acceptable the City Attorney prior to the transfer of either “Tract A” or “Tract B” to another party. This easement shall allow any future tenants of the building on Tract A to use the parking lot on Tract B during time periods when this lot is not used by the Applicant. The agreement shall be drafted to be reciprocal regarding the use of the parking stalls that will be retained by the future owners of Tract A.
- 2) The Applicant shall execute and record a drainage and utility easement across the storm water infiltration area in a form acceptable the City Attorney prior to the transfer of either “Tract A” or “Tract B” to another party.

RECOMMENDATION:

Based upon the above background information, Staff report and Planning Commission recommendation, it is recommended that the City Council approve the Minor Subdivision request by Christ Lutheran Church to split the parcel of land at 3549 Lake Elmo Avenue North into two new lots in accordance with the attached survey with the following motion (should this item be removed from the consent agenda):

“Move to adopt Resolution No. 2013-46 approving a Minor Subdivision to allow the division of a parcel at 3549 Lake Elmo Avenue into two lots”

ATTACHMENT(S):

1. Resolution No. 2013-46
2. Application Form
3. Application Narrative
4. Location Map
5. Certificate of Survey for Minor Subdivision
6. Proposed Drainage and Utility Easement
7. Proposed Shared Parking Easement
8. Resolution No. 2013-07 (Approving Lot Size Variance)