



PLANNING COMMISSION
DATE: 10/28/13
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2013-35

ITEM: Comprehensive Plan Amendment – Diedrich Property
SUBMITTED BY: Nick Johnson, City Planner
REVIEWED BY: Kyle Klatt, Community Development Director
Washington County

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to consider a request to amend the Lake Elmo Comprehensive Plan to change the future land use designation of property immediately east of Lake Elmo Avenue and approximately 2,200 feet north of Interstate 94 from HDR – Urban High Density Residential to MDR – Urban Medium Density Residential. The applicant has submitted a Preliminary Sketch Plan for a proposed residential subdivision to support the Comprehensive Plan Amendment (CPA) request. It is anticipated that the applicants will be presenting a formal Sketch Plan at an upcoming Planning Commission meeting. Staff is recommending that the Planning Commission recommend approval of the request.

GENERAL INFORMATION

Applicant: Tammy Diedrich and Gary Reider, 7401 Wyndham Way, Woodbury, MN
Property Owners: Tammy Diedrich and Gary Reider, 7401 Wyndham Way, Woodbury, MN
Location: Part of Section 36 in Lake Elmo, north of I-94, east of Lake Elmo Avenue, and south of the Cimarron Manufactured Home Park. PID Number 36.029.21.32.0002
Request: Application for Comprehensive Plan Amendment – HDR to MDR
Existing Land Use: Vacant
Existing Zoning: RT – Rural Transitional Zoning
Surrounding Land Use: North – manufactured home park; west – vacant/agricultural land, south – single family home and golf practice facility, and east – light industrial
Surrounding Zoning: RT – Rural Transitional; RS – Single Family Residential; MDR – Urban Medium Residential
Comprehensive Plan: Urban High Density (7.5 – 15 units per acre)
Proposed Zoning: MDR – Urban Medium Density Residential
History: The subject property is currently vacant.
Deadline for Action: Application Complete – 10/2/13

60 Day Deadline – 12/1/13
 Extension Letter Mailed – No
 120 Day Deadline – 1/30/14

Applicable Regulations: Article 10 – Urban Residential Districts (MDR)

REQUEST DETAILS

The City of Lake Elmo has received a request from Tammy Diedrich and Gary Reider for a Comprehensive Plan Amendment to change the future land use designation of property north of Interstate 94 and east of Lake Elmo Avenue from High Density Residential (HDR) to Medium Density Residential (MDR). This property is located within the I-94 Corridor Planning Area, and was included in the previous Comprehensive Plan Amendment to incorporate the I-94 Land Use Plan. The property is presently owned by Tammy Diedrich and Gary Reider and is under contract for purchase by Pratt Homes. Pratt would like to develop the property as a single family attached/detached townhome development at a density that is lower than the future land use guidance of HDR (7.5 to 15 units per acre) that was approved as part of the Comprehensive Plan Update.

In addition to the request for a Comprehensive Plan Amendment, the applicant has submitted a preliminary sketch plan to aid the review of the CPA. The preliminary sketch plan includes 48 total residential units (22 attached, 26 detached). While it is difficult to calculate an accurate figure for net density at this time, it is anticipated that the proposed townhome development will have a net density that is consistent with the City's Urban Medium Density Residential – MDR land use category. Finally, it is likely that the applicants will be presenting a Sketch Plan for formal review at an upcoming Planning Commission meeting in the future.

BACKGROUND

The applicant's site is currently vacant and is approximately ½ mile south of 10th Street (CSAH 10), and just south of Cimarron Manufactured Home Park and Golf Course. Water services have been requested by the applicant, but would need to be installed as part of a larger City project to extend water down Lake Elmo Avenue.

When the City drafted the future land use map for this area as part of the I-94 Comprehensive Plan Update last year, this site was guided for high density residential development at a density of 7.5 to 15 units per acre. The applicants have stated that the existing HDR – High Density Residential guidance for this site is not consistent with plans to develop the site as proposed in the submitted preliminary sketch plan. Due to this inconsistency, the applicants are petitioning the City to change the future land use map for this area to MDR – Medium Density Residential. Based upon a similar request for the property to the south of the Diedrich property, as well as other feedback from the development community in general, the market for high density multi-family housing does not appear strong for this location at this time.

Finally, it should be noted that the property to the south the Diedrich property, the Landucci property, is currently under contract by Ryland Homes. Ryland also petitioned the City for an amendment of the future land use map in the Comprehensive Plan for this property, changing the land use designation from Urban Medium Density Residential – MDR to Urban Low Density Residential – LDR. The City Council approved this request on 10/1/13 (Resolution #2013-086) contingent upon Met Council approval. In addition, Ryland completed a Sketch Plan review with the Planning

Commission and City Council on 9/23/13 and 10/1/13 respectively. As part of the Ryland submittal process for the Landucci property, the alignment of the 5th Street minor collector road was relocated to the south to accommodate all parties. This alignment has been mutually agreed upon by all parties and is included in both the sketch plan for the Landucci property (Ryland) and preliminary sketch plan for the Diedrich property (Pratt).

PLANNING AND ZONING ISSUES

The City undertook a lengthy process to update the Comprehensive Plan for the I-94 Corridor, which included establishing a work group to help craft the overall land use plan and conducting a series of meetings in order to receive public comments concerning the plan. The updated plan made several modifications from the City's earlier plans, and most significantly, created several different categories of residential development. The approved plan now establishes three distinct residential planning categories that use increasing densities to separate each of these residential areas ranging from low density to high density. The City was also able to successfully negotiate a lower threshold at the bottom end of the density scale in order to better respond to current market conditions.

In order to achieve the growth targets as specifies in the City's Memorandum of Understanding (MOU) with the Met Council, the City did need guide a certain portion of the I-94 Corridor for medium and high density residential development. The applicant's site was determined to be an appropriate location for high density housing. This decision was partly based on comments from the impacting property owners stating their desire to guide their properties for the higher density residential development.

The applicant's parcel and parcel to the south are somewhat unique because they are isolated from the larger residential areas within the I-94 corridor. The subject parcel is located immediately adjacent to land that is guided for Business Park development, while the remaining property it borders is guided for high density residential. The property is also close in proximity to The Forest single family residential neighborhood. Given the surrounding land uses, a rational argument could be made to either keep this area guided for higher density residential development in order to provide for additional buffering from future business park uses, or to change the designation to medium density in order to better fit with the existing neighborhood across the street and the single family development expected on the Landucci property to the south.

In order to consider a Comprehensive Plan Amendment, the Planning Commission should take into account any changes that may have occurred in the community since the Comprehensive Plan was adopted that would warrant an amendment. In this case, it has been a very short time since the I-94 Corridor Land Use plan was adopted; however, Staff would like to note that in the time since adoption there has been considerable interest in development from the market that was either lacking or non-existent in the recent past. Based upon the nature of the development interest generated thus far, there has been little interest in multi-family residential projects in the areas that have been guided for such uses. Obviously the market can and will change in the future, but the City will be faced with significant infrastructure costs (and potential penalties under the MOU) should projects fail to materialize.

REVIEW AND ANALYSIS

The applicant's site is 14.34 acres in size, representing a small portion of the total I-94 development area. Given the size of the parcel, the proposed reduction in overall density will not have a significant impact on the overall projections for residential units in this area. Additionally, the three residential categories that are used in the Comprehensive Plan are defined by a range of units, which provides some additional room for the City to achieve its City's growth targets while taking into account the uncertainty surrounding the true development potential for any given parcel of land. The City did not perform any detailed studies to identify how much of each parcel in the corridor was developable (i.e. not wetland, heavily wooded, located on steep slopes, etc.), and the range will allow some leeway for allowing an appropriate level of development that is consistent with the City's overall goals and objectives for growth and development.

Staff is also continuing to work with the Met Council to achieve the City Council's stated objective of reducing the overall residential unit counts that are mandated under the MOU. Given recent conversations with the Met Council, the City anticipates that some relief will be granted, reducing the overall projected REC unit and population figures as part of the upcoming 2040 projections. It is Staff's initial opinion that any reductions would likely occur in the areas of the City that are guided for the denser residential categories since it may be difficult to develop the entirety of these areas at the planned higher densities.

Finally, it should be noted that Washington County submitted review comments related to the requested Comprehensive Plan Amendment. Washington County's review comments can be found in attachment #5. While the majority of the review comments are applicable to the Preliminary Sketch Plan submitted by the applicants, it should be noted that Washington County does not offer any objection to the request to amend the City's Comprehensive Plan.

DRAFT FINDINGS

Given the relatively small size of the applicant's parcel (taking into account potential changes in the vicinity) and the current lack of interest in high density, or multi-family, residential development, Staff is supportive of the proposed amendment and is recommending approval of the requested change to the Comprehensive Plan based on the following findings:

1. That the proposed area impacted by the proposed amendment is relatively small and will not have a significant impact on the City's ability to achieve its 2030 household and population forecasts.
2. That current market conditions are not favorable for multi-family housing, yet it is in the City's interests to accommodate market-driven development at present in order to provide a reasonable return on recent major infrastructure improvements.
3. That the City is continuing to work towards potential reductions to the 2030 growth targets specified in the Met Council MOU that will likely reduce the amount of areas in the community that are guided for high density housing.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of request by Tammy Diedrich and Gary Reider to amend the Lake Elmo Comprehensive Plan by changing the future land use designation of property immediately east of Lake Elmo Avenue and approximately ½ mile south

of 10th Street North (PID: 36.029.21.32.0002) from HDR – Urban High Density Residential to MDR – Urban Medium Density Residential. Suggested motion:

“Move to recommend approval of the request by Tammy Diedrich and Gary Reider to amend the Lake Elmo Comprehensive Plan based upon the findings outlined in the Staff Report”

ATTACHMENTS:

1. Application w/Narrative and Preliminary Sketch Plan
2. Location Map
3. Future Land Use Map (Map 3-3 from Comprehensive Plan)
4. Proposed Amendment: MDR to LDR
5. Washington County Review Comments

ORDER OF BUSINESS:

- Introduction.....Community Development Director
- Report by Staff.....Community Development Director
- Questions from the Commission..... Chair & Commission Members
- Open the Public Hearing.....Chair
- Close the Public Hearing.....Chair
- Discussion by the Commission..... Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

☒ **Amendment** ☐ Comprehensive Plan ☐ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading

☐ Lot Line Adjustment ☐ Minor Subdivision

Applicant: Gary Reider and Tammy Diedrich

Address: 7401 Wyndham Way, Woodbury MN 55125

Phone #: 612-328-6115

Email Address: Gary.Reider@co.hennepin.mn.us and Tammy.Diedrich@minneapolismn.gov

Fee Owner: Same as above

Address: _____

Phone #: _____

Email Address: _____

Property Location (Address and Complete (long) Legal Description): P10 36029 21 32 0002
see attached legal

Detailed Reason for Request: see attached letter

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Tammy Diedrich Date: 9/25/13

City Use Only

Planning: Zoning District: _____ Date: _____

Reviewed by: _____ Subject to the following conditions: _____

Engineering: Reviewed by: _____ Date: _____

Subject to the following conditions: _____

LEGAL DESCRIPTION

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, according to the United States Government Survey thereof and situate in Washington County, Minnesota.

**Gary Reider and Tammy Diedrich
7401 Wyndham Way
Woodbury, MN 55125**

September 27, 2013

Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue N
Lake Elmo, MN 55042

Re: Comp Plan Amendment Request

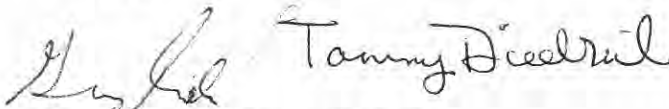
Dear Mr. Klatt:

Enclosed please find our Comp Plan Amendment Request, along with a sketch plan for our property located on the east side of Lake Elmo Avenue, N., approximately ½ mile north of Interstate Hwy 94. With this application, we are requesting a Comprehensive Plan Amendment from High Density Residential to Medium Density Residential, which will allow for the new neighborhood's proposed density.

The proposed new neighborhood would include 48 townhomes and right-of-way for Lake Elmo's new east/west collector road (5th Street). Access to the new neighborhood would be from the new east/west collector road.

We have appreciated City Staff's comments and direction so far with this project and we look forward to continuing to work with City Staff to make this a successfully new neighborhood for the City of Lake Elmo. Please feel free to contact us with any questions.

Sincerely,

Handwritten signatures of Gary Reider and Tammy Diedrich in black ink. The signature of Gary Reider is on the left, and the signature of Tammy Diedrich is on the right.

Gary Reider and Tammy Diedrich

Scale: 1" = 50'

North Arrow

Lake Elmo Avenue
C.S.A.H. No. 17

120

Proposed

Collector Street

Utility Island

Park

Public Roadway

Utility Easement

Private Drive

Utility

10

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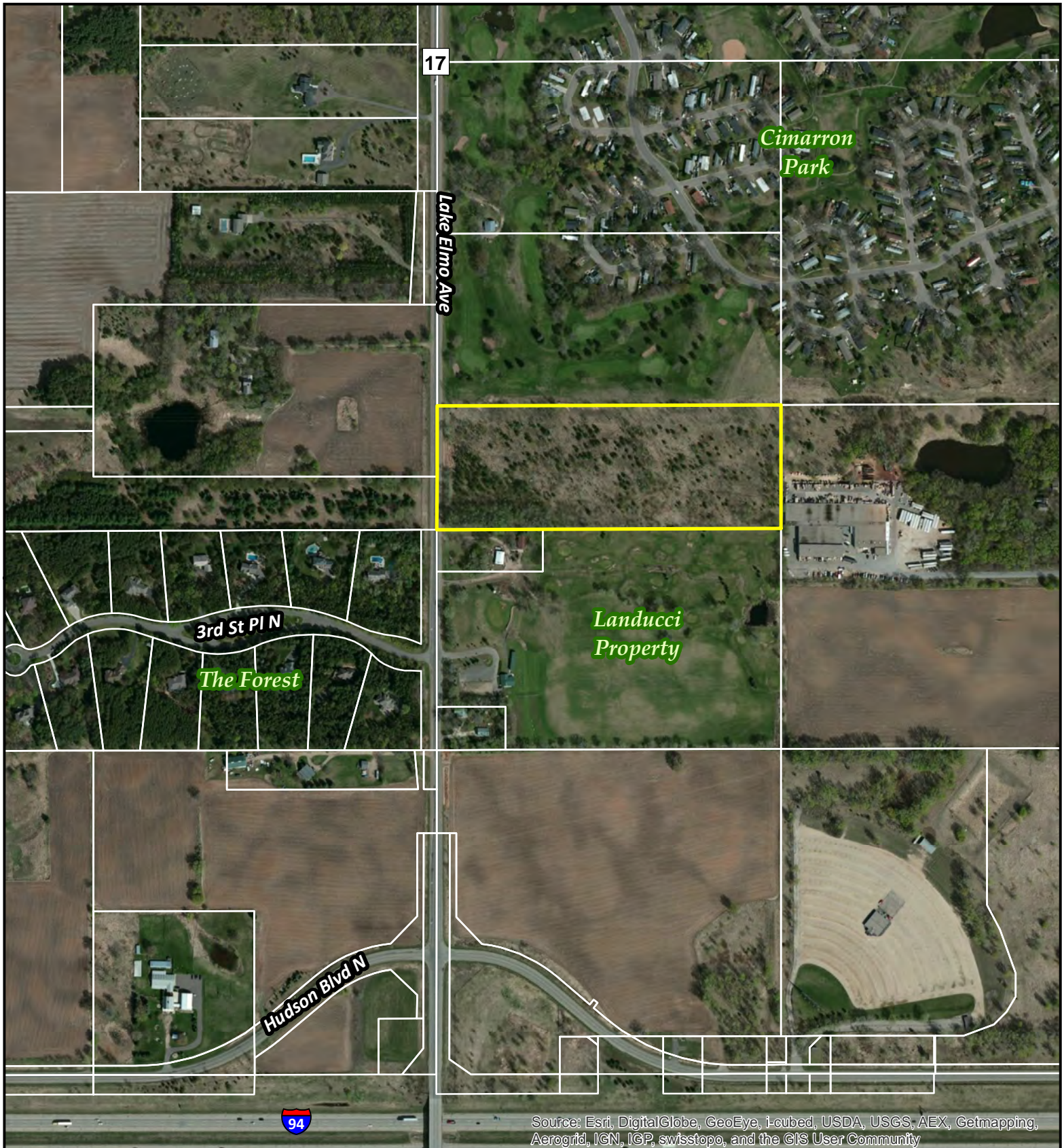
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9-22-2013



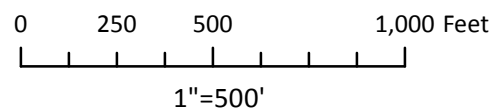
Location Map: Diedrich Property (PIN: 36.029.21.32.0002)



Data Source: Washington County, MN
10-22-2013



Diedrich Property





Planned Land Uses

- Business Park
- Urban Low Density
- Urban Medium Density
- Urban High Density
- Village (TBD)
- Commercial
- Limited Business
- Public/Park
- Rural Area Development
- Rural Area Development Alt
- Residential Estate
- Rural Single Family

(white hatching denotes possible mixed use areas)

**Village
Land Use
Plan
Pending**

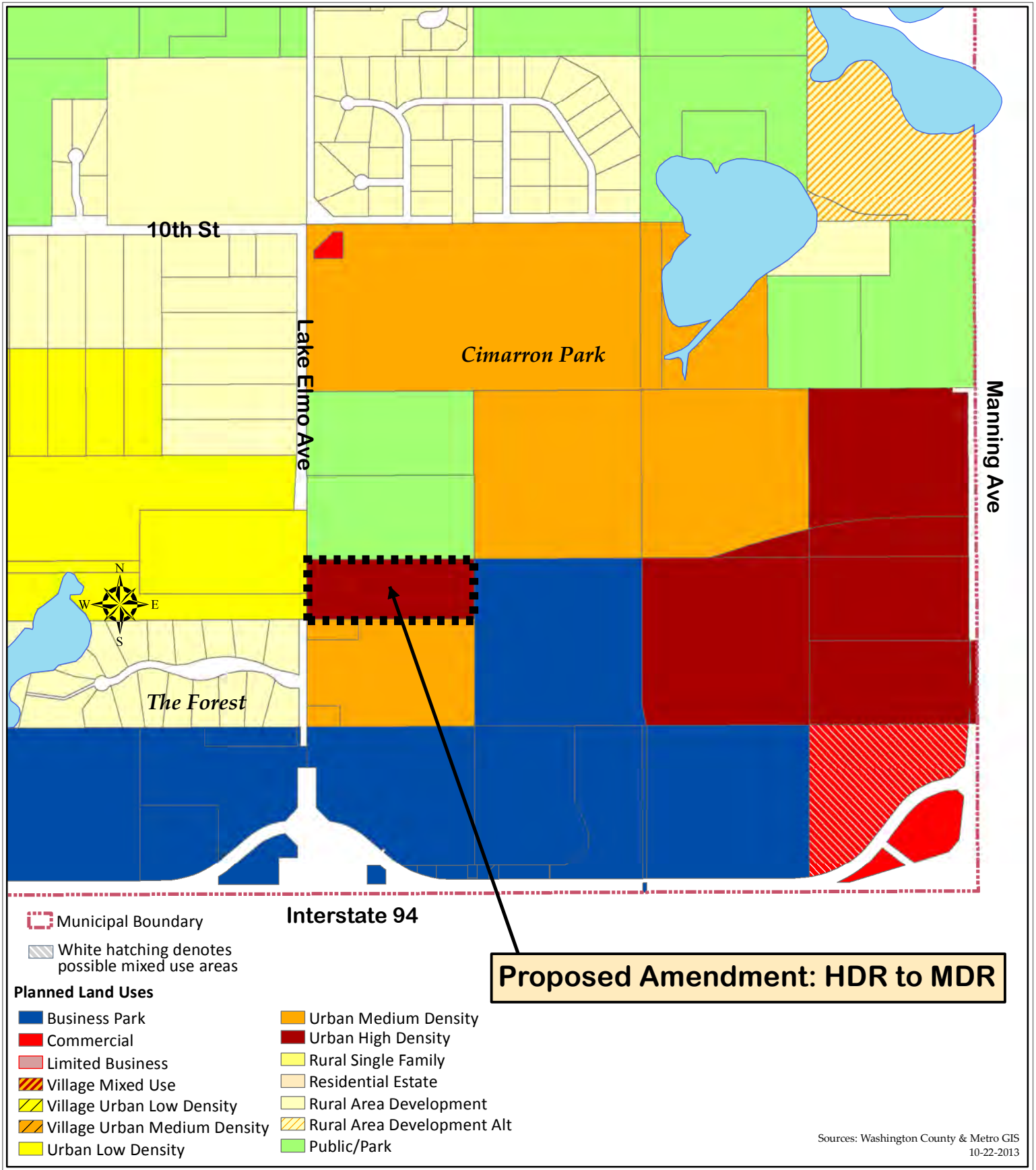
Sources: MetroGIS
8-14-12

Planned Land Use

Lake Elmo Comprehensive Plan 2030



This map was created using MFRA's Geographic Information Systems (GIS), it is a compilation of information and data from various sources. This map is not a surveyed or legally recorded map and is intended to be used as a reference. MFRA is not responsible for any inaccuracies contained herein.



Planned Land Use

Lake Elmo Comprehensive Plan 2030





Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

October 23, 2013

Nick Johnson
City Planner
City of Lake Elmo
3600 Laverne Avenue North
Lake Elmo, MN 55042

RE: Washington County comments on the Comprehensive Plan Amendment, concept plan for a 48 Unit single family detached townhome development on 14 acres of property, PID: 3602921320002.

Dear Mr. Johnson:

Thank you for providing the county with the concept plan for the detached townhome subdivision, Section 36, Township 29N , Range 21W along County Road (CR) 17B/Lake Elmo Avenue in the City of Lake Elmo. The project consists of 48 single family detached townhome units on 14 acres of land. Based on the plan provided, we have the following comments:

- The development plan is consistent with the Washington County Comprehensive Plan 2030, A Policy Guide to 2030, Land Use, The development implements Goal 3-2, which states "support the growth of attractive urban communities while preserving rural functions and appearances."The development will implement strategies such as utilizing the Municipal Urban Service Area (MUSA), and development along the Gateway Transitway Corridor."
- According to the Washington County Comprehensive Plan 2030, CR 17 B is classified as an "A" Minor arterial roadway with 184 feet future right-of-way necessary. There is currently 50 feet of right-of-way from the center line of the road; therefore, an additional 42 feet should be dedicated on the plat or the same dedication as the Landucci Plat located south of this property. Their preliminary concept has identified 40 feet.
- Local street connections from the development to the north and east should be considered even though there is an existing golf course to the north and a commercial/warehouse use to the east.
- Future improvements on 17 B are required for the new collector road intersection which include left and right turn lanes. Washington County and the City of Lake Elmo will continue to work towards an acceptable roadway /intersection plan. A Washington County Right of Way Permit and Access Permit will be required for the improvements and connection to 17B which will be constructed based on traffic impacts from new development in the area.
- Any grading within County right of way will require a Washington County Right of Way Permit.

- All utility connections for the development require Washington County Right of Way permits. Typically, these are the responsibility of the utility companies.
- Washington County's policy is to assist local governments in promoting compatibility between land use and highways. Residential uses located adjacent to highways often result in complaints about traffic noise. Traffic noise from this highway could exceed noise standards established by the Minnesota Pollution Control Agency (MPCA), the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation. Minnesota Rule 7030.0030 states that municipalities are responsible for taking all reasonable measures to prevent land use activities listed in the MPCA's Noise Area Classification (NAC) where the establishment of the land use would result in violations of established noise standards. Minnesota Statute 116.07, Subpart 2a exempts County Roads and County State Aid Highways from noise thresholds. County policy regarding development adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures in such areas. The developer should assess the noise situation and take any action outside of County right of way deemed necessary to minimize the impact of any highway noise.

Thank you for the opportunity to comment on this comprehensive plan amendment. If you have any questions, please contact me at 651-430-4362 or ann.pung-terwedo@co.washington.mn.us

Regards,



Ann Pung-Terwedo
Senior Planner

Cc: Carol Hanson, Office Specialist
Joe Gustafson, Traffic Engineer