



## MAYOR & COUNCIL COMMUNICATION

**DATE: 9/16/14**  
**REGULAR**  
**ITEM #22**  
**RESOLUTION 2014-046**

**AGENDA ITEM:** Wildflower at Lake Elmo (Robert Engstrom Companies) Comprehensive Plan Amendment

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director  
David Snyder, City Attorney

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission reviewed a PUD Concept Plan and Comprehensive Plan Amendment (CPA) related to the proposed Wildflower at Lake Elmo development at its June 9, 2014 meeting and recommended approval of both requests with conditions. The City Council approved the PUD Concept Plan at its June 17<sup>th</sup> meeting, but tabled discussion concerning the proposed Comprehensive Plan Amendment due the absence of two Council members. In addition, the City Council reviewed the CPA request at the July 1, 2014 City Council meeting and postponed consideration of the item pending further progress on the legal effort to amend the existing conservation easement and additional information about the proposed conservancy.

**FISCAL IMPACT:** TBD – The Comprehensive Plan Amendment is necessary for the development project to move forward as proposed. If the amendment is not approved, the applicant will need to submit a revised concept plan.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a Comprehensive Plan Amendment to allow residential development to occur on two small areas within the proposed Wildflower at Lake Elmo subdivision that are currently guided for RAD – Rural Area Development and Open Space. The City Council approved the PUD Concept Plan for this development at on June 17<sup>th</sup>, but could not take action on the related Comprehensive Plan amendment because the proposed amendment requires a 4/5ths majority of the Council to pass and two Council members were absent from this meeting. Additional review was completed at the July 1<sup>st</sup> meeting, however the item was postponed for consideration pending additional requested information.

The Planning Commission has recommended approval of the Comprehensive Plan amendment. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to V-LDR and V-MDR.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The information attached to the June 17<sup>th</sup> Council agenda packet for this item included detailed plans, reports, and other information concerning the Wildflower at Lake Elmo Development. In the interest of avoiding additional copying for the September 16<sup>th</sup> Council meeting, Staff has not provided information included in the June 17<sup>th</sup> packet except for the proposed resolution of approval and related map. All of the previous information is available upon request (and still available on-line).

As part of its approval of the Wildflower Concept Plan on June 17<sup>th</sup>, the City Council added two conditions to the Planning Commission recommendation based on feedback from the surrounding property owners, include the Fields of St. Croix Homeowner’s Association. These conditions requested the following:

- That prior to approval of the Comprehensive Plan Amendment the Fields of St. Croix Association and Robert Engstrom Companies would submit their written agreement to the City concerning the proposed development on Outlot P and proposed amendments to the conservation easement over Outlot P.
- That prior to approval of the Comprehensive Plan Amendment the three property owners to the east of Wildflower that have submitted written statements to the City concerning the development (Eischen, Dupuis, and Smith) would work out an agreement with the developer concerning buffering and screening of their properties.

Since the Council meeting, Staff has received the written agreement between Robert Engstrom Companies and the Fields Association. This agreement is attached for consideration by the Council. In addition, the developer has met on site with the three eastern property owners and also participated in a meeting at City Hall with Staff and the Mayor present to further discuss their concerns. The result of this meeting is the attached landscape plan that documents the types of planting and location for the plantings that was deemed acceptable to all parties. Furthermore, the developer has agreed to the following actions to further address neighbor concerns:

- To conduct a further investigation of wooded area to the east of the Eischen's home that extends into Outlot P. This investigation is intended to identify any work needed (removal of dead trees, removal of invasive species, additional plantings) to allow this area to provide an effective screen and keep the area in a natural state.
- To revise the parcel layout in front of the Smith property to remove one buildable lot and to reconfigure the adjacent parcels so that they only abut Smith's land at one point. All land between the Smith property and public roadway would be platted as an outlot to be owned and maintained by the future HOA. This revised layout is depicted in the attached updated landscape plan for this area.

With the submission of this information, the relevant conditions of approval attached to the concept plan appear to have been addressed. The developer was still reviewing some of the details of the updated plan with the property owners, any further updates will be discussed at the City Council meeting.

In addition to the aforementioned requested conditions, the City Council requested additional information be provided at its July 1<sup>st</sup> meeting before taking action on the Comprehensive Plan Amendment request. The additional information includes the necessary amendments to the conservation easements where the Comp Plan Amendment would apply, as well as additional detail concerning the management and maintenance of the proposed conservancy area. To address these outstanding items, the applicant's attorney has been working with the City Attorney on drafting the necessary amendments to the Conservation Easement. This agreement has now been finalized, and the version signed by the Fields of St. Croix Homeowner's Association is attached for consideration by the City Council. Please note that because the agreements reference lots that will be created via a future subdivision, all parties have agreed that the documents will be held in escrow pending the approval of the Wildflower plat. If the plat is not approved by the City, the agreements will never be executed.

In addition, the applicant has provided a preliminary management plan for the conservation area in the northern portion of the Wildflower development. This preliminary plan can be found in an email to the Community Development Director (Attachment #8).

As noted in the previous Staff report on this item, the Planning Commission discussed the request, and unanimously recommended approval of the comprehensive plan amendment as presented with the one condition as recommended by Staff.

**BACKGROUND INFORMATION (SWOT) FROM PREVIOUS RERPOT:**

- Strengths**
- The PUD Concept Plan is consistent with the City’s Comprehensive Plan for the Village Planning Area (with the exception of the plan amendments requested by the developer).
  - The project has been designed to comply with the City’s zoning regulations and development standards for the Village Medium Density district.
  - The project addresses several of the Village Planning Principles adopted as part of the Comprehensive Plan.
- Weaknesses**
- The concept plan will require the removal of a portion of the existing conservation easement over Outlot P of the Fields of St. Croix Second Addition.
- Opportunities**
- The development will include 145 REC units and will pay connection fees for sewer and water service.
  - The project includes a large conservation area that will ensure the permanent protection of a large portion of the planned Village Open Space/Buffer area.
  - The development will bring sewer to the extreme northeastern portion of the Village Planning Area and will be designed to allow for future connections in this part of the City.
- Threats**
- The developer will need to work with the City on establishing a plan for management and oversight of the conservation area in a manner that will not overburden the City.

**RECOMMENDATION:** Based upon the above report and analysis, Staff and the Planning Commission are recommending that the City Council approve the request from Robert Engstrom Companies for a Comprehensive Plan Amendment related to a residential subdivision to be called Wildflower at Lake Elmo. The suggested motion to adopt the Planning Commission recommendation are as follows:

***“Move to adopt Resolution No. 2014-046 approving a Comprehensive Plan Amendment to change the future land use designation of two areas within the Wildflower at Lake Elmo development from RAD and OP to V-LDR and V-MDR.*”**

**ATTACHMENTS:**

1. Resolution No. 2014-046 (Comprehensive Plan Amendment)
2. Proposed Comprehensive Plan Amendments
3. Updated Landscaping Sketch Plan – Wildflower at Lake Elmo
4. Planting List and Details

5. Aerial Photograph – Smith, Eischen, and Dupuis Property
6. Eischen Letter
7. Fields of St. Croix and Engstrom Written Agreement
8. Preliminary Management Plan for Wildflower Conservation Area
9. Draft Easement Agreements (2)