



PLANNING COMMISSION  
DATE: 12/09/19  
AGENDA ITEM: 4B – BUSINESS ITEM  
CASE #

ITEM: **Minor Subdivision – DPS Lake Elmo**

SUBMITTED BY: Ken Roberts, Planning Director

REVIEWED BY: Ben Prchal, City Planner

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### **SUMMARY AND ACTION REQUESTED:**

The Planning Commission is being asked to consider a minor subdivision request from Continental 483 Fund (Continental Development) and Alan Dale (the property owner) to divide approximately 69 acres of land into four separate development parcels. The proposed minor subdivision would facilitate the transfer of separate parcels to developers before the recording of their respective final plats. This includes the site (proposed Outlot D) for the construction of the Springs Apartments to be located on the northeast corner of Hudson Boulevard and Julia Avenue North. Staff is recommending approval of the minor subdivision, subject to conditions.

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### **GENERAL INFORMATION**

*Applicant:* Continental 483 Fund (Gwen Wheeler), Menomonee Falls, WI 53051

*Property Owners:* DPS-Lake Elmo, LLC (Alan Dale), 6007 Culligan Way, Minnetonka, MN 55345

*Location:* Property between Hudson Blvd and 5<sup>th</sup> Street North - PID Numbers  
34.029.21.43.0003 (east) and 34.029.21.34.0006 (west)

*Request:* Application for a Minor Subdivision to split said property into four separate parcels

*Existing Land Use and Zoning:* Former homestead and open field; future development site for the Springs Apartments and the Union Park Townhouses.

Current Zoning: HDR (urban high density residential) and PUD

*Surrounding Land Use and Zoning:* North – Single-family homes in Savona across 5<sup>th</sup> Street North; East – Future commercial development site on the north side of Hudson Boulevard and the Savona Townhouses; West – Existing commercial development along Hudson Boulevard; South – Interstate 94 across Hudson Boulevard

*Comprehensive Plan:* MU-C (mixed use commercial)

*History:* On October 1, 2019, the City Council approved the proposed Final Plat and Final PUD Plans for Springs Apartments, subject to the conditions of approval listed in the staff report.

*Deadline for Action:* Application Complete – 11-08-2019  
60 Day Deadline – 01-07-2020

Extension Letter Mailed – No  
120 Day Deadline – N/A

*Applicable Regulations:*

Chapter 153 – Subdivision Regulations

## **REQUEST DETAILS**

The City of Lake Elmo has received a request from Continental 483 Fund (Gwen Wheeler) and DPS Lake Elmo (Alan Dale - the property owner), for a minor subdivision. This request is to divide the property between Hudson Boulevard and 5<sup>th</sup> Street North into four parcels. The purpose of the proposed minor subdivision is to facilitate the transfer of the proposed parcels to separate buyers (the development companies) before the recording of final plats. This includes proposed Outlot D to Continental 483 Fund for the Springs Apartments and Outlots A and C to Pulte for the Union Park townhouses. The proposed minor subdivision also would create an Outlot B immediately west of the future Julia Avenue that would be future development. The property owner intends to develop the future Outlot B for a mix of uses, but the City has not yet received any development applications for this part of the minor subdivision.

The reason for this request is the expected timing of real estate transactions. As you may recall, the City approved the Union Park final plat as requested by Pulte earlier this year for this same property. That final plat included parcels for the Union Park townhouses, the right-of-way for Julia Avenue and a separate lot for the Springs Apartments. Unfortunately, the Continental 483 Fund is expecting to close of the purchase of their development site (proposed Outlot D) for the Springs of Lake Elmo in February. This closing date is before Pulte wants to record the Union Park final plat as approved by the City. Without the recording of the Union Park final plat, the Continental 483 Fund does not have a separate parcel to purchase for their development.

This minor subdivision, if approved by the City, creates separate parcels for all the development sites so each development company may make their purchases separate from each other and not contingent on the recording of the Union Park final plat. All the proposed parcels are consistent with the shapes and sizes of the lots in the approved Union Park final plat. The applicant also is proposing a 100-foot-wide street easement running north/south through the center of the site for the future Julia Avenue.

The City's Subdivision regulations allow for certain subdivisions of land to be exempt from the City's requirements for platting when no more than four lots are being created, when no new public infrastructure, rights-of-way or streets are necessary and when the proposed lots meet the minimum road frontage and area requirements of the underlying zoning. The proposed minor subdivision does not require any new public infrastructure or any new public street rights-of-way as those improvements are in place. Each of the lots the minor subdivision would create exceed the commercial zoning requirements concerning lot size and lot frontage (20,000 square feet and 100 feet respectfully). As such, the proposed plat meets all the City requirements for a minor subdivision.

The City should require the applicant to change the proposed minor subdivision to drop Outlot E from the plat. This is because the City does not allow minor subdivisions to include lots or rights-of-ways for streets and because 5<sup>th</sup> Street North is already covered by an existing street easement.

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## **DRAFT FINDINGS**

Staff is recommending that the Planning Commission consider the following findings with regards to the proposed DPS Lake Elmo minor subdivision:

- That the DPS Lake Elmo minor subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- That the DPS Lake Elmo minor subdivision is consistent with the Union Park final plat, with the Springs of Lake Elmo PUD plans and with the standards of the City's HDR (high density residential) zoning district including lot width and minimum lot area.
- That the DPS Lake Elmo minor subdivision meets the requirements of the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

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**RECOMENDATION:**

Staff recommends that the Planning Commission recommend approval of the minor subdivision request from Continental 483 Fund and DPS Lake Elmo to divide the property between Hudson Boulevard and 5<sup>th</sup> Street north into four development parcels, subject to the applicant/owner:

1. Dedicating to the City a 100-foot-wide street easement for future Julia Avenue.
2. Removing Outlot E from the subdivision.

Suggested motion:

***“Move to recommend approval of the proposed DPS Lake Elmo minor subdivision that will subdivide the property between Hudson Boulevard and 5<sup>th</sup> Street north into four development parcels, subject to the applicant/owner dedicating to the City a 100-foot-wide street easement for future Julia Avenue and removing Outlot E from the subdivision.”***

**ATTACHMENTS:**

1. Location Map
2. Property Line Map
3. Proposed Minor Subdivision (2 pages)
4. Street Easement Exhibit (Julia Avenue)