



STAFF REPORT

DATE: August 12, 2019

REGULAR

ITEM #:

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Lake Elmo Subdivision Code
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The Planning Commission work plan requires Staff to prepare code amendments as necessary keep pace with the 2040 Comprehensive plan. Furthermore, there are some aspects of the subdivision code that could be amended to encourage a functional development review process. The Parks Commission has reviewed the section of code that pertains to park dedication and the Planning Commission had a chance to review the proposed Staff amendments on July 22, 2019. The comments from both Commissions are incorporated into the version that is being reviewed today.

ISSUE BEFORE THE COMMISSION:

Does the Commission have final comments or changes about the proposed amendments to the subdivision code?

REVIEW AND ANALYSIS:

The Parks Commission has reviewed the code for all items pertaining to park dedication. Their recommended amendments are incorporated into Section 154.15 of the attached subdivision code. At this point many of the proposed amendments will appear to be grammatical and not as significant in terms of function. However, there is a significant change in Section 154.10 Final Major Subdivisions, (B) Review of Final Plat. This is noteworthy because the Planning Commission would no longer review final plats, unless there is a significant change from the preliminary plat. The justification for this is that the City cannot apply more restrictive conditions or deny a phase of development if it matches what had been approved with the preliminary plat review. As long as the proposed final plat matches approval, Staff does not necessarily see a reason ask the Commission to formally review the plan. The proposed change is listed below:

Review of Final Plat:

After a developer receives preliminary plat approval from the City they are awarded development rights. The preliminary plat sets the design and scope of the development. At this point they are legally allowed to build their project as it was presented and established during the preliminary review, subject to the applied conditions. Once a developer submits for a final plat and as long as this plat is in line with the preliminary plat approval, the City cannot deny the request and is limited on applicable conditions that can be applied. Because of this Staff is recommending language requiring the Planning Commission to review final plats be removed from the subdivision ordinance since the review is more or less a formality. The amendment is outlined below.

(3) Planning Commission action. ~~After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council. The Planning Commission shall review final plats if the applicant is proposing a substantial change(s) as determined by City Staff from the preliminary plat as approved by the City Council.~~

City Staff would then only ask the Commission to review Final Plats if there is a change to them but as previously stated, if the final plat matches the preliminary plat there is not a need for the Planning Commission to provide a review of a final plat.

Park Dedication Review:

The Parks Commission focused their attention on the park related components of the code. To break it down the Parks Commission was asked to review the dedication requirements for two new zoning classifications, which are Mixed Use Commercial (MU-C) and Mixed Use Business (MU-BP). Staff was uncertain of how to appropriately apply the existing fee structure for park dedication to these two districts. The table outlining the dedication requirements has

been reduced from four sections to three. Staff was also recommending an increase in Commercial Park Land dedication. The Parks Commission recommended an increase and although Staff recommended a \$5,000 dedication requirement per acre for commercial development, which is up from current collection of \$4,500 per acre the Parks Commission felt that the amount could be increased further. Staff informed the Parks Commission a more detailed look into the collection amount would happen to see if a further increase could be justified. During the July 22nd meeting Staff has asked the Planning Commission to also review the increase in fee structure.

Existing Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>	
RS, V-LDR, GCC, LDR, MDR, HDR	10%	
RE and OP Development	7%	
RR and AG	4%	
C, CC, LC, GP, BP, VMX	Fees as set by Council resolution	\$4,500/acre

Proposed Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
V-LDR, GCC, LDR, MDR, HDR,	10%
RS, AG, RE, RR (Rural Districts)	5%
C, CC, LC, BP, VMX, MU-BP, MU-C Minor Subdivisions	Fees as set by Council resolution ^a

- a. A 10% land or cash charge is only applied if a residential component is incorporated into the development/subdivision. However, the 10% charge does not apply to a minor subdivisions.

Commercial Requirements:

As stated before the Parks Commission thought the commercial payment could increase further from the first suggestion. As addition criteria for the second review Staff used Cities that share a border with a major highway such as Highway 36 or I-94. The thought behind this comparison is that values for commercial land would be more similar in value. Staff then calculated an average price per acre of undeveloped and platted land in Lake Elmo which was zoned or guided for commercial, or mixed use development. The estimated price per acre was calculated by taking the tax value (determined by Washington County) of a property divided by the number of acres. Please understand that there are many factors that go into determining value but, the **estimated price** per acre is \$131,564.

Stillwater: Requires a 7.5% dedication rate per acre. (Value of \$9,867)

Woodbury: Requires a land dedication of 10% or \$6,000 per acre of the subdivision.

Oak Park Heights: Requires a dedication of 10% of the value, either land or cash. (Value of \$13,156.4)

Maplewood: Requires a 9% dedication of land or cash. (Value \$11,840)

Average Collection: \$10,215.85

Based on the collected average of the communities used above Lake Elmo is collecting \$5,700 less than neighboring communities that also boarder a major highway. Because of the more specific criteria used Staff believes that an increase from \$5,000 (currently recommended) to \$10,000 per acre could be justified. This amount would be required for projects that do not have a residential component

Trails:

It was also important for the Commission to make sure they had an opportunity to improve upon the trail dedication language that is incorporated into the park section of the code. The proposed amendment is outlined below in red.

(D) *Trails.* Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total **required park** dedication. **To receive credit for a trail, there must be a through public trail connection to the larger Lake Elmo or Washington County trail network. If the proposed trails are not able to connect to existing trails, they must be installed in a way that would provide a connection to future planned trails as additional infrastructure is established.**

FISCAL IMPACT:

Staff does not foresee a negative fiscal impact with the proposed code change.

COMMENTS AND RECOMMENDATION:

Park Commission: The parks Commission recommended approval of the amended fee structure and the language as it pertains to trails (under the fee table). 4-0

Planning Commission: The comments/amendments from the previous Planning Commission meeting are incorporated into the amended sub division code that is presented today (8.12.2019)

Options:

Recommend approval of the amendments as proposed.

Recommend approval with amendments to the proposed language.

Recommend denial of the amended language.

Staff Recommendation: Staff believes that the edits in the attached subdivision code will help the aide in a smooth development process. Furthermore, the research that had been gathered for trail connection(s) and park dedication seem to further benefit the City and the residents.

“Motion to recommend to the City Council approval of the subdivision code amendments as proposed”

ATTACHMENTS

- Lake Elmo Subdivision Code with redlines.