



## STAFF REPORT

DATE: 1/16/18

REGULAR

AGENDA ITEM: #17

**TO:** City Council

**FROM:** Emily Becker, Planning Director

**ITEM:** Wyndham Village Subdivision Sketch Plan Review and Comprehensive Plan Amendment

**REVIEWED BY:** Ben Gozola, Consultant City Planner  
Jack Griffin, City Engineer

### **BACKGROUND:**

The Council considered a proposed Subdivision Sketch Plan Review and Comprehensive Plan Amendment to re-guide the development area from Rural Single Family to Village Low Density Residential for the proposed development Wyndham Village at its November 21, 2017 meeting. The Council did not feel comfortable with allowing the proposed density increase because it was felt that the sketch plan did not propose sufficient backyards.

### **REVIEW/ANALYSIS:**

**Usable Backyard Issue.** The developer has revised the proposed sketch plan that was previously submitted to the Council for review. The previous sketch plan did not provide backyards that the City had felt were usable, as a 66 foot wide Northern Natural Gas Easement ran along the majority of the backyards of the lots to the west of Liberty Court North. The revised plan reduces the number of proposed lots from 13 to 10, reducing the proposed density from 2.17 units per acre to 1.67 units per acre. Additionally, the developer has provided an exhibit which shows proposed building pad locations that show a 20 foot rear yard principal building setback from the Northern Natural Gas Easement. This exhibit shows that a pool and play set could reasonably fit within these backyards. The standard setback for properties located within the Village Low Density Residential Zoning District is 20 feet, and so Staff believes that so long as the lots in which the Northern Natural Gas Easement is located maintain a 20 foot principal building rear yard setback from the easement that these proposed lots will provide a sufficient rear yard.

**Increased Density Issue.** As mentioned above, the revised sketch plan reduces the proposed density from 2.17 units per acre to 1.67 units per acre. The allowed density within the Village Urban Low Density Residential land use is 1.5-2.49 units per acre, and the allowed density within the Rural Single Family Sewered land use category is 0.66-2 units per acre.

**Greenbelt Buffer.** The updated sketch plan increases the greenbelt buffer to the south of the development. The previously-provided buffer was only approximately 40 feet in width, and the applicant has increased the buffer to approximately 80 feet.

**MUSA and Rural Single Family Sewered Land Use Option.** The proposed development is within the Metropolitan Urban Service Area (MUSA), and sewer will be made available through Northport, the development to the north and east of the proposed development. Areas within the City that are included in the MUSA must be developed at an average of three units per acre. In 2016, the City created a new land use that is called Rural Single Family – Sewered. This land use is intended for properties that were platted for conventional subdivision prior to 2005 that have been (and will continue to be) serviced by private on-site well and septic systems, unless within the MUSA area. If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. While the property does have the option of being re-guided to this land use category, this option is not recommended by Staff for the following reasons:

- *Lot Size Variances Needed.* The smallest the lot sizes allowed would be 24,000 square feet, and the smallest lot size proposed in the revised plan is 11,184 square feet, with only one lot meeting the required minimum lot size. Therefore, variances would be required for most of the lots within the proposed subdivision.
- *Spot Zoning.* Additionally, Northport (the development to the north and east of the proposed development) is guided for Village Urban Low Density. This proposal would essentially be an extension of the Village Urban Low Density land use that currently exists. There are no properties adjacent to the proposed development that are guided for Rural Single Family Sewered, and therefore re-guiding the proposed development to Rural Single Family Sewered could be considered spot zoning.

If the Council does feel that the development should instead be re-guided to Rural Single Family Sewered, the requested Comprehensive Plan Amendment should be denied, as the public hearing advertised was specifically to re-guide the proposed development to Village Urban Low Density Residential. A new public hearing notice would need to be advertised. Staff has prepared a Resolution denying the proposed Comprehensive Plan Amendment that the Council may adopt if it so chooses.

**Recommended Findings.** Staff recommends the following findings in regards to the proposed Comprehensive Plan Amendment:

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
  - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

**Recommended Conditions of Approval.** Staff recommends the following conditions in regards to the proposed Comprehensive Plan Amendment:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
  - a. Required densities of the Village Urban Low Density land use category.
  - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
  - c. Provides usable rear yards for lots in which the Northern Natural Gas Company Easement (Document 384029) (“Northern Easement”) is located, as determined by the City by maintaining a 20 foot principal building rear yard setback from the Northern Natural Gas Company Easement.
  - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

**FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

**OPTIONS:**

- Approve the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential with Staff-recommended findings and conditions of approval.
- Amend Staff-recommended findings and conditions of approval for the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential and approve with amended findings and conditions.
- Deny the proposed Comprehensive Plan Amendment with Staff-recommended findings.
- Amend Staff-recommended findings and conditions for denial of the proposed Comprehensive Plan Amendment re-guiding the proposed development to Village Urban Low Density Residential and deny with amended findings.

**RECOMMENDATION:**

Staff and Planning Commission are recommending approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.

***“Move to adopt Resolution 2018-006 approving the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.”***

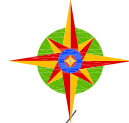
Alternatively, if the Council feels that the Comprehensive Plan Amendment should be denied, Staff has prepared a Resolution for denial with recommended findings.

***“Move to adopt Resolution 2018-006 denying the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings.”***

Staff is recommending that the Council accept the revised Sketch Plan provided by JP Bush Homes for a 10 unit single family detached residential development of PID#13.029.21.43.0001.

**ATTACHMENTS:**

1. Revised Subdivision Sketch Plan
2. Building Pad Location Exhibit
3. Previous Council Packet Item from 11/21/2017
4. Resolution 2018-006 approving the proposed Comprehensive Plan Amendment
5. Resolution 2018-006 denying the proposed Comprehensive Plan Amendment



# Landmark Surveying, Inc.

21090 Olinda Trail North  
P.O. Box 65  
Scandia, Minnesota 55073

Office number: 651-433-3421  
Cell number: 651-755-5760  
E-mail: inthefield@frontiernet.net

# LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,  
City of Lake Elmo, Washington County, Minnesota

Developer:



**J.P. Bush**  
HOMES  
1980 Quasar The South  
Lakeland, Minnesota 55043

Property Owner:

James R. McLeod Revocable Trust  
11580 30th Street North  
Lake Elmo, Minnesota 55042

PID:13.029.21.43.0001

TOTAL PARCEL AREA = 5.9 acres ±

Proposed Lots = 10

Existing Zoning = RS - RURAL SINGLE FAMILY

Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL

Property Description:

Quit Claim Deed, Document No. 3102032

Sec 13 Twp 029 Range 021

The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet,  
and also the east 139.50 feet of the west 812.50 feet of the south  
219.30 feet of the SW 1/4 of SE 1/4 of Section 13, Township 29,  
Range 21

Concept Notes:

Building locations were traced from aerial photography.

Contours are at 2 foot intervals and derived from data provided by the Minnesota  
Department of Natural Resources and data per the preliminary plat of Northport.

See SHEET 2 OF 2 - PROPOSED LOT DETAIL - EXHIBIT A for details of proposed  
Lot 8, Proposed Lot 9 and Proposed Lot 10.

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me  
or under my direct supervision and that I am a duly Licensed Land  
Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.

*Milo B. Horak*

Milo B. Horak, Minnesota License No. 52577

REVISOR: OCTOBER 11, 2017

REVISOR: NOVEMBER 20, 2017

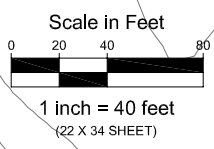
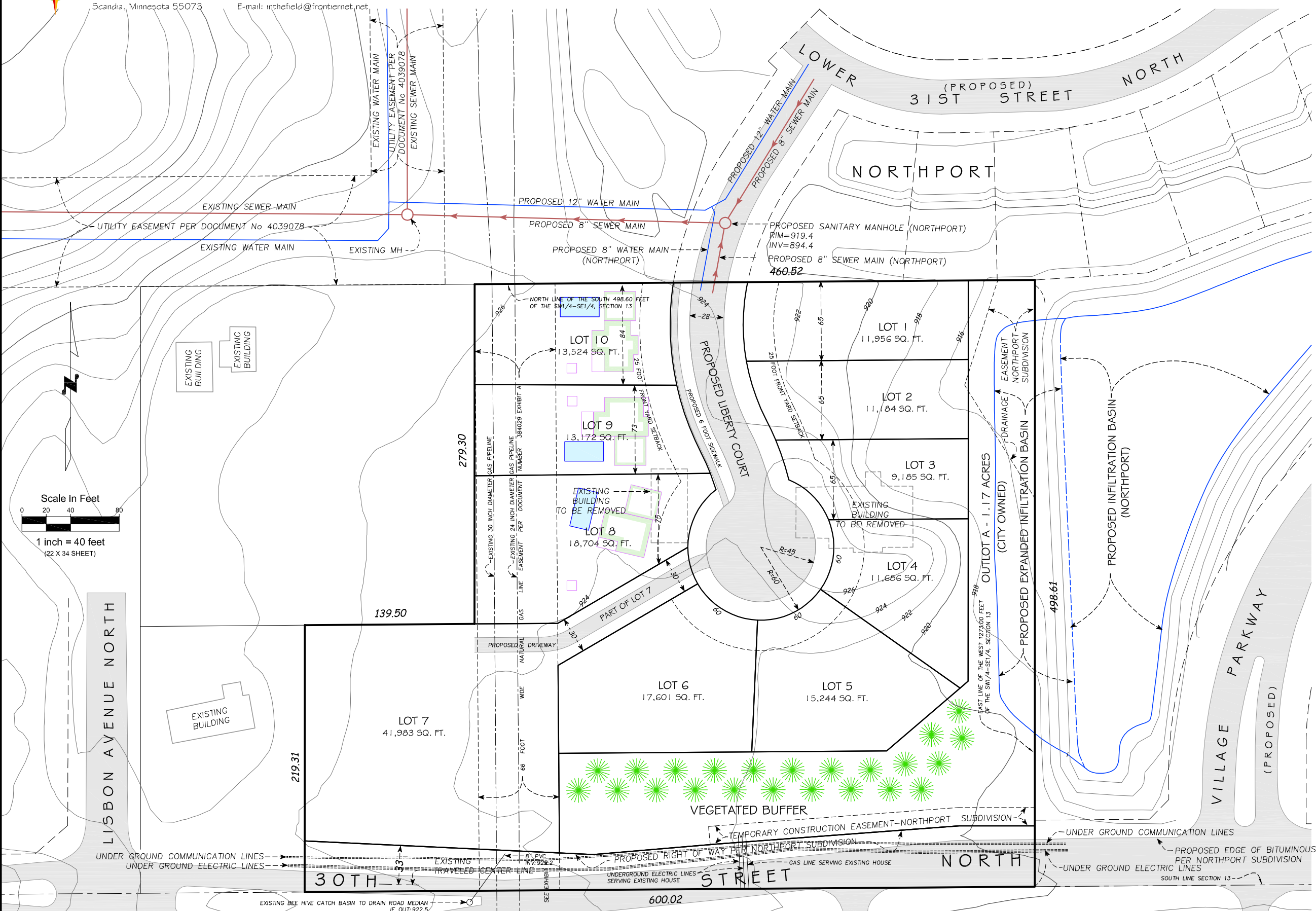
REVISOR: JANUARY 03, 2018

June 01, 2017

Date

Job No. 2016-70

SHEET 1 OF 2



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EXISTING BUILDING  
EXISTING BUILDING  
EXISTING BEE HIVE CATCH BASIN TO DRAIN ROAD MEDIAN  
IE OUT: 922.5

VILLAGE PARKWAY (PROPOSED)  
498.61  
PROPOSED INFILTRATION BASIN - (NORTHPORT)  
PROPOSED EXPANDED INFILTRATION BASIN - (CITY OWNED)  
OUTLOT A - 1.17 ACRES  
EAST LINE OF THE WEST 1273.00 FEET OF THE SW 1/4-SE 1/4, SECTION 13  
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# LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION PROPOSED LOT DETAIL - EXHIBIT A

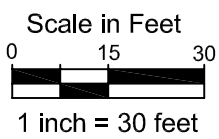
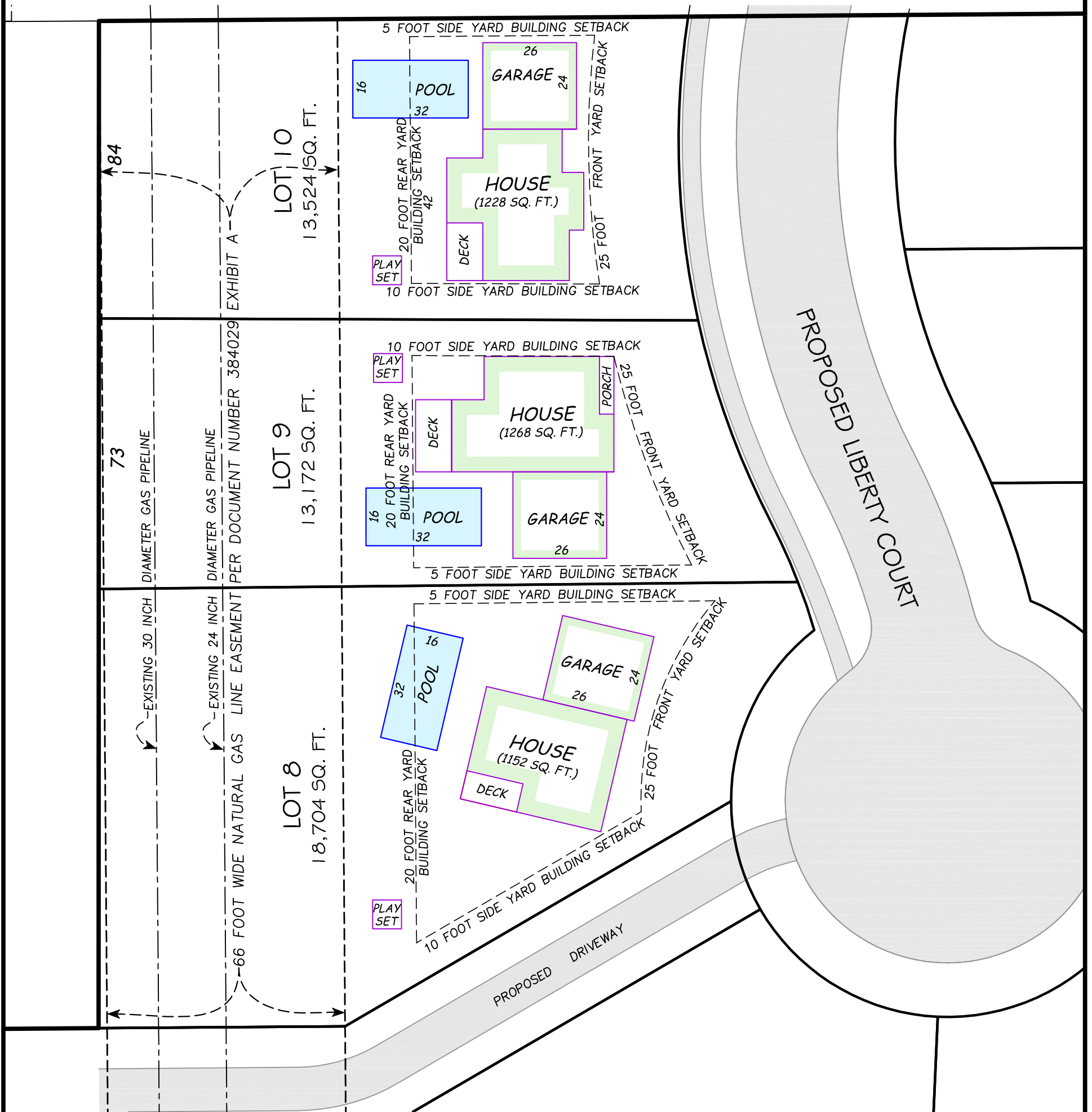
Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,  
City of Lake Elmo, Washington County, Minnesota

**PLAN NOTES:**

-- PROPOSED LOT AREAS --  
EXCLUDING GAS LINE EASEMENT

LOT 8 = 10,430 SQUARE FEET  
LOT 9 = 8,170 SQUARE FEET  
LOT 10 = 8020 SQUARE FEET

This Exhibit A is a detail of proposed Lot 8, proposed Lot 9 and proposed Lot 10 per Low Density Residential Concept Subdivision by Landmark Surveying, Inc. dated June 01, 2017, REVISED October 11, 2017, REVISED November 20, 2017 and REVISED January 03, 2018.



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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

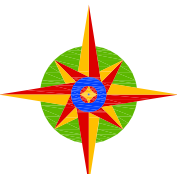
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*Milo B. Horak*

Milo B. Horak, Minnesota License No. 52577

January 03, 2018

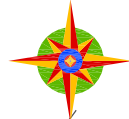
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SHEET 2 OF 2



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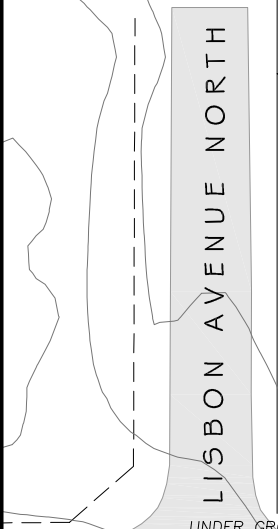
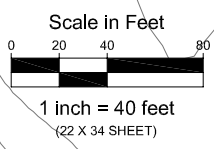
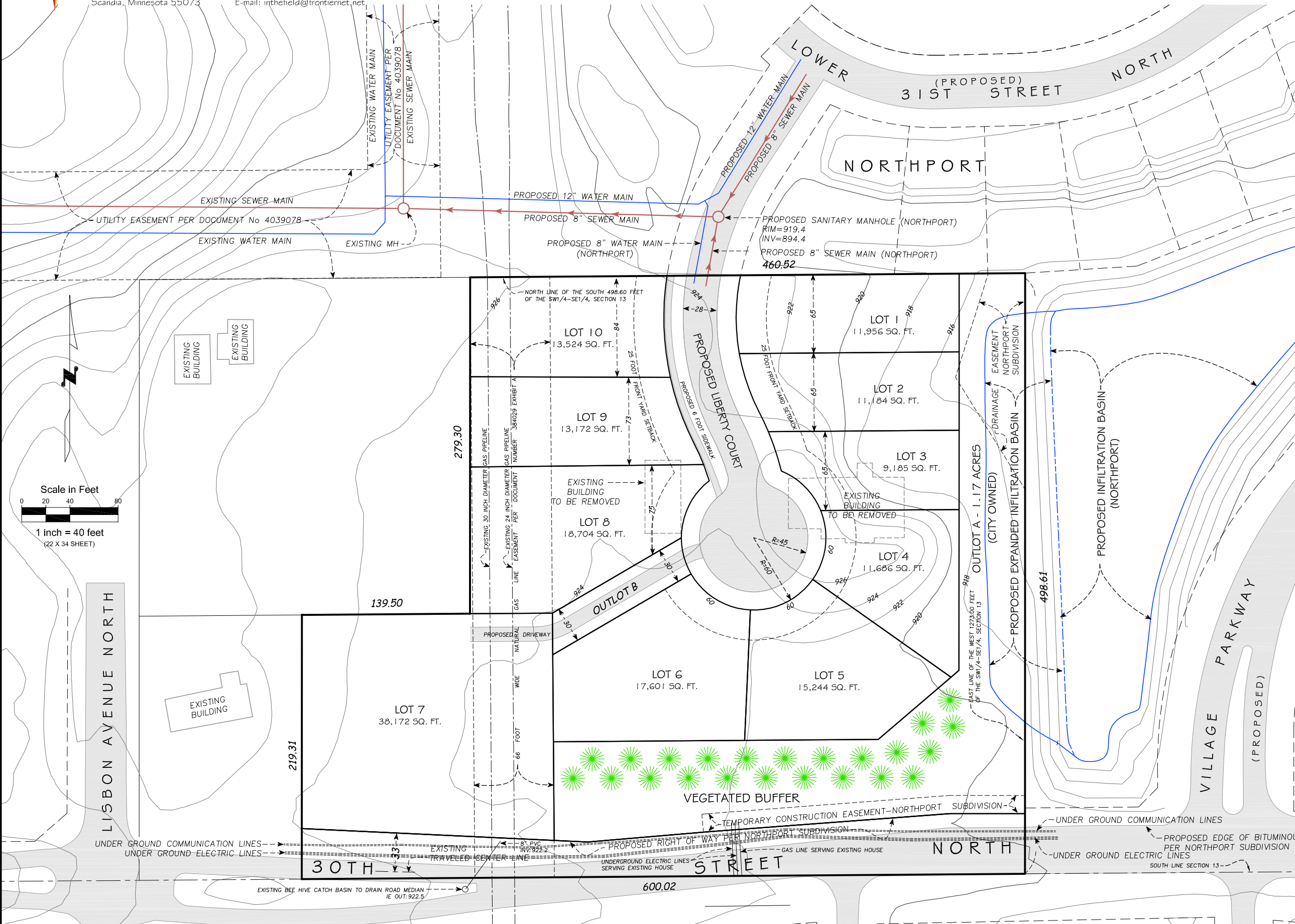
June 01, 2017

REVISOR: OCTOBER 11, 2017

Date

REVISOR: NOVEMBER 20, 2017

Job No. 2016-70



Official copies of this map are crimp sealed. I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Landmark Surveying, Inc. Milo B. Horak, Minnesota License No. 52577. June 01, 2017. REVISOR: OCTOBER 11, 2017. REVISOR: NOVEMBER 20, 2017. Job No. 2016-70



## STAFF REPORT

DATE: 11/21/17

REGULAR

AGENDA ITEM: 15

**TO:** City Council

**FROM:** Emily Becker, Planning Director

**ITEM:** Wyndham Village Subdivision Sketch Plan Review and Comprehensive Plan Amendment

**REVIEWED BY:** Ben Gozola, Consultant City Planner  
Jack Griffin, City Engineer

### **BACKGROUND:**

The Council is being asked to review a Sketch Plan for a proposed residential subdivision to the southwest of Northport (formerly known as Village Park Preserve) and immediately north of the Heritage Farm. The sketch plan includes 13 single-family residential detached homes on a total site area of 5.97 acres. A Sketch Plan review requires no formal action by the Planning Commission. The applicant is also requesting a Comprehensive Plan Amendment to re-guide the proposed development area from Rural Single Family to Urban Low Density. The aforementioned request requires review, a public hearing and recommendation to the Council.

### **General Information**

*Applicant:* JP Bush Homes, 1980 Quasar Ave S, Lakeland, MN 55043

*Property Owners:* James McLeod, 11580 30<sup>th</sup> St N, Lake Elmo, MN 55042

*Location:* Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West

*PID:* 13-029-21-43-0001

*Request:* Sketch Plan Review

*Existing Land Use:* Vacant

*Existing Zoning:* RS – Rural Single Family

*Surrounding Area:* North – Northport (Urban Low Density Residential); East – Northport (Urban Low Density Residential); West – Rural Single Family Residential; South – the Homestead (Open Space Preservation Development)

*Comprehensive Plan:* Rural Single Family Density Residential (0.66-2 units per acre)

*Proposed Zoning:* LDR – Urban Low Density Residential (2.5 - 4 units per acre)

*History:* The property has long been used as a single family detached dwelling unit



*Deadline for Action:* Application Complete – 10/20/2017  
60 Day Timeline – 12/19/2017  
Extension Sent – N/A

*Applicable Regulations:* Article XII – Urban Residential Districts (LDR)  
Chapter 153: Subdivision Regulations

## **REVIEW/ANALYSIS:**

### **SUBDIVISION SKETCH PLAN REVIEW**

**Sketch Plan Review Process.** The Lake Elmo Subdivision Ordinance specifies that as part of the pre-application process for a new subdivision, the applicant must first submit a Sketch Plan for review by the City. The Ordinance notes that the purpose of the Sketch Plan review is as follows:

*Sketch plan. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other city ordinances or plans, prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission and prepare a sketch plan which explains or illustrates the proposed subdivision and its purpose. The Planning Commission shall accept the information received, but take no formal or informal action which could be construed as approval or denial of the proposed plat.*

Based on this wording, the Council is not being asked to take any formal action as part of the Sketch Plan Review other than to accept the information received. Staff has completed an internal review of the Sketch Plan, and general comments from Staff are included in this memorandum and applicable attachment.

**Sketch Plan Review.** The Staff review comments that follow are all based on conducting a very high level review of the Sketch Plan since there is not a lot of detailed information that is required at this stage in the subdivision process. Staff has instead focused on the bigger picture items and those things that would otherwise not allow the development to move forward if they contrasted with elements from the Comprehensive Plan or the City Code.

**Comprehensive Plan Amendment Required.** The Property is currently guided for the Rural Single Family land use, which allows a density of 0.66-2 units per acre. Because the Applicant is proposing a density of 2.17 units per acre, a Comprehensive Plan Amendment would be required in order to allow for a higher density. The Applicant has submitted a formal application, and this request is discussed later in this report.

**Zoning Map Amendment.** If the proposed Comprehensive Plan Amendment is approved, the property will need to be rezoned during Preliminary Plat approval. The properties to the north and east of the subject parcel are guided for Village Urban Low Density (V-LDR) and have been rezoned to Urban Low Density Residential. This was because when these properties received Preliminary Plat approval, there did not exist a Village Urban Low Density zoning district. The V-LDR ordinance was created on 5/26/17, and so while this property could be rezoned to V-LDR, Staff would recommend that the property be re-zoned similarly to those of adjacent properties in order to avoid spot zoning. The Zoning Code states that densities within the Urban Low Density Zoning District shall range from two 2 to 4 units per acre; however, the overall density for a specific development area must be consistent with the net densities specified in the Comprehensive Plan.

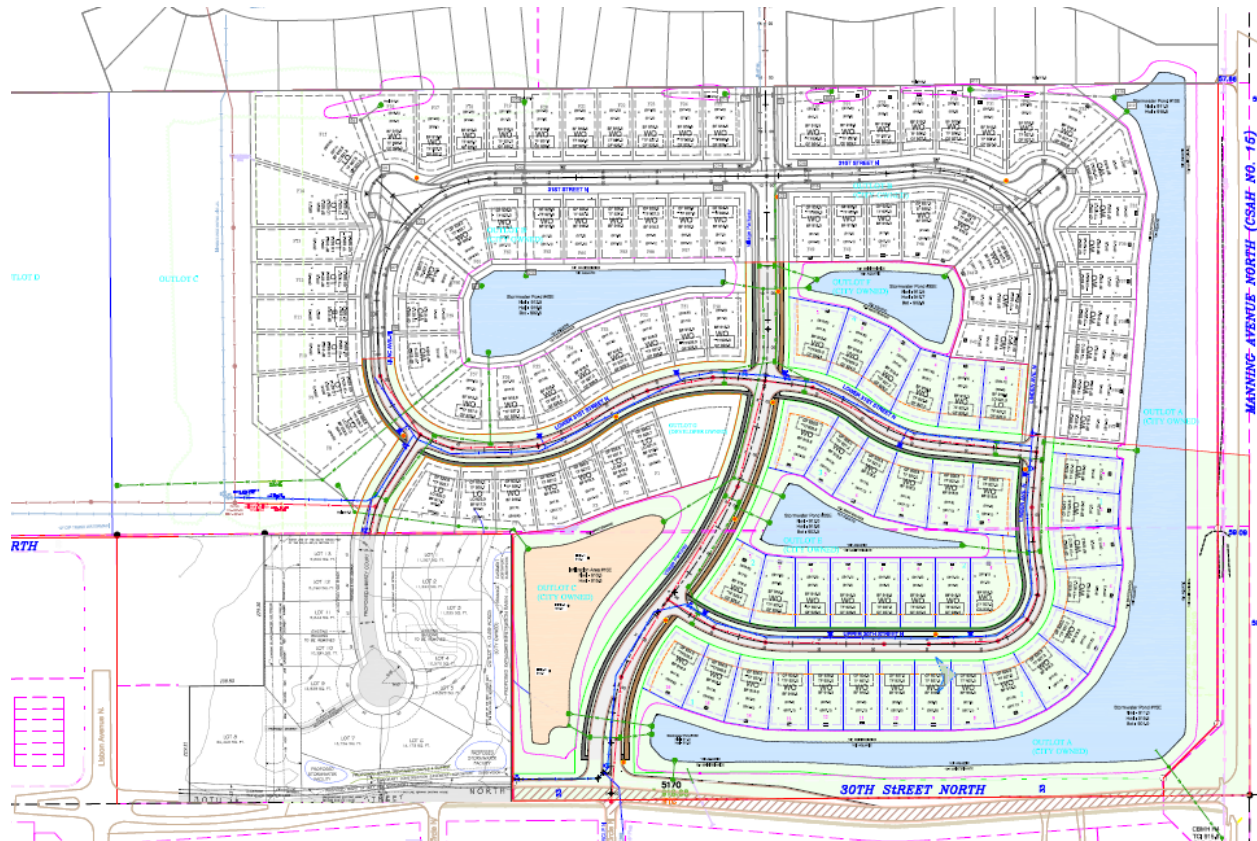
Because the proposed density of the development is consistent with both the Comprehensive Plan and is within 2 to 4 units per acre, it would be appropriate to rezone the development area to Urban Low Density Residential.

**Land Use.** The proposed land use within the development are single family detached homes, which are a permitted use within the Urban Low Density Residential zoning district.

**Greenbelt Corridor.** As previously mentioned, the Comprehensive Plan indicates that a greenbelt corridor should be established on the southern border of the proposed development. The greenbelt corridor is meant to serve as a transitional area between future sewered growth within the Village and existing rural development. The Comprehensive Plan states the following in regards to the greenbelt corridor.

*“Greenbelt Corridors. Greenbelt Corridors run along the perimeter of proposed development and serve as transitional areas between future sewered growth within the Village and existing rural development. The corridor may be reduced if the design of the development includes the following: (1) a design that is mindful of the landscape features of the site, providing enhanced environmental benefit, (2) a design that is consistent with overall goals for the Village Land Use Plan, and (3) a design that meets the requirements of the underlying land use category of the parcel. At a minimum, the corridor shall be established and provided for by performance standards within the Zoning Code based upon the locations of the existing Village Boundary and area guided for commercial use in the northeastern portion of the Village. Not only will this provide a significant physical and visual amenity, but it will also encourage more residential development closer to the Village Center. Uses within the Greenbelt Corridor may include trails, passive recreation, public gathering spaces, natural areas, storm water management systems, natural water courses, small-scale or community oriented agricultural activities and other amenities intended for aesthetic enjoyment.”*

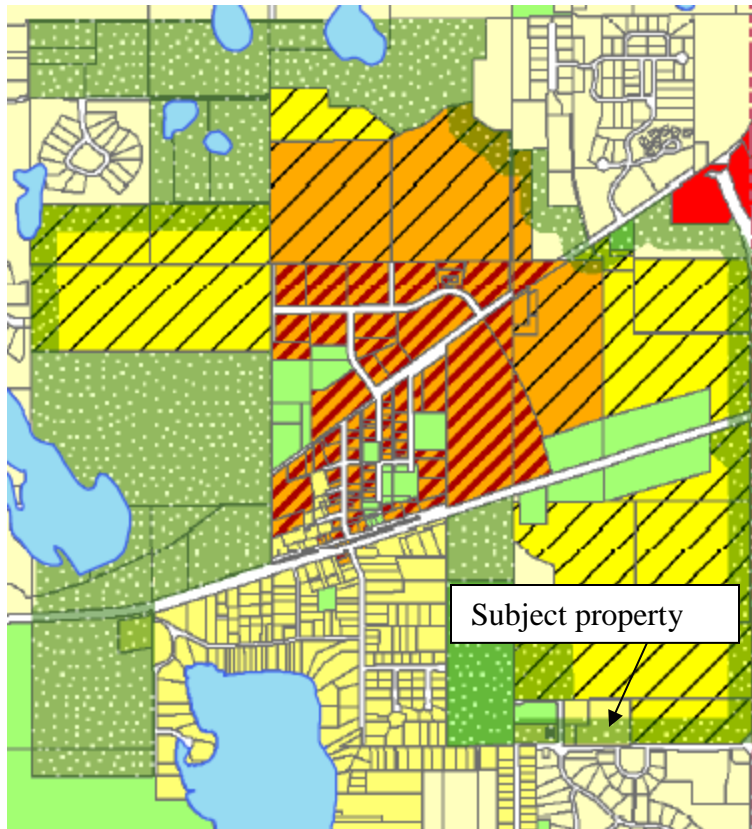
The above language does not indicate an exact width requirement for the corridor, though it appears through using a scale on the land use map that the width of the corridor is 200 feet. The proposed width of the buffer at its narrowest for this development is 40 feet. The proposed buffer's proposed use consists of a water treatment swale, which is an approved use as outlined above. Northport, to the east of the proposed development, had a buffer width of approximately 125 feet from the southern edge of the plat. The exhibit below shows how the lots within the proposed development extend further south than the Northport development.



It should be noted, however, that the Urban Residential Districts Article of the Zoning Code indicates the following in regards to required setbacks for lots within this area:

*“C. Lots Adjacent to Public Greenway Corridors. On any lot that abuts a public greenway as depicted in the Comprehensive Plan the minimum setback for all structures, including accessory buildings, shall be the required rear yard setback for the district in which said structure is located.”*

**Additional Buffer/Screening Recommended.** Because the buffer appears to encroach half way up the development as shown below, this requirement would not be able to be met with the proposed design. The southern boundary of the subdivision is along the north boulevard of 30<sup>th</sup> Street North and proposes two storm water ponds connected by a drainage swale. It is recommended that additional space be allocated at elevations higher than 30<sup>th</sup> Street to create a vegetative buffer between the lots and this collector street.

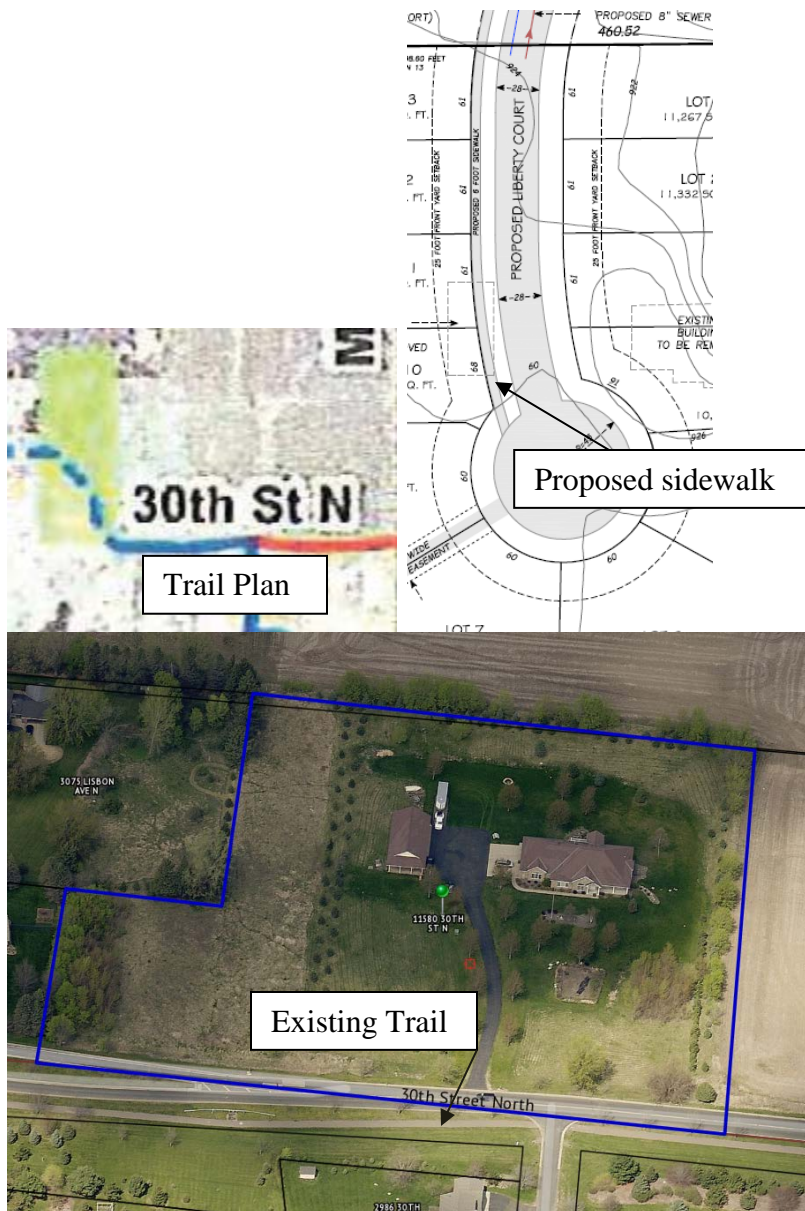


**Lake Elmo Theming Study.** The proposed development is within the Old Village Area. As the applicant prepares Preliminary Plans for the proposed subdivision, staff would recommend that various elements from the Lake Elmo Theming Study be included in the proposed plans.

**Park Dedication.** The proposed development is to the east of Reid Park. With recording of the Northport plat, the City received approximately an additional 12.5 acres of parkland for an extension of Reid Park. The Neighborhood Park Search Area map of the Comprehensive Plan's Parks and Recreation Plan does not identify this area for a neighborhood park. Therefore, Staff would not recommend that parkland be dedicated within this development and that the City accept fees in lieu of parkland dedication. Per the City's Subdivision Ordinance, 10% of the fair market value of the land will need to be paid as the parkland dedication fee. The fair market value of the land is determined by current market data, if available, or by obtaining an appraisal from a licensed real estate appraiser, and the subdivider is required to pay for the appraisal. In this case, if the owner of the property will be selling the land to the Applicant to be developed, there will be current market data available. If the owner is not selling the land, an appraisal to determine the fair market value will likely be required in order to determine the amount of parkland dedication the City will receive. The Parks Commission will review the proposed sketch plan on November 20, 2017.

**Trails.** No trails are being proposed within the development, only a sidewalk on the west side of Liberty Court North. There is already a trail along the south of 30<sup>th</sup> Street, and the developers of Northport will be constructing a segment of a trail from the southern edge of that development off Liberty Court North. This trail segment will not connect to the existing trails in Reid Park, however, as approved by Council. The City may extend this trail through to the existing trails in Reid Park in

the future. The City's trail plan indicates a trail along 30<sup>th</sup> Street North, which already exists on the south side of the street.



**Access.** Access to the proposed lots will be provided from Lower 31<sup>st</sup> Street North to the north of the subject property (part of the Northport development). Access to this parcel was pre-planned with the adjacent subdivision in order to preserve the proper access management along 30<sup>th</sup> Street North. The existing driveway will be eliminated as suggested by Staff. Access to the new Lot 8 is proposed to be provided via a 20 foot wide driveway easement off the cul-de-sac of Liberty Court North. The City Engineer is recommending this be changed to a 30 foot wide Outlot to be owned by Lot 8. This change will impact the configuration of Lots 7 and 9.

**Streets.** The proposed streets appear to be meeting the City's minimum standards:

- Liberty Court is proposed to be 28-feet wide within a 60-foot right-of-way;

- A 60 foot cul-de-sac right-of-way width is provided with a 45 foot pavement radius;
- The cul-de-sac length is proposed to be 510 feet long;
- There is a proposed sidewalk to the west of this street. The residential maximum longitudinal grade is 6% with a sidewalk which appears to be feasible. Potential connections to this sidewalk should be considered moving forward.
- Surmountable concrete curb and gutter needs to be installed in single family areas with future driveways.

The biggest issue of concern regarding streets is the fact that additional right-of-way must be dedicated along 30<sup>th</sup> Street North to ensure a minimum boulevard width of 16 feet is provided along the entire length of the plat. In addition to the right-of-way, a 10 foot utility corridor must also be reserved for small utilities. The proposed stormwater facilities cannot encroach into this utility corridor.

**Utilities – Municipal Water Supply and Municipal Sanitary Sewer.** Public water and sanitary sewer service will be extended to the site with the development of Northport. The preliminary plans will need to include detailed utility construction plans that meet City engineering standards.

**Environmental Review.** The proposed development is within the Village Alternative Urban Area Wide Review (AUAR), which was completed in order to address the expected cumulative environmental impacts associated with the anticipated growth and development within the Village.

**Storm Water Management.** The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive stormwater drainage across the development. The proposed development area resides within the Valley Branch Watershed District (VBWD). City staff recommends early planning/coordination meetings with VBWD. The design of the storm water management systems must be compliant with the requirements of the State, VBWD, the City of Lake Elmo Storm Water Management Ordinance, and the City of Lake Elmo design standards manual. The applicant is advised to fully read and comprehend the City's storm water and erosion control ordinance since these standards are different, and in some cases more stringent, than the watershed district.

The storm water facilities must be platted as Outlots and deeded to the City for maintenance purposes and must fully incorporate the 100-year High Water Level, 10 foot maintenance bench and all maintenance access roads. The storm water ponds will not be allowed to encroach on to adjacent private lots. The storm sewer system shall be designed to maintain the City standard minimum pipe cover of 3.0 feet, and drain tile is required as part of the City standard street section at all localized low points in the street. All storm sewer pipe easements must be a minimum of 30 feet in width. No drainage and utility easement is shown for the storm sewer pipe along the Lot 5 and Lot 6 property line. It is likely that more land will need to be allocated for stormwater management. The preliminary grading plan shows pond encroachment on Lots 6 and 7, and additional pond depth will be required to meet City standards.

Grading restrictions along the Northern Natural Gas easement must be adhered to, and it is unclear how drainage within the Northern Natural Gas easement will be captured and conveyed to stormwater facilities. Additionally, Liberty Court drainage must be captured and treated on-site. Currently, a significant portion of the drainage is shown to be draining to the Northport subdivision,

and the stormwater management plan of this subdivision does not account for this additional impervious surface.

The ultimate discharge rate and location will be an important consideration. The stormwater management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. Written permission from properties that are impacted and submitted will be required as part of the development application.

**City Engineer Review.** The City Engineer’s review comments are found as part of the attachments to this report and are incorporated throughout the report.

**Airport.** The proposed development is not within the Lake Elmo Airport Existing Runway Protection Zones; however, the Metropolitan Airports Commission will be given the opportunity to review the proposed development with the Preliminary Plat application. Staff has distributed adjacent review to the Metropolitan Airports Commission (MAC) as part of the Comprehensive Plan Amendment request, but has not yet heard back from the MAC.

**Lot Dimensions and Bulk Requirements.** The proposed sketch plan appears to meet the lot dimensions and bulk requirements for the Urban Low Density Residential zoning district, as shown below:

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Lot Area</b>	8,000 square feet	9,600 square feet – 36,460 square feet (average of 13,225 square feet)
<b>Minimum Lot Width</b>	60 feet	60-205.5 feet*, ** *See the Access portion of this report – lot widths of Lots 7 and 9 may need to be reduced, possibly not meeting the 60 foot minimum standard. ** Lot 8 will have a lot width of approximately 205.5 feet of street frontage as the lot abuts 30 <sup>th</sup> Street North, even though access will be provided through the cul-de-sac of Liberty Court North.
<b>Maximum Impervious Surface</b>	40%	Unknown
<b>Minimum Front Yard Setback</b>	25 feet	Appears to be 25 feet (grading plan scale not provided)

<b>Minimum Interior Sideyard Setback (principal buildings)</b>	10 feet	Appears to be 8 feet on both sides in northerly lots (grading plan scale not provided); sideyard setback averaging has been allowed in the past
<b>Minimum Interior Sideyard Setback (accessory structures)</b>	5 feet	N/A
<b>Minimum Corner Sideyard Setback</b>	15 feet	N/A
<b>Minimum Rear Yard Setback</b>	20 feet	All required rear yard setbacks appear to be met (grading plan scale not provided)

**Lot Easements.** Lot easements (front, rear and side yard) need to be shown on the plan meeting City requirements.

**Northern Natural Gas Easement.** A Northern Natural Gas easement runs along the western side of lots 9 through 13, and bisects lot 8 before getting to 30<sup>th</sup> Street North. As two large diameter gas mains are located in the easement, there are heavy restrictions on what can be done in this area (i.e. no building, creating, constructing, or allowing to be built any hard surface road, building, or other structure; and no grading or other work without the written consent of Northern). The City has no ordinance that requires a buildable or even usable backyard, but it is a fact that should be disclosed to future buyers should this development move forward. Owners of these lots will likely not be able to have decks, pools, accessory structures, or even landscaping without prior written consent of Northern. The Applicant should consider the value of these lots and how they will communicate these restrictions, and will need to demonstrate how the easement will be delineated within the yards to prevent homeowners from encroaching into the easement.

**Landscaping.** The applicant has not provided any details concerning landscaping for the site, which must be submitted at the time of Preliminary Plat submission and will need to adhere to the City's Landscape Requirements. There are a number of existing trees on the property, and the project will be subject to the City's tree protection and replacement ordinance. Additionally, it is recommended that the Applicant provide sufficient landscaping along 30<sup>th</sup> Street North to provide a sufficient buffer

## COMPREHENSIVE PLAN AMENDMENT

**Current Land Use.** The property is currently used as a single family detached dwelling and is currently guided for Rural Single Family Zoning with a Village Open Space Overlay greenbelt corridor on the southern border of the parcel. This land use has a guided density of 0.66-2 units



per acre. The Applicant and owner of the property would like to move the existing house to a lot to the west of the proposed development, and subdivide the remaining portion of the parcel in to 12 additional parcels.

**Proposed Land Use and Density.** The Comprehensive Plan Amendment proposes to re-guide the property to Village Urban Low Density, which will allow a density of 1.5-2-49 units per acre. The development site is 5.97 acres, and a total of 13 residential lots are being proposed, totaling a gross density of 2.17 units per acre. There are no wetlands, wetland buffers, public waters, or other areas that are protected from development by local ordinance on the property, and because there is no public parkland or protected open space proposed nor arterial road right-of-way, the net density of the development is expected to also be 2.17 units per acre.

**MUSA and Rural Single Family Sewered Land Use Option.** The proposed development is within the Metropolitan Urban Service Area (MUSA), and sewer will be made available through Northport, the development to the north and east of the proposed development. Areas within the City that are included in the MUSA must be developed at an average of three units per acre. In 2016, the City created a new land use that is called Rural Single Family – Sewered. This land use is intended for properties that were platted for conventional subdivision prior to 2005 that have been (and will continue to be) serviced by private on-site well and septic systems, unless within the MUSA area. If within a MUSA, the City Council may consider connection to the sanitary sewer system where practical. While the property does have the option of being re-guided to this land use category, the density of the proposed development is higher than the allowed density within the Rural Single Family land use category (0.66-2 units per acre), and so this land use would be inappropriate for this proposed development. If the property were to re-guide to Rural Single Family Sewered, the smallest the lot sizes allowed would be 24,000 square feet, which equates to a density of 1.8 units per acre.

**Adjacent Land Use.** Northport (the development to the north and east of the proposed development) is guided for Village Urban Low Density. This proposal would essentially be an extension of the Village Urban Low Density land use that currently exists. Properties to the west of the proposed development would remain guided for Rural Single Family and are also within the greenbelt buffer.

**Recommended Findings.** Staff recommends the following findings in regards to the proposed Comprehensive Plan Amendment:

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
  - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

**Recommended Conditions of Approval.** Staff recommends the following conditions in regards to the proposed Comprehensive Plan Amendment:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
  - a. Required densities of the Village Urban Low Density land use category.
  - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
  - c. Provides a usable rear yard for lots in which the Northern Natural Gas Company Easement (Document 384029) (“Northern Easement”) is located, as determined by the City; or receives approval from the City for required rear yards for lots in which the Northern Easement is located, in which building, creating, constructing, or allowing to be built any hard surface road, building, or other structure as well as altering the grade or permitting such alteration upon which Northern Natural Gas Company has reserved its Easement rights without the written consent of Northern.
  - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

**Planning Commission Review.** The Planning Commission reviewed the proposed Subdivision Sketch Plan and Comprehensive Plan Amendment at its meeting on November 13, 2017 and had the following comments in regards to the proposed subdivision sketch plan:

- They saw issues with the proposed greenbelt corridor and felt that additional width or extensive landscaping was needed for the proposed subdivision.
- They saw definite issues with proposed location of the lots on the west of Liberty Court that are in conflict with the Northern Natural Gas Easement. They wished to see these lots have a usable backyard.
- The Comprehensive Plan Amendment made sense in that the subject property is adjacent to the V-LDR district and in the MUSA.

The Planning Commission recommended approval of the proposed Comprehensive Plan Amendment with a vote of 7-0.

**FISCAL IMPACT:**

There would be no fiscal impact to the City at this time, as the developer would be required to pay for any amendments needed to accommodate the increase in REC units. Concept Plan approval does not afford the applicant development rights. When the property develops, it will have urban services and will pay sewer and water connection charges, building permit fees and the like.

**RECOMMENDATION:**

Staff is recommending that the Planning Commission recommend approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.

***“Move to recommend approval of the proposed Comprehensive Plan Amendment to re-guide PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density, based on the recommended findings and conditions of approval.”***

Staff is recommending that the Planning Commission accept the Sketch Plan provided by JP Bush Homes for a 13 unit single family detached residential development of PID#13.029.21.43.0001.

**ATTACHMENTS:**

1. Application Forms
2. Narrative
3. Preliminary Grading and Drainage Plan
4. Subdivision Sketch Plan
5. City Engineer Review Memorandum 10/20/2017
6. Resolution 2017- Approving the Proposed Comprehensive Plan Amendment

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_  
Permit #: \_\_\_\_\_



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

### LAND USE APPLICATION

- 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  Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan  PUD Preliminary Plan  PUD Final Plan  Wireless Communications

Applicant: J.P. BUSH HOMES.  
Address: 1980 QUASAR AVE S. LAKE LAND MN. 55043  
Phone # 651-775-4222  
Email Address: JOE@JOEBUSHMN.COM

Fee Owner: JAMES MCLEOD  
Address: 11580 30TH ST. N. LAKE ELMO MN. 55042  
Phone # 651-770-6884  
Email Address: \_\_\_\_\_

Property Location (Address): 11580 30TH ST. N. LAKE ELMO MN 55042  
(Complete (long) Legal Description: PID # 13.029.21.43.0001  
PART OF THE SOUTHWEST QUARTER OF THE SOUTH EAST QUARTER OF  
PID#: SECTION 13, TOWNSHIP 29 NORTH, RANGE 21 WEST, CITY OF  
LAKE ELMO, WASHINGTON COUNTY, MINNESOTA

Detailed Reason for Request: ATTACH EXISTING OWNERS (MCLEOD) PROPERTY  
TO PUTE SUBDIVISION AND CHANGE DENSITY TO  
LOW DENSITY RESIDENTIAL. CREATE 18 NEW HOMESITES  
OF LOW DENSITY RES AND ONE SLIGHTLY LARGER LOT(8)  
FOR THE USE OF THE MCLEOD'S NEW HOME SITE.

\*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: [Signature] Date: 9/19/17

Signature of fee owner: James R McLeod Trustee Date: Sept 20 2017



# *J.P. Bush* H O M E S

September 15-2017

## **City of Lake Elmo Comprehensive Plan Review Narrative.**

**Property:** 11580 30<sup>th</sup> Street North Lake Elmo MN 55043  
James McLeod Revocable Trust (5.9 Acres)

**Usage:** Currently a single family ZONED: RURAL RESIDENTIAL  
Request to Change from: RURAL RESIDENTIAL to URBAN LOW DENSITY RESIDENTIAL

**Proposer:** Mr. and Mrs. James McLeod Revocable Trust, Land Owner.  
JP Bush Homes, Developer.

The proposed subdivision is called "Wyndham Village". Lake Elmo Minnesota and its residence have a unique old village City that continues to explore a wide range of opportunities for family living. James McLeod and the Developer, JP Bush Homes desires to keep this proposed Development in harmony with the Comprehensive Plan that Lake Elmo has adopted. Wyndham Village is simply an extension of an approved subdivision called "VILLAGE PARK PRESERVE". Gonyea Homes and The Pulte Group have developed a wonderful series of Village Home sites directly connected to The McLeods Property. VILLAGE PARK PRESERVE borders the Mcleods property directly to the North and East. Gonyea and Pulte have worked closely with City of Lake Elmo to allow home sites within the development to a standard of URBAN LOW DENSITY RESIDENTIAL. During the recent Final Plat Approval for VILLAGE PARK PRESERVE Gonyea and Pulte invited the Mcleods and JP. Bush Homes to directly connect "Wyndham Village". Zoning our subdivision to URBAN LOW DESITY RESIDENTIAL is a nature transition to an approved plan. The McLeods and JP. Bush would like the City of Lake Elmo to consider approving the request to The Comprehensive Plan and allow "Wyndham Village" to be amended per the attached documents. The developer has followed, organized and done the items listed here within to create a reasonable request for the change of Zoning.

1. Attended meetings and informal work sessions with the City of Lake Elmo Building and Zoning Gonyea and Bush to design a smooth, consistent connection between the subject Properties.
2. Scheduled additional onsite walks to discuss screening vegetation, road locations, Safety line of site for road access and appropriate storm water management.
3. Developer designed multiple modifications to the Sketch Plan of the development in accordance With recommendations noted from all meetings formal and informal. The sketch plan Is a comprehensive document performed by a local licensed Surveyor.

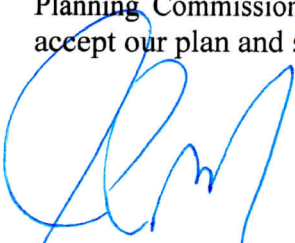
**The attached documents are a complete set of the documents required for a Comprehensive plan change with in the Land Use Code. They are listed.**

1. full size color copies and 11x17 copies of the Sketch plan from Landmark Surveyor.
2. Copies of the VILLAGE PARK PRESERVE planned development.
3. Copies of detailed road designs allowing the connection and use of common streets.
4. Copies of the agreements between Gonyea, Pulte, McLeods allowing easements for VILLAGE PARK PRESERVE to install their proposed road designs and storm water ponding.
5. Mailing labels from Washington County of all Neighbors within 350 feet.
6. A completed application along with required fees for sketch plan and Comprehensive plan change review.

**Brief property description and planned home applications**

The Project is a 13 lot single-family development on 5.9 acres. Each lot has the proper requirements for buildable area. The development sketch plan shows all the requirements of City Code for a Comprehensive plan review. Important to note that the Proposed Lot #8 is larger and is intended to be used for the McLeods Minnesota Residence. Lot #8 is a wonderful compliment to the neighborhood and is a much more desirable fit to single family homes directly to the West and North of Lot #8. The Proposed Homes within "Wyndham Village" are going to be similar in price, size and overall design the homes in VILLAGE PARK PRESERVE".

The above description along with all the required documents and planning that have been performed allow the Planning Commission and City Council proper information to make a Comprehensive Plan Change. Please accept our plan and submissions to the City of lake Elmo Planning Commission and City Council.



Joseph P Bush  
J.P. Bush Homes

DRAWN BY: C.M. DESIGN BY: C.W.P.  
 CHCKD BY: C.W.P. PROJ. NO. 17-1724  
 ORIGINAL DATE: OCTOBER 13, 2017

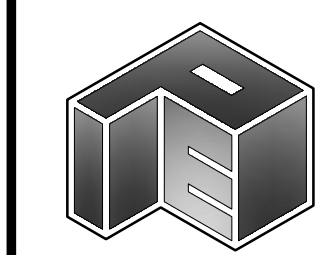
DATE REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

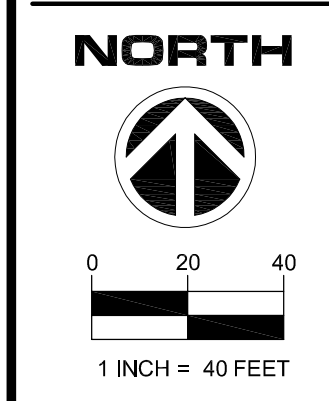
*Charles W. Plowe*  
 CHARLES W. PLOWE  
 DATE: 10.13.2017 LIC. NO. 16227

**LAKE ELMO RESIDENTIAL**  
**LAKE ELMO, MINNESOTA**  
 PRELIMINARY GRADING  
 & DRAINAGE PLAN

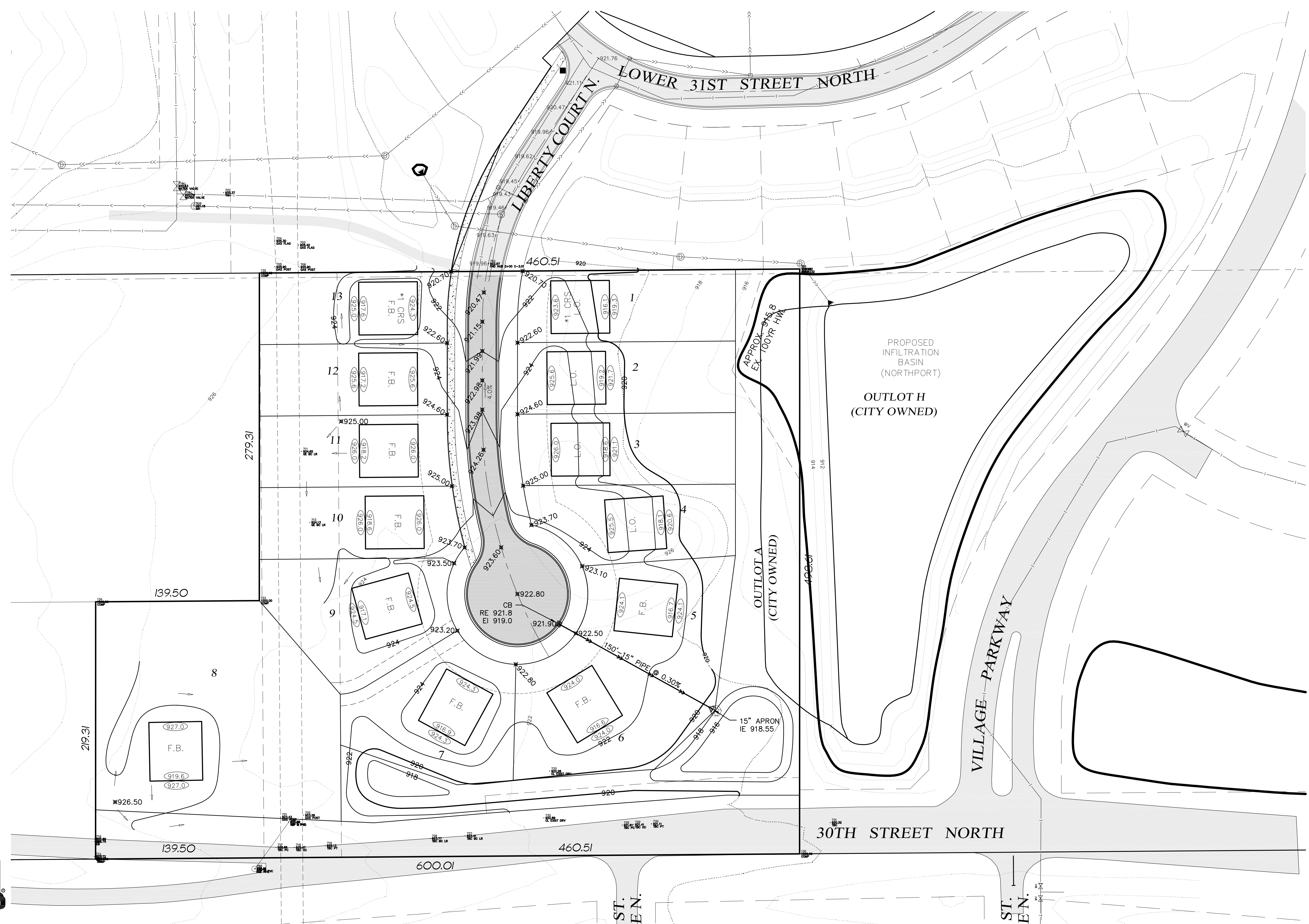
PREPARED FOR:  
 J.P. BUSH HOMES



SITE PLANNING  
 & ENGINEERING  
**PLOWE ENGINEERING, INC.**  
 6776 LAKE DRIVE  
 SUITE 110  
 LINO LAKES, MN 55014  
 PHONE: (651) 361-8210  
 FAX: (651) 361-8701



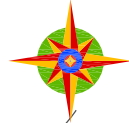
**C2**



Know what's below.  
 Call before you dig.

**PRELIMINARY GRADING & DRAINAGE PLAN  
 LAKE ELMO RESIDENTIAL**

10/12/2017 17-1724 LAKE ELMO RESIDENTIAL-1724 CAD/17-1724 BASE 1.dwg



# Landmark Surveying, Inc.

21090 Olinda Trail North  
P.O. Box 65  
Scandia, Minnesota 55073

Office number: 651-433-3421  
Cell number: 651-755-5760  
E-mail: inthefield@frontiernet.net

# LOW DENSITY RESIDENTIAL - CONCEPT SUBDIVISION

Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West,  
City of Lake Elmo, Washington County, Minnesota

Developer:



**J.P. Bush**  
HOMES  
1980 Quasar The South  
Lakeland, Minnesota 55043

Property Owner:

James R. McLeod Revocable Trust  
11580 30th Street North  
Lake Elmo, Minnesota 55042

PID:13.029.21.43.0001

TOTAL PARCEL AREA = 5.9 acres ±

Proposed Lots = 13

Existing Zoning = RS - RURAL SINGLE FAMILY

Proposed Zoning - LDR - URBAN LOW DENSITY RESIDENTIAL

Property Description:

Quit Claim Deed, Document No. 3102032

Sec 13 Twp 029 Range 021

The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet,  
and also the east 139.50 feet of the west 812.50 feet of the south  
219.30 feet of the SW 1/4 of SE 1/4 of Section 13, Township 29,  
Range 21

Concept Notes:

Building locations were traced from aerial photography.

Contours are at 2 foot intervals and derived from data provided by the Minnesota  
Department of Natural Resources and data per the preliminary plat of Northport.

REVISED: OCTOBER 11, 2017

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report was prepared by me  
or under my direct supervision and that I am a duly Licensed Land  
Surveyor under the laws of the State of Minnesota.

Landmark Surveying, Inc.

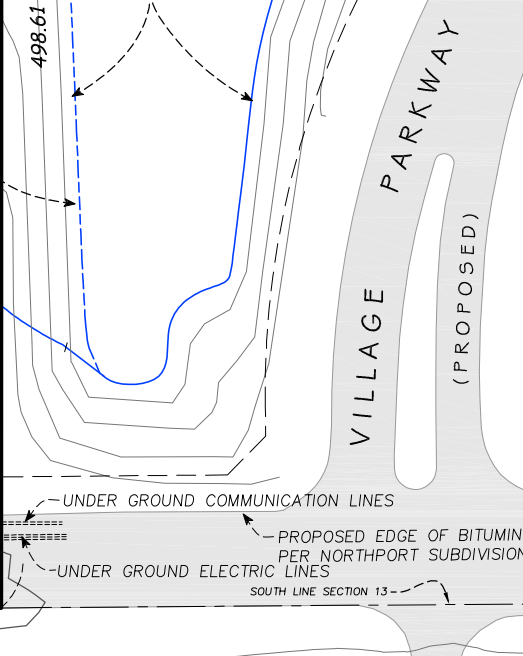
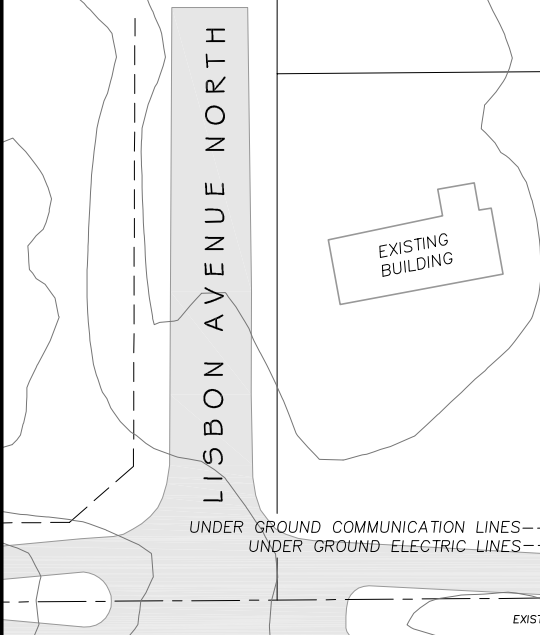
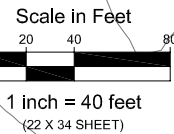
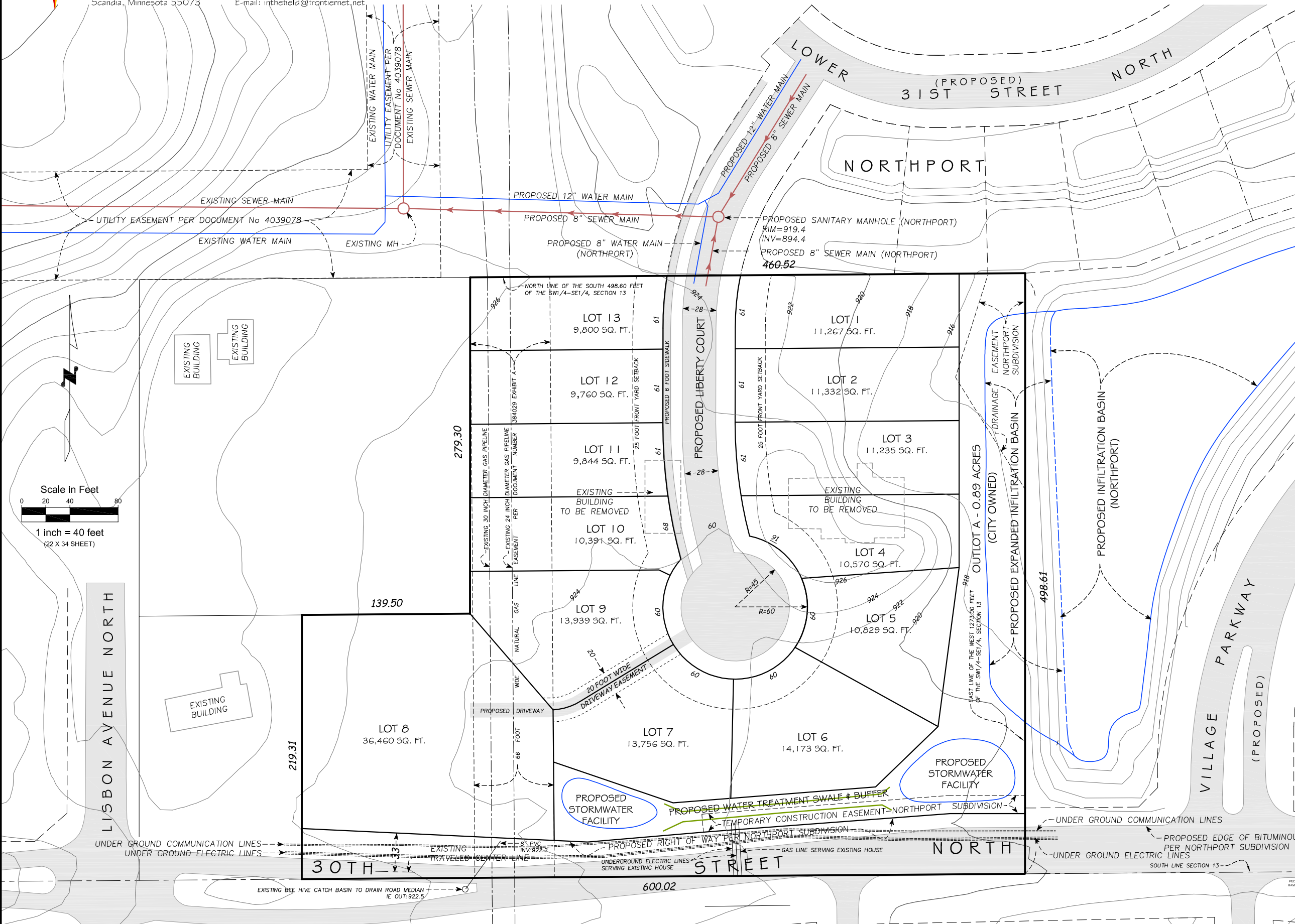
*Milo B. Horak*

Milo B. Horak, Minnesota License No. 52577

June 01, 2017

Date

Job No. 2016-70





# MEMORANDUM

# FOCUS ENGINEERING, inc.

Cara Geheren, P.E. 651.300.4261  
Jack Griffin, P.E. 651.300.4264  
Ryan Stempski, P.E. 651.300.4267  
Chad Isakson, P.E. 651.300.4283

Date: October 20, 2017

---

To: Emily Becker, Planning Director  
Cc: Chad Isakson, Assistant City Engineer  
From: Jack Griffin, P.E., City Engineer

Re: McLeod Residential Subdivision  
Concept Plan Review

---

An engineering review has been completed for the McLeod Residential Subdivision Concept Plan. The submittal consisted of the following documentation received on October 13, 2017.

- Residential Concept Subdivision dated October 11, 2017 and prepared by Landmark Surveying, Inc.
  - Preliminary Grading and Drainage Plan dated October 13, 2017 and prepared by PLOWE Engineering.
  - Comprehensive Plan Amendment Narrative dated September 15, 2017.
- 

We have the following review comments:

All public improvements constructed to support the development must be designed and constructed in accordance with the City Engineering Design Standards Manual available on the City website dated March, 2017.

## SITE PLAN AND TRANSPORTATION

- Access Management. The Concept plan shows access to the plat from the Northport subdivision along Liberty Court. This access was pre-planned with the adjacent subdivision and preserves the proper access management along 30th Street North.
- Right-of-way dedication. The Plat must dedicate additional right-of-way along 30th Street North to ensure a minimum 30th Street boulevard of 16 ft. along the entire length of the plat. In addition a 10 ft. utility corridor must be reserved (at boulevard grades) for small utilities. The proposed Stormwater facilities (including the 100-year HWL) cannot encroach the 10 ft. utility corridor.
- Screening along 30th Street is recommended. The south boundary of the subdivision is along the north boulevard of 30th Street North and proposes two storm water ponds connected by a drainage swale. It is recommended that additional space be allocated at elevations higher than 30th Street to create a vegetative buffer between the lots and this collector street.
- More land area is likely needed to be allocated for storm water management. The preliminary grading plan already shows pond encroachment onto Lots 6 and 7. Also, additional pond depth must be provided to meet City pond construction requirements.
- Lots 9-13 include large areas of gas main easement with 2 large diameter gas mains. There is no useable rear yard along these lots.
- Lot Easements (front, rear and side yard) should be shown on the plans meeting City requirements.

## RESIDENTIAL STREETS

- Lot 8 is proposed to access Liberty Court with a 20 ft. driveway easement on Lots 7 and 9. It is recommended that this easement be revised as a 30 ft. minimum width Outlot to be owned by Lot 8.

- Public street standards. Liberty Court must be designed to meet the City's Engineering Design Standards. A 60 ft. right-of-way width with 28 ft. wide street has been shown as required; and a 60 ft. cul-de-sac R/W radius with 45 ft. cul-de-sac pavement radius has been shown as required.
- Liberty Court will result in a 510 ft. long cul-de-sac, meeting City standards.
- The residential maximum longitudinal grade is 6% with a sidewalk.
- Surmountable concrete curb and gutter shall be installed in single family residential areas with future driveways.
- Pedestrian facilities: A 6 ft. wide sidewalk has been shown along Liberty Court as required. The City should review any potential connections to this sidewalk.
- Ten (10) foot utility easements are required on either side of all right-of-ways.

#### STORMWATER MANAGEMENT

- The site plan is subject to a storm water management plan meeting State, VBWD and City rules.
- Storm water facilities proposed as part of the site plan to meet State and VBWD permitting requirements must be constructed in accordance with the City Engineering Design Standards Manual.
- The general drainage system should mimic the natural topography of the site in order to ensure a drainage system that provides positive storm water drainage across the development.
- Overland emergency overflows or outlets will be required as part of the site plan.
- Grading restrictions along the Northern Natural Gas easement must be adhered to as part of the development plans. It is unclear how drainage within the NNG easement will be captured and conveyed to the storm water facilities.
- Liberty Court drainage must be captured and treated on-site. A significant portion of the street is shown draining to the Northport subdivision. The Northport storm water management plan does not account for this additional impervious areas.
- The ultimate discharge rate and location will be an important consideration. The storm water management plan will need to address changes to the downstream drainage system to the extent alterations are proposed. To the extent adjacent properties are impacted, written permission from those properties must be submitted as part of the development applications.
- It appears that all storm water facilities (ponds and infiltration basins) have been placed in Outlots. These Outlots will be deeded to the City for maintenance purposes. The Stormwater Facility Outlots must fully incorporate the 100-year HWL, 10 foot maintenance bench and all maintenance access roads.
- Maintenance access roads meeting City standards must be provided for all storm water facilities and must be within Outlots dedicated to the City.
- The storm sewer system shall be designed to maintain the City standard **minimum** pipe cover of 3.0 feet. Drain tile is required as part of the City standard street section at all localized low points in the street. Drain tile considerations may impact the storm sewer design and depth requirements at low points.
- Per City requirements all storm sewer pipe easements must be a minimum 30-feet in width. No drainage and utility easement is shown for the storm sewer pipe along the Lot 5 and Lot 6 property line.

#### MUNICIPAL WATER SUPPLY

- Municipal water supply is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend the municipal water into the development site at developer's cost.
- No trunk watermain oversizing is anticipated for this development.

#### MUNICIPAL SANITARY SEWER

- Municipal sanitary sewer is available immediately adjacent to the proposed development along Liberty Court. The applicant is responsible to extend sanitary sewer into the development site at developer's cost.
- No trunk sewer oversizing is anticipated.

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-006**

*A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF PID# 13.029.21.43.0001 FROM RURAL SINGLE FAMILY TO VILLAGE URBAN LOW DENSITY RESIDENTIAL AND TO AUTHORIZE STAFF TO SUBMIT A COMPREHENSIVE PLAN AMENDMENT FOR SAME TO THE METROPOLITAN COUNCIL*

**WHEREAS**, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, JP Bush Homes, 1980 Quasar Avenue South, Lakeland, MN 55043 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Subdivision Sketch Plan Review which includes 10 single-family residential detached homes on 5.97 acres, and

**WHEREAS**, the Planning Commission held a public hearing on November 13, 2017 to consider the Applicant’s requests; and

**WHEREAS**, the Planning Commission adopted a motion to recommend approval to the City Council on the Applicant’s requests; and

**WHEREAS**, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meetings on November 21, 2017 and January 16, 2018; and

**WHEREAS**, the City Council has reviewed the Comprehensive Plan amendment and believes that it is consistent with the spirit and intent of the Comprehensive Plan.

**NOW THEREFORE BE IT RESOLVED** based upon the testimony elicited and information received, the City Council makes the following findings of fact:

**FINDINGS**

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
  - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendments are consistent with the overall goals and objectives of the Comprehensive Plan in that the Property is within the Metropolitan Urban Service Area.

**NOW, THEREFORE, BE IT RESOLVED**, that based on the above findings of fact, the Lake Elmo City Council hereby approves the Applicant's request to amend the Comprehensive Plan as follows:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that its review has been completed and approved.
2. That the Applicant obtain Preliminary Plat approval from the City that meets the following:
  - a. Required densities of the Village Urban Low Density land use category.
  - b. Provides a sufficient Greenbelt Corridor as indicated in the Comprehensive Plan and approved by the City.
  - c. Provides usable rear yards for lots in which the Northern Natural Gas Company Easement (Document 384029) ("Northern Easement") is located, as determined by the City by maintaining a 20 foot principal building rear yard setback from the Northern Natural Gas Company Easement.
  - d. All other applicable standards including but not limited to City Engineer Design Standards, Valley Branch Watershed District requirements, and zoning standards.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Lake Elmo City Council hereby authorizes and directs staff to submit a Comprehensive Plan amendment and MUSA expansion request consistent herewith to the Metropolitan Council for review and approval, contingent upon the City's preliminary approval of the plat based on the Subdivision Sketch Plan as proposed by the Applicant with Revision Date November 20, 2017.

Passed and duly adopted this 16<sup>th</sup> day of January 2018, by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-**

*A RESOLUTION DENYING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE  
LAND USE DESIGNATION OF PID# 13.029.21.43.0001 FROM RURAL SINGLE FAMILY TO  
VILLAGE URBAN LOW DENSITY RESIDENTIAL*

**WHEREAS**, the City of Lake Elmo (the “City”) has established a Comprehensive Plan that provides a compilation of background data, policy statements, standards, and maps, which help to guide the future physical, social, and economic development of the City; and

**WHEREAS**, JP Bush Homes, 1980 Quasar Avenue South, Lakeland, MN 55043 (the “Applicant”) has submitted an application to the City to amend the Comprehensive Plan, a copy of which is on file in the City Planning Department; and

**WHEREAS**, the request to amend the Comprehensive Plan was submitted by the Applicant along with a Subdivision Sketch Plan Review which includes 10 single-family residential detached homes on 5.97 acres with a proposed density of 1.67 units per acre, and

**WHEREAS**, the Planning Commission held a public hearing on November 13, 2017 to consider the Applicant’s requests; and

**WHEREAS**, the Planning Commission adopted a motion to recommend approval to the City Council on the Applicant’s requests; and

**WHEREAS**, the City Council reviewed the Planning Commission and public comments regarding the Applicant’s requests at its meetings on November 21, 2017 and January 16, 2018; and

**WHEREAS**, the City Council has reviewed the Comprehensive Plan amendment and believes that it would not be in the best interest of the City to allow a Comprehensive Plan Amendment to Village Urban Low Density Residential, as the proposed development should not exceed a density of 1.67 units per acre.

**NOW THEREFORE BE IT RESOLVED** based upon the testimony elicited and information received, the City Council makes the following findings of fact:

**FINDINGS**

1. That the Applicant has submitted a request to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and Lake Elmo Planning Commission; and
2. That the request is to amend the Comprehensive Land Use Plan:
  - a. On page III-11, updating Table 3-B to reflect proposed increased acreage of Village Urban Low Density Residential and decreased acreage of Rural Single Family.
  - b. Updating Map 3-3 – the planned land use map.
3. That the proposed amendment would allow a density of 1.5-2.49 units per acre.
4. That the Applicant has also submitted a Subdivision Sketch Plan Review.
5. That the proposed Subdivision Sketch Plan should not exceed a density of 1.67 units per acre, and the proposed Comprehensive Plan Amendment would allow this density to be exceeded.

**NOW, THEREFORE, BE IT RESOLVED**, that based on the above findings of fact, the Lake Elmo City Council hereby denies the Applicant's request to amend the Comprehensive Plan by re-guiding PID# 13.029.21.43.0001 from Rural Single Family to Village Urban Low Density.

Passed and duly adopted this 16th day of January 2018, by the City Council of the City of Lake Elmo, Minnesota.

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk