



DATE: 12/17/19
AGENDA ITEM:

TO: City Council

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

SUBMITTED BY: Ken Roberts, Planning Director

REVIEWED BY: Ben Prchal, City Planner

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to approve a proposed minor subdivision as requested by Continental 483 Fund (Continental Development) and Alan Dale (the property owner) to divide approximately 72.6 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 and the Planning Commission are recommending approval of the minor subdivision, subject to conditions.

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 5th 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 5th 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 and resolution of approval.

On December 9, 2019, the Planning Commission recommended approval of the proposed minor subdivision, subject to conditions.

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 5th Street North owned by Mr. Dale 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 the City Council 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.

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 have more than four parcels, to include lots or rights-of-ways for streets and because 5th Street North is already covered by an existing street easement. 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). With the recommended change to the proposed plat (of dropping proposed Outlot E), it will meet all the City requirements for a minor subdivision.

DRAFT FINDINGS

Staff is recommending that the City Council 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 proposed DPS Lake Elmo minor subdivision, with one change, will meet the requirements of the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

RECOMENDATION:

Staff and the Planning Commission are recommending approval of the minor subdivision request from Continental 483 Fund and DPS Lake Elmo to divide the property between Hudson Boulevard and 5th Street North into four development parcels, subject to:

1. The applicant/owner dedicating to the City a 100-foot-wide street easement for future Julia Avenue.
2. The applicant/owner removing Outlot E from the subdivision.
3. The City will not issue any building permits within this plat until the proposed building sites are replatted from Outlots into Lots and Blocks.
4. The applicant/developer must submit and receive approval of a building permit application; grading, drainage, landscaping, erosion control, and other applicable plans before starting any construction activity on the future development sites.
5. The applicant/developer must obtain all other necessary City, State, Watershed District and other applicable governing body permits before the commencement of any construction activity on the future development sites.

Suggested motion:

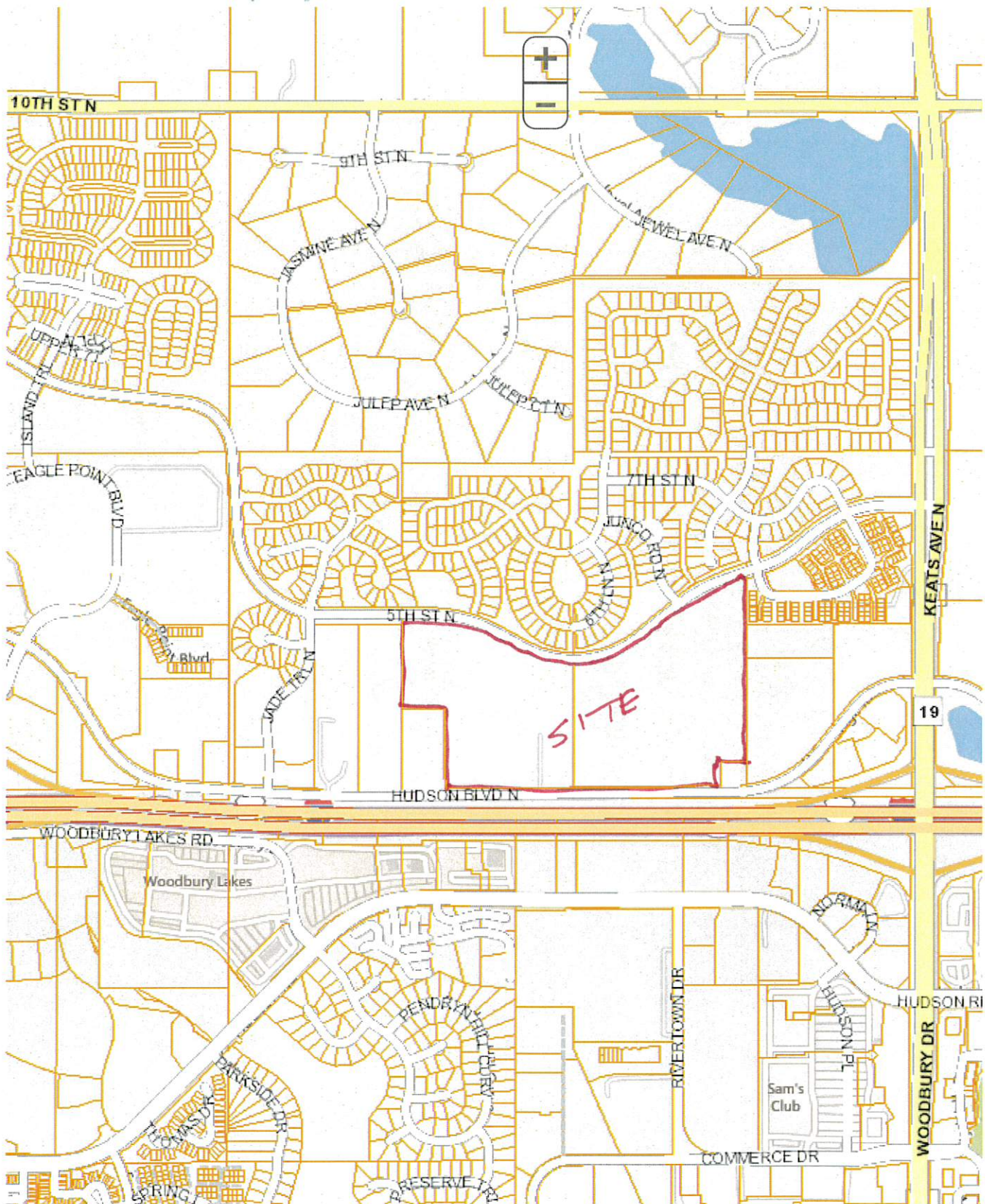
***“Move to adopt Resolution 2019 – 100 approving the proposed DPS Lake Elmo minor subdivision that subdivides the property between Hudson Boulevard and 5th Street north into four development parcels, subject to the applicant/owner meet all required conditions of approval.*”**

ATTACHMENTS:

1. Location Map
2. Property Line Map
3. Proposed Minor Subdivision (2 pages)
4. Street Easement Exhibit (Julia Avenue)
5. Resolution 2019 - 100

[Sign in](#)

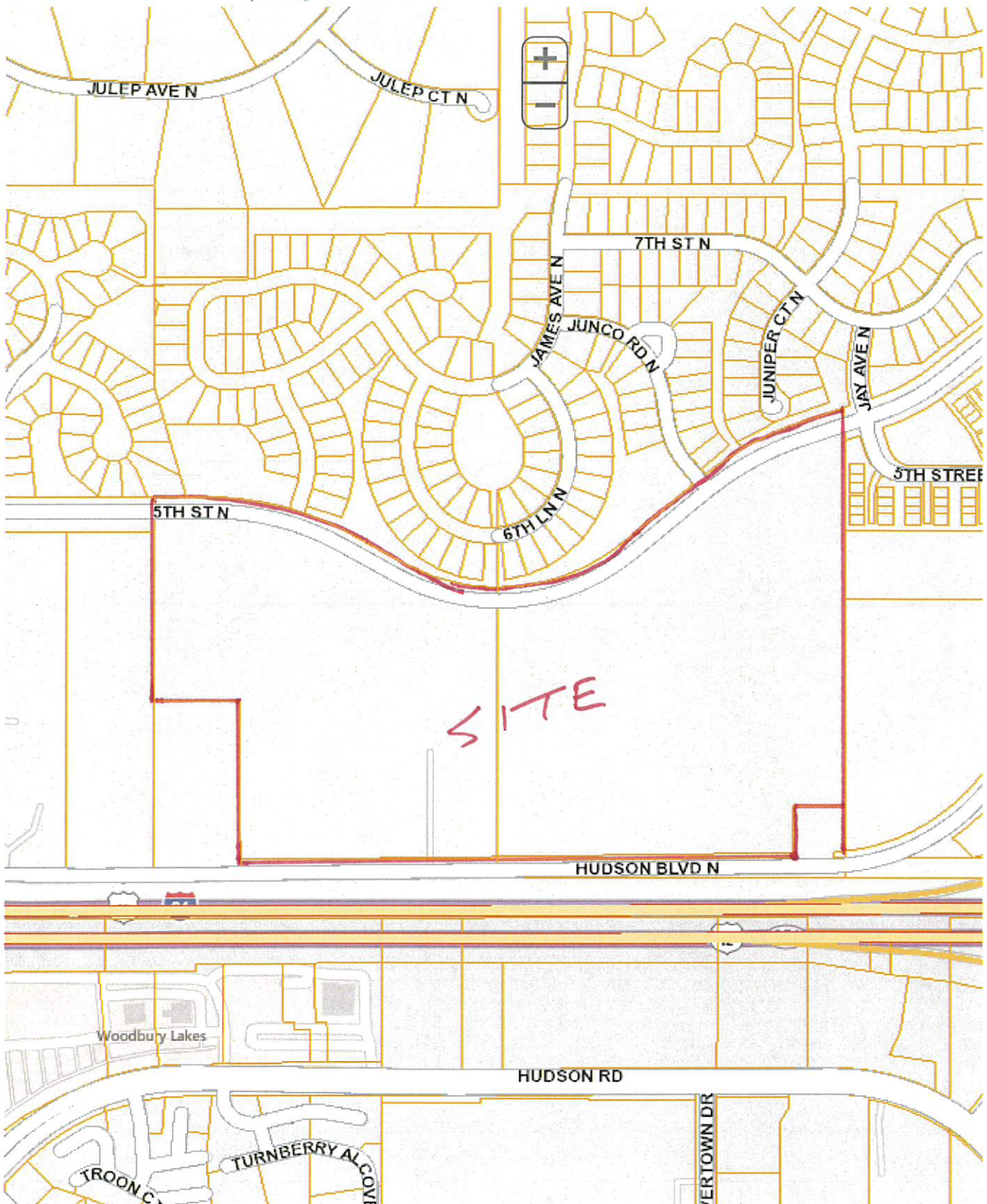
Property Viewer



[Sign in](#)



Property Viewer



DPS LAKE ELMO

Know all persons by these presents: That DPS Lake Elmo LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Washington, State of Minnesota, to wit:

That portion of the East Half of the Southwest Quarter and that portion of the West Half of the Southeast Quarter, both in Section 34, Township 29, Range 21, Washington County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 34; thence South 00 degrees 00 minutes 40 seconds East, along the West line of said Section 34, a distance of 472.55 feet; thence North 89 degrees 57 minutes 32 seconds East, a distance of 1315.91 feet to the West line of said East Half of the Southwest Quarter; thence South 00 degrees 02 minutes 55 seconds West, along said West line a distance of 714.99 feet to the point of beginning; thence North 89 degrees 55 minutes 22 seconds East, a distance of 212.38 feet; thence Southeasterly along a tangential curve concave to the Southwest having a central angle of 29 degrees 05 minutes 37 seconds, a radius of 1100.00 feet for an arc distance of 558.56 feet; thence South 60 degrees 59 minutes 01 seconds East, tangent to said curve, a distance of 224.27 feet; thence Southeasterly along a tangential curve concave to the North, having a central angle of 68 degrees 21 minutes 23 seconds, a radius of 760.00 feet for an arc distance of 906.71 feet; thence North 50 degrees 39 minutes 36 seconds East, a distance of 410.97 feet; thence Northeasterly along a tangential curve concave to the Southeast, having a central angle of 20 degrees 49 minutes 17 seconds, a radius of 1060.00 feet for an arc distance of 385.20 feet; thence North 71 degrees 28 minutes 52 seconds East, tangent to said curve, a distance of 202.22 feet to the East line of said West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along the East line a distance of 1517.53 to a line parallel with and distant 217.80 feet North of the North right of way line of Highway No. 12; thence South 89 degrees 54 minutes 16 seconds West, along said parallel line, a distance of 200.00 feet to a line parallel with and distant 200.00 feet West of said East line of the West Half of the Southeast Quarter; thence South 00 degrees 01 minutes 13 seconds West, along said parallel line, a distance of 173.18 feet to the North line of Minnesota Department of Transportation Right of Way Plat No. 82-43; thence South 89 degrees 18 minutes 12 seconds West, along said North line a distance of 1875.94 feet; thence continuing along said North line South 89 degrees 53 minutes 55 seconds West, a distance of 230.61 feet to the East line of the West 333.00 feet of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said line a distance of 599.99 feet to the North line of the South 675.00 feet of said East Half of the Southwest Quarter; thence South 89 degrees 53 minutes 57 seconds West, along said North line a distance of 333.00 feet to said West line of the East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds East, along said West line a distance of 774.53 feet to the point of beginning.

Has caused the same to be surveyed and platted as DPS LAKE ELMO.

In witness whereof said DPS Lake Elmo LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20 ____.

Signed: DPS Lake Elmo LLC, a Minnesota limited liability company

By: _____, its _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 20 ____ , by _____, _____, of DPS Lake Elmo LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, Minnesota
My Commission Expires _____

Notary Printed Name

I Craig E. Johnson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, existing as of the date of this certificate are shown and labeled on this Plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20 ____.

Craig E. Johnson, Licensed Land Surveyor,
Minnesota License No. 44530

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 20 ____ , by Craig E. Johnson.

Notary Public, _____ County, Minnesota
My Commission Expires _____

Notary Printed Name

CITY COUNCIL, Lake Elmo, Minnesota

This plat was approved by the City Council of Lake Elmo, Minnesota, this ____ day of _____, 20 ____ , and hereby certifies compliance with all requirements as set forth in the Minnesota Statutes, Section 505.03, Subdivision 2.

Signed: _____ Attest: _____
Mayor City Clerk

COUNTY SURVEYOR, Washington County, Minnesota

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20 ____.

By _____ By _____
Washington County Surveyor

COUNTY AUDITOR/TREASURER, Washington County, Minnesota

Pursuant to Minnesota Statutes, Section 505.021, Subd.9 and Section 272.12, taxes payable in the year 20 ____ on real estate hereinbefore described, have been paid; and there are no delinquent taxes and transfer has been entered, on this ____ day of _____, 20 ____.

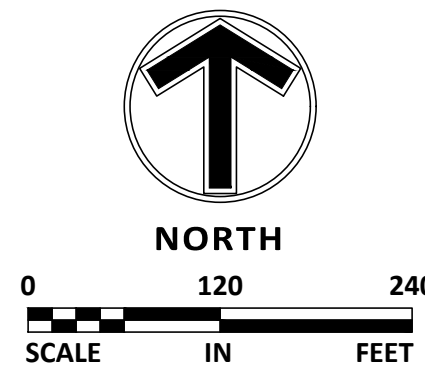
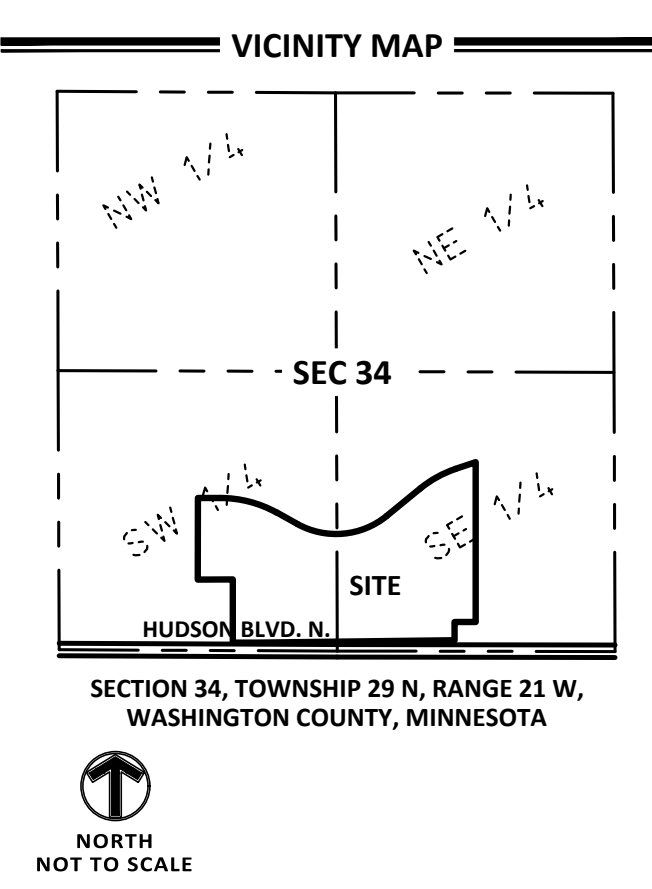
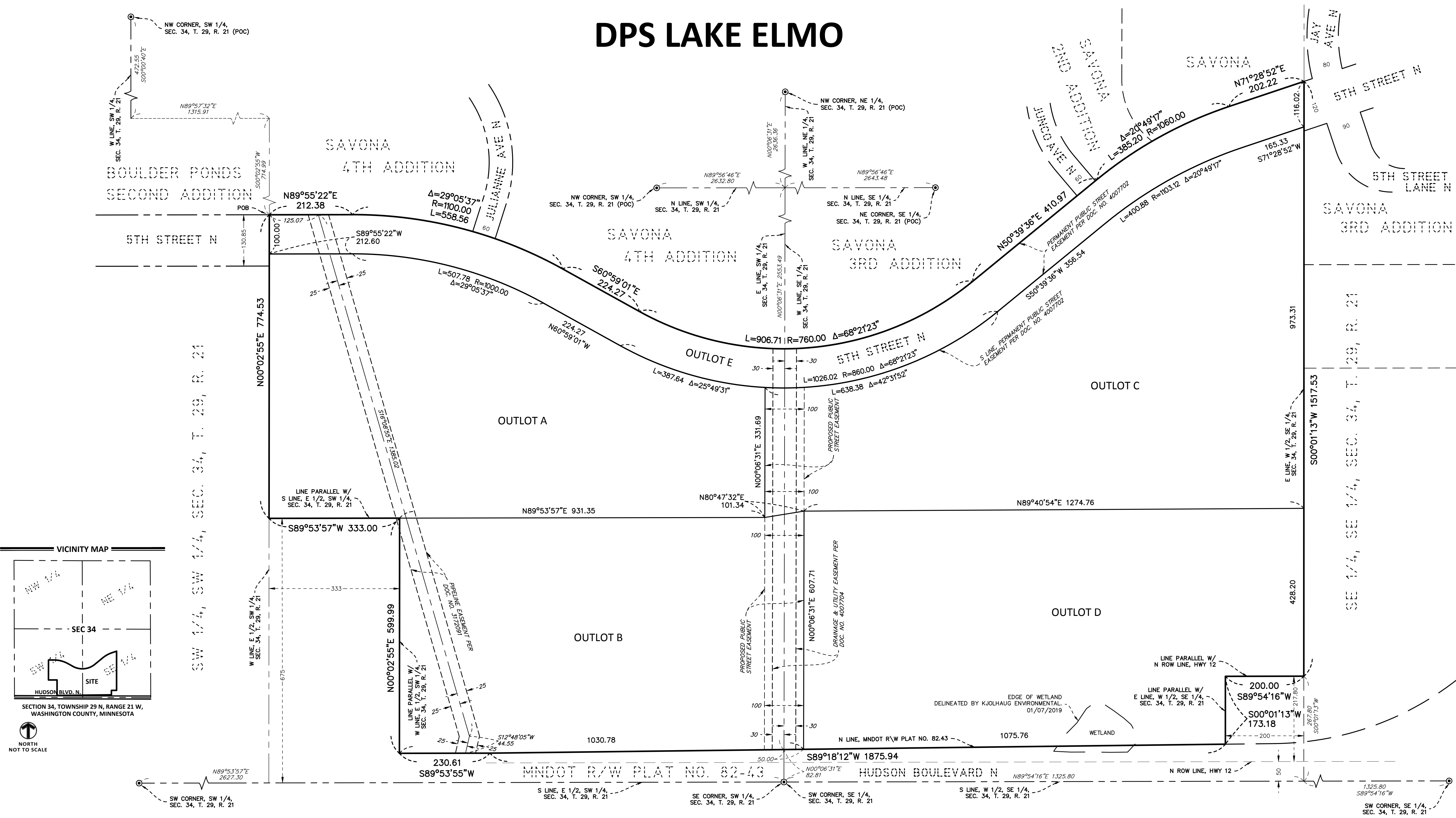
By _____ By _____
Washington County Auditor / Treasurer Deputy

COUNTY RECORDER, Washington County, Minnesota
Document Number _____

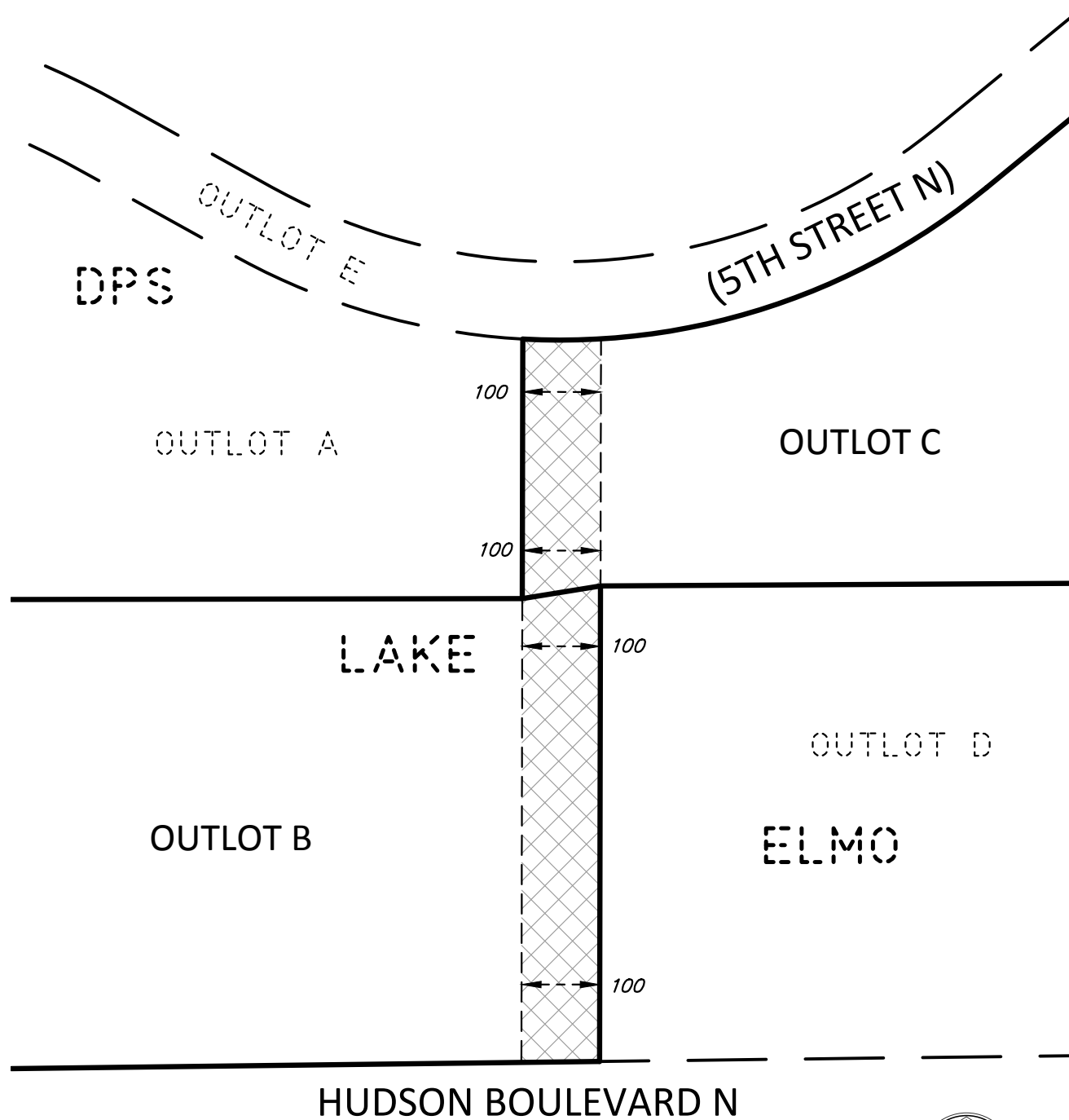
I hereby certify that this instrument was filed in the office of the County Recorder for record on this ____ day of _____, 20 ____ , at ____ o'clock ____ .M. and was duly recorded in Washington County Records.

By: _____ By: _____
Washington County Recorder Deputy

DPS LAKE ELMO



- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 44530.
 - DENOTES 1/2 INCH BY 14 INCH IRON PIPE FOUND AND MARKED BY LICENSE NO. 18425 UNLESS NOTED OTHERWISE
 - ◎ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT FOUND
- THE SOUTH LINE OF THE SOUTHEAST QUARTER, SECTION 34, TOWNSHIP 29, RANGE 21 IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 54 MINUTES 16 SECONDS EAST.



DENOTES STREET EASEMENT



NORTH

0 200
SCALE IN FEET

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

RESOLUTION NO. 2019 - 100

***A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY LOCATED ON THE SOUTH SIDE OF 5TH STREET NORTH AND NORTH
OF HUDSON BOULEVARD***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Continental 483 Fund (Continental Development) and Alan Dale (the property owner) have submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide two parcels located on the south side of 5th Street North and north of Hudson Boulevard (in the SW1/4 and the SE1/4 of Section 34, Township 29 N. , Range 21 West) into four separate parcels in accordance with the proposed DPS Lake Elmo plat as prepared Samabatek, Inc. and signed by Craig E. Johnson, P.L.S., License #44530, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on December 9, 2019; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council for the December 17, 2019 City Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on December 17, 2019.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's HDR (high-density residential PUD) zoning districts.

3. That the proposed DPS Lake Elmo minor subdivision, with one change, will meet the requirements of the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.
4. That the proposed Minor Subdivision subdivides the two properties that now are a total of 72.6 acres into five lots as follows: Outlot A – 15.73 acres, Outlot B - 14.14 acres, Outlot C –19.11 acres, and Outlot D – 16.88 acres. (Proposed Outlot E (for 5th Street North) – 6.75 acres)

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

1. The applicant/owner dedicating to the City a 100-foot-wide street easement for future Julia Avenue.
2. The applicant/owner removing Outlot E from the subdivision.
3. The City will not issue any building permits within this plat until the proposed building sites are replatted from Outlots into Lots and Blocks.
4. The applicant/developer must submit and receive approval of a building permit application; grading, drainage, landscaping, erosion control, and other applicable plans before starting any construction activity on the future development sites.
5. The applicant/developer must obtain all other necessary City, State, Watershed District and other applicable governing body permits before the commencement of any construction activity on the future development sites.
6. The applicant/owner paying all outstanding special assessments for the property before recording the minor subdivision with Washington County. The applicant/owner shall provide the City with proof of payment of the special assessments before the City will release the plat for recording.

Passed and duly adopted this 17th day of December, 2019 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk