



STAFF REPORT

DATE: 4/16/2019

CONSENT

TO: Mayor and City Council
FROM: Ken Roberts, Planning Director
ITEM: **Wyndham Village - Final Plat Recording Time Extension**
REVIEWED BY: Sarah Sonsalla, City Attorney

BACKGROUND:

On December 4, 2018, the City Council approved the Wyndham Village final plat. On January 2, 2019, the City Council approved Resolution 2019-006 that formally memorialize the City Council's final plat approval.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is now being asked to consider a request from J. P. Bush Homes (Joe Bush) for approval of a time extension for the recording of the final plat for Wyndham Village. (Please see the attached letter from Joe Bush explaining this request.)

PROPOSAL DETAILS/ANALYSIS:

General Information.

Applicant: JP Bush Homes, 1980 Quasar Ave S, Lakeland, MN 55043
Property Owner: James McLeod, 11580 30th 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
History: A Comprehensive Plan Amendment to re-guide the property from Rural Single Family to Village Low Density Residential was approved by the City Council on February 7, 2018 and by Metropolitan Council on March 14, 2018. The Preliminary Plat was approved July 17, 2018 (Resolution No. 2018-066), and an application to rezone the property from Rural Single Family to Village Low Density Residential was approved July 17, 2018 (Ordinance No. 08-212). The City Council approved the Final Plat on December 4th 2018 and formally approved the Final Plat with Resolution No. 2018-XXX on January 2, 2019. On March 5, 2019, the City Council approved the required house moving agreement for this development.

TIME EXTENSION REQUEST – REVIEW AND ANALYSIS:

City Code Requirements

Section 153.10 (B) (4) of the City Code has the requirements for recording a final plat. It states in part “If not filed within 120 days, approval of the final plat shall be considered void, unless a request for a time extension is submitted in writing and approved by the Council.”

The City approved the final plat for Wyndham Village on December 4, 2018 and formalized the approval on January 2, 2019 with the adoption of Resolution 2019-006. As such, the developer or applicant would have until May 1, 2019 (120 days from January 2, 2019) to record the final plat to meet the 120 day time limit set by the City Code. The owners submitted a letter to the City on April 5, 2019 asking for a 90 day time extension to record the final plat for Wyndham Village. They are requesting to have about 3 months, until July 1, 2019, to record the final plat. The City Code is silent, however, on what if any considerations, requirements or criteria the City should use when considering such a time extension request. As such, the City should review each time extension request on a case-by-case basis.

Request Details

In his letter of request, the developer outlined several reasons why he is requesting the 90 day time extension to record the final plat and why he wants the City to grant the time extension. They include:

1. Confusion and delays about the house moving approval including staff changes and road restrictions.
2. The length of time required to receive all necessary plan approvals and permits, including those from the Watershed District.

Staff does not see a problem with this request as it would be better to not have a developer create lots and start construction of a phase of a project until they are sure that it will succeed. In addition, this delay should not negatively affect any of the neighbors or other developments in the area.

This time extension request does not change the City’s final plat approval nor the conditions of approval granted by the city on December 4, 2018 and On January 2, 2019. The final plat, the project plans and the house moving will still be required to meet all the conditions of approval as this development moves forward to completion.

RECOMMENDATION:

Staff recommends that the City Council approve the requested time extension for the recording of the Wyndham Village Final Plat. This approval grants the developer until July 1, 2019 to record the final plat.

“Move to approve the requested time extension to July 1, 2019 to record the Wyndham Village Final Plat. This approval is subject to the applicant/developer meeting all City required conditions of approval for the final plat.”

ATTACHMENTS:

1. Final Plat Recording Time Extension letter received 4-05-2019 (2 pages)
2. Wyndham Village Final Plat



J.P. Bush
H O M E S

RCVD
4-5-19

3-15, 2019

Request for Wyndham Village Final Plat Filing Extension.

Property: 11580 30th Street North lake Elmo Minnesota
Owner: The James R. Mcleod Revocable Trust


Proposer: James Mcleod, Land Owner.
JP Bush Homes, Developer.

The City of Lake Elmo Approved our subdivision called "Wyndham Village". A beautiful 10 lot development that required multiple steps for approval. Comprehensive Plan amendment, Metropolitan Council Approval, Rezoning change, Preliminary and lastly Final plat approval on December 4th, 2018 and Final Resolution Approval on January 2nd, 2019. Mr. Mcleod and Joseph Bush of JP Bush Homes appreciates the support within the Community and the City of Lake Elmo.

- 1) **Per the City Code Section 153.08 (B) (4)** provides that "if not filed 120 days, approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the Council". Mr. Mcleod and JP Bush have made significant strides towards the Final plat recording with cooperation and help from Ken Roberts planning director. During our planning and preparing Final Plat documents we discovered a process within the City Code that required additional approval that created an unexpected delay. Wyndham Village is a total of 10 lots, that include a "Relocation" of the existing homestead onto lot 7. It was my understanding with the previous planning director that our Plat approvals included the "Relocation" of the existing home. The "Relocation" plans and engineering were a separate condition of preliminary plat approval. We submitted plans and engineering and received City Staff approval for the "Relocation". At the subsequent January 2nd Final plat approval, I understood we could file final Plat.

- 2) After our Final Plat and resolution approval on January 2nd 2019 were informed that the code required a separate contract between "Owner" and City to move the home and required City Council approval. On 3-5-19 the City Council approved the house relocation contract between the City and Mr. Mcleod. During this unexpected added approval, we recognized that road restrictions were about to be posted and the "Relocation" of the home would have to wait a short time until the ground thawed and dried.
- 3) We are nearly complete with the required Watershed approvals and other requirements to record the Final Plat. We are fast approaching the 120 Rule of required recording. Please accept this letter officially Requesting for an extension to record the final Plat documents. The amount of additional time I believe we need is 90 days. Please place this request on your next agenda along with Staff recommendations.

Joseph P Bush
J.P. Bush Homes



APRIL 2ND 2019

WYNDHAM VILLAGE

KNOW ALL PERSONS BY THESE PRESENTS: That James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust, owners of the following described property situated in the City of Lake Elmo, County of Washington, State of Minnesota:

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 Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West.

Have caused the same to be surveyed and platted as WYNDHAM VILLAGE, and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust, have hereunto set their hands this _____ day of _____, 201__.

James R. McLeod, Trustee of the James R. McLeod Revocable Trust
 Lavonia M. McLeod, Trustee of the James R. McLeod Revocable Trust

This instrument was acknowledged before me on _____ by James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust.

 (signature)

 (print name)

Notary Public, _____

My Commission Expires _____

SURVEYOR'S CERTIFICATION

I, Milo B. Horak, 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, 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 _____, 201__.

Milo B. Horak, Licensed Land Surveyor
 Minnesota License No. 52577

STATE OF _____
 COUNTY OF _____

This instrument was acknowledged before me on _____ by Milo B. Horak, Licensed Land Surveyor.

 (signature)

 (print name)

Notary Public, _____

My Commission Expires _____

PLANNING COMMISSION

Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this _____ day of _____, 201__.

Signed _____
 Chair, Planning Commission
 Signed _____
 Secretary, Planning Commission

CITY COUNCIL

This plat was approved by the City Council of Lake Elmo, Minnesota, this _____ day of _____, 201__, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed _____
 Mayor
 Signed _____
 City Administrator

COUNTY SURVEYOR

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 _____, 2018.

By _____
 Washington County Surveyor
 By _____

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 201__ on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this _____ day of _____, 2018.

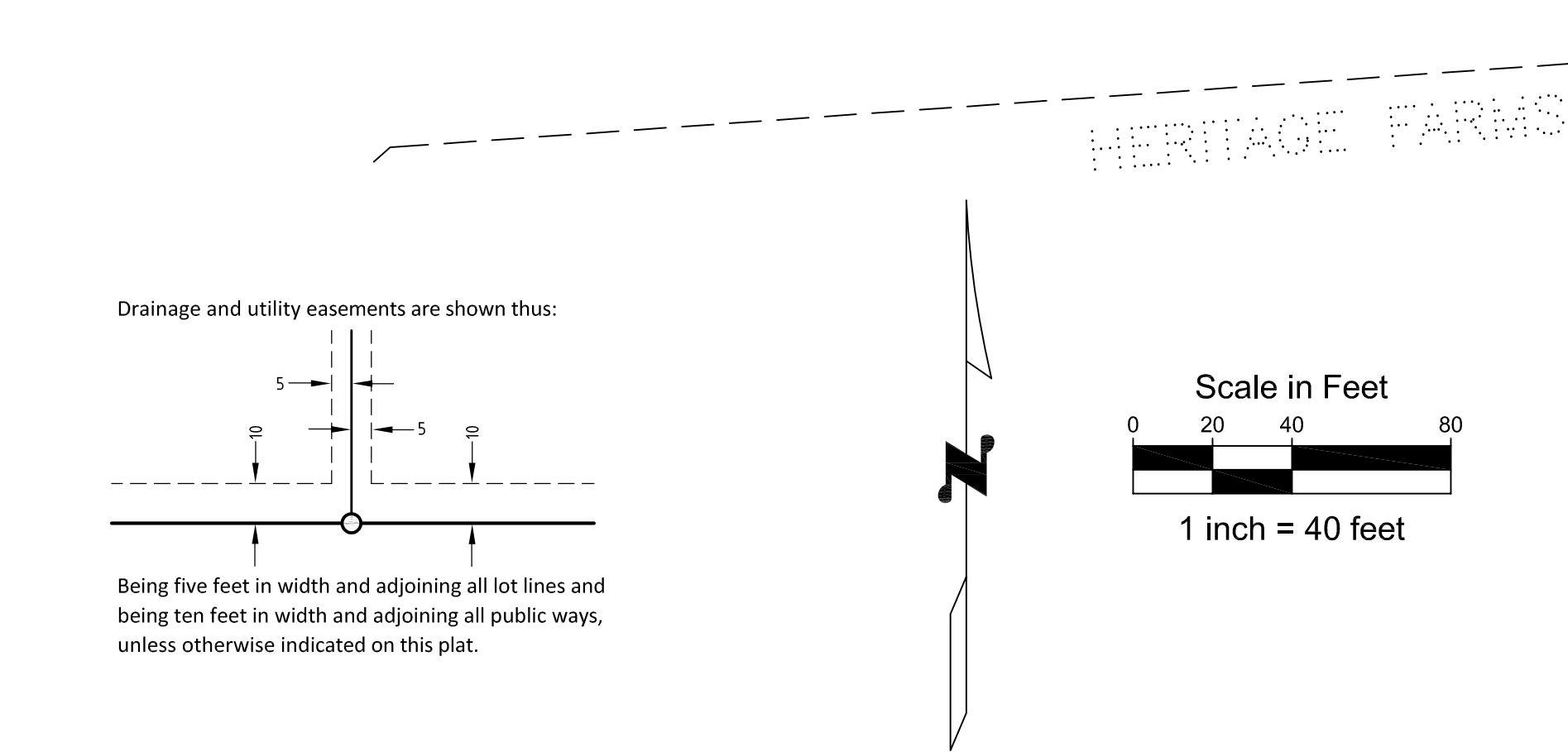
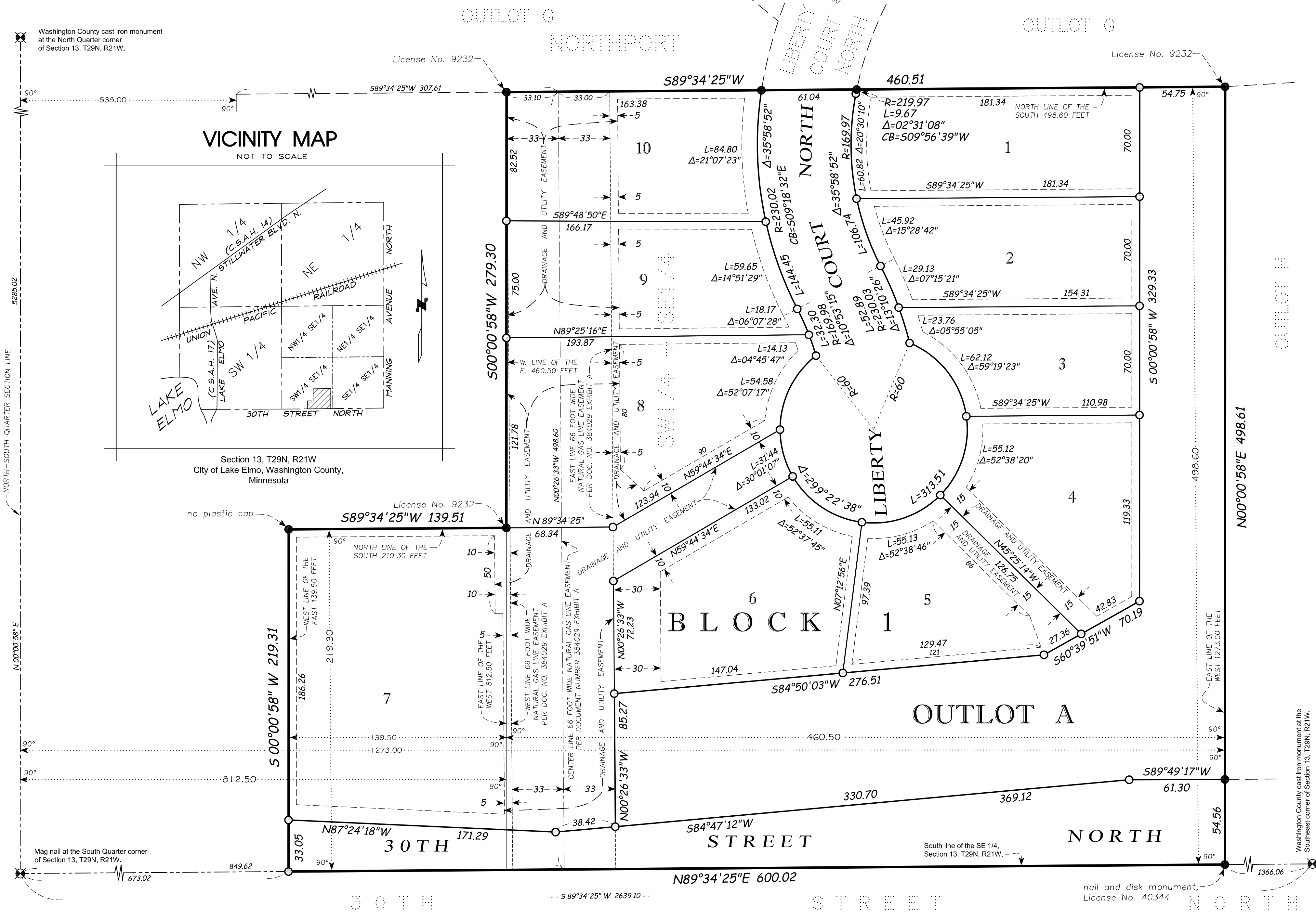
By _____
 Washington County Auditor/Treasurer
 By _____
 Deputy

COUNTY RECORDER

Document Number _____

I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this _____ day of _____, 201__ at _____ o'clock _____ M., and was duly recorded in Washington County Records.

By _____
 Washington County Recorder
 By _____
 Deputy



Legend

- Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- Denotes found 1/2 inch iron pipe monument, with a plastic cap, License Number 40344, unless otherwise noted.
- L= Denotes length of curve.
- R= Denotes radius of curve.
- Δ= Denotes delta angle of curve.
- CB= Denotes chord bearing.

Distances are in feet and decimals of a foot, unless otherwise noted.
 Distances shown to the nearest foot, 10, 33, 60, etc., are exact extrinsic values.
 The orientation of the bearings are based on the south line of the Southeast Quarter of Section 13, Township 29 North, Range 21 West, which is assumed to bear North 89 degrees 34 minutes 25 seconds East.

Landmark Surveying, Inc.
 P.O. Box 65
 Scandia, Minnesota 55073
 Office number: 651-433-3421
 E-mail: mthefeld@frontnet.net