



STAFF REPORT

DATE: 01/19/2021

CONSENT

AGENDA ITEM: _____

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 memorialized the City Council's final plat approval.

On April 16, 2019, the City Council approved a 90 day time extension for the recording of the final plat for Wyndham Village. This time extension granted the developer approval to record the final plat before July 1, 2019.

On July 2, 2019, the City Council approved another time extension for the recording of the final plat for Wyndham Village. This time extension granted the developer approval to record the final plat by October 1, 2019.

On October 1, 2019, the City Council approved a six month time extension for the recording of the final plat for Wyndham Village. This time extension granted the developer approval to record the final plat by March 31, 2020.

On May 19, 2020, the City Council approved a six month time extension for the recording of the final plat for Wyndham Village. This time extension granted the developer approval to record the final plat by November 13, 2020.

On June 16, 2020, the City Council adopted Resolution 2020-068 approving the Development agreement for Wyndham Village.

On September 8, 2020, MnSpec (the City's consulting building inspectors) completed a pre-move inspection of the existing house on the property. The City required this house inspection as developer is proposing to move the existing house on the property to another location on the property as part of the development of the site.

ISSUE BEFORE THE CITY COUNCIL:

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

PROPOSAL DETAILS/ANALYSIS:

General Information.

Applicant: Joe Bush – Charles Cudd Co., 635 Bielenberg Drive, Woodbury MN 55125
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 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 had stated 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 changed the subdivision code in 2020 to give applicants and developers 180 days to record a final plat.

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 had 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. The City Council approved the time extension request on April 16, 2019 giving the developer until July 1, 2019 to record the final plat.

As noted above, the City Council granted time extensions for the recording of the final plat on July 2, 2019, on October 1, 2019 and on May 19, 2020. The latest time extension approval gave the developer until November 13, 2020 to record the final plat. The developer/applicant is now requesting to have another 6 months (180 days - until July 12, 2021), 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

For his time extension request in 2020, the developer noted in his May 9, 2020 letter difficulties in getting the loans and letters of credit from Fidelity Bank for both the house move and for the financing requirements in the development agreement. He also noted they have addressed most if not all of the project issues and they were ready at that time to move forward with the development and record the plat.

For this current time extension request, the developer noted in his January 6, 2021 e-mail to City staff the owners of the property, the McLeod’s, had some medical emergencies last fall that prevented them from getting the house ready to move. (They are still living in the house on the property). He also noted the complications due to Covid 19 as another reason for the delay in getting the project moving forward.

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. Since the City approved the last time extension for recording the final plat in 2020, the City has approved the development agreement for the project and the developer had the existing house on the property inspected as required by the City Code. 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 12, 2021 to record the final plat.

“Move to approve the requested time extension to July 12, 2021 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 request e-mail dated January 6, 2021
2. Wyndham Village Preliminary Plat
3. Wyndham Village Final Plat

From: [Joe Bush](#)
To: [Ken Roberts](#)
Subject: Mcleod project, Wyndham Village
Date: Wednesday, January 6, 2021 9:33:33 AM
Attachments: [image003.png](#)

Caution: This email originated outside our organization; please use caution.

Ken

I am sending this email to request an extension of the final plat approval. The Mcleods have had some medical emergencies in this late fall.

We were scheduled to move the house late fall and set up for some dirt moving on the development when it was determined that the Mcleods could not get the house ready because of these medical issues.

As we are all aware of the complications due to Covid 19 these additional circumstances made for a delay until next spring/summer.

Please accept this email as a formal request on behalf of Mr. Mcleod.

Thank you

Joe bush

Joe Bush

General Manager

Land Development, Homes Sales

Eastern Metro & Western Wisconsin

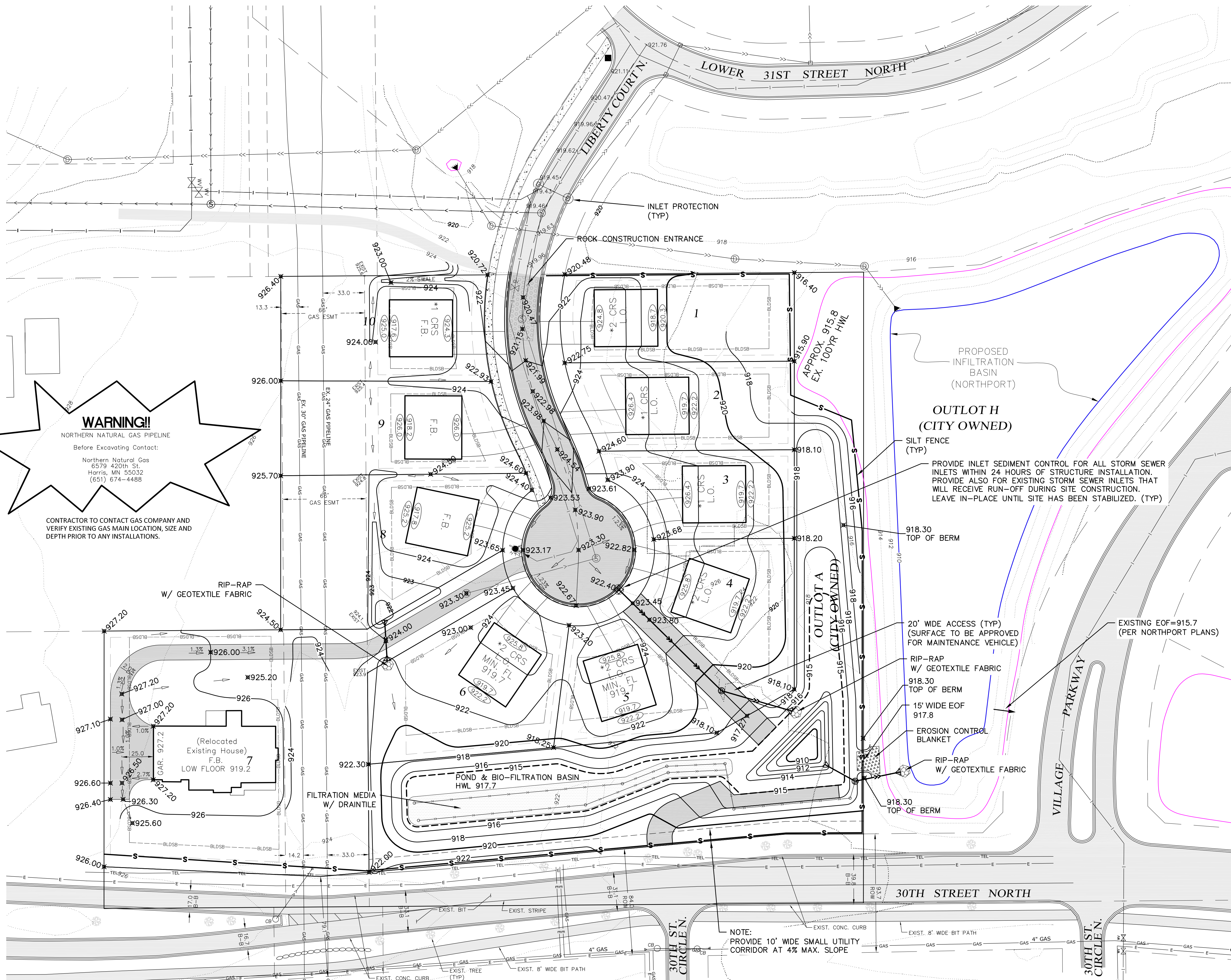
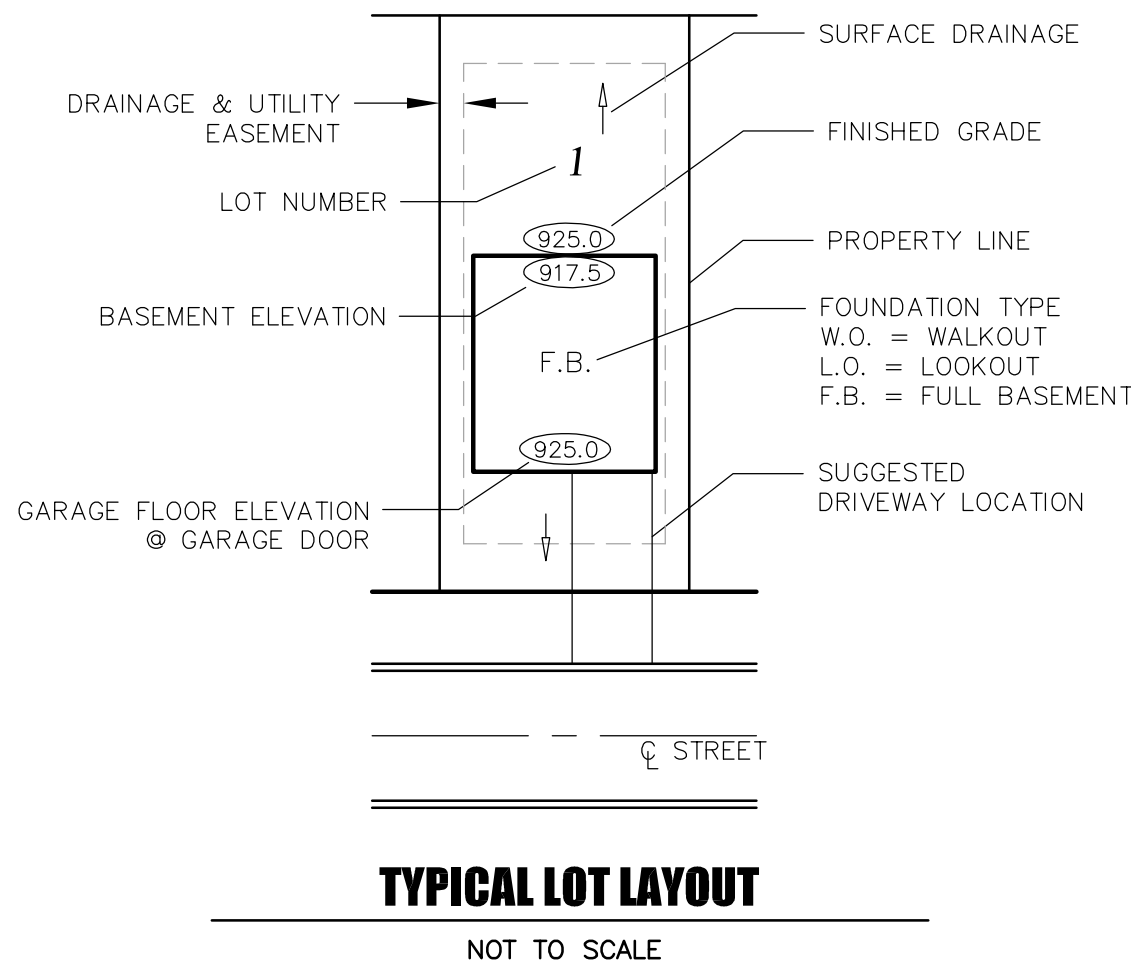


635 Bielenberg Dr. Suite 100

Woodbury, MN 55125

Direct: 651-894-2262

Email: jbush@charlescudd.com



DATE	REVISION DESCRIPTION
8/2/18	LOT LAYOUT REVISION
8/22/18	CITY COMMENTS
9/27/18	CITY COMMENTS
10/12/18	CITY COMMENTS
11/12/18	CITY COMMENTS
11/20/18	EASEMENT REVISION
2/17/2019	LOT 7 REVISION

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: 02.01.2019 LIC. NO. 18227

WYNDHAM VILLAGE
LAKE ELMO, MINNESOTA
GRADING, DRAINAGE & EROSION CONTROL PLAN

PREPARED FOR:
J.P. BUSH HOMES

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

NORTH
0 20 40
1 INCH = 40 FEET

C2.1



Know what's below.
Call before you dig.

VICINITY MAP
NOT TO SCALE

Section 13, T29N, R21W
City of Lake Elmo, Washington County,
Minnesota

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
Office number: 651-433-3442

By _____
Washington County Recorder

By _____
Deputy

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.

Drainage and utility easements are shown thus:

Being five feet in width and adjoining all lot lines and being ten feet in width and adjoining all public ways unless otherwise indicated on this plat.