

STAFF REPORT

DATE: 07/06/2021

REGULAR ITEM #:

TO: Mayor and City Council Members

FROM: Ken Roberts, Planning Director

AGENDA ITEM: Royal Golf Club at Lake Elmo 3rd Addition - Final Plat Recording

Time Extension

BACKGROUND:

On December 4, 2018, the City Council approved a request by H.C. Golf Land, LLC for approval of the Final Plat and final PUD plans for the Royal Golf Club at Lake Elmo 3rd Addition. The approved Final Plat for the 3rd Addition had 67 residential lots including 33 single-family villa style townhomes and 34 traditional single-family detached homes.

On March 5, 2019, the City Council approved a time extension for the recording of the final plat for the Royal Golf Club at Lake Elmo 3rd Addition. This time extension gave the owner/developer until June 1, 2020 to record the final plat.

On April 21, 2020, the City Council approved another time extension for the recording of the final plat for the Royal Golf Club at Lake Elmo 3rd Addition. This time extension gave the owner/developer until July 31, 2021 to record the final plat.

ISSUE BEFORE CITY COUNCIL:

The City Council is now being asked to consider another request by H.C. Golf Land, LLC for approval of a time extension for the recording of the Final Plat for the Royal Golf Club at Lake Elmo 3rd Addition. (Please see the attached letter dated June 15, 2021 from Royal Golf Club explaining this request.)

REVIEW/ANALYSIS:

Applicant and Owner: H.C. Golf Land, LLC

Location: Outlot T, Royal Golf Club at Lake Elmo, PID# 25.029.21.22.0001,

and Outlot J, Royal Golf Club at Lake Elmo, PID

#25.029.21.31.0041.

Request: Time Extension to Record the approved Final Plat

Existing Land Use: Vacant Outlot; Current Zoning: GCC – Golf Course Community

Surrounding Land Use: North – Rural Single Family (RS) and Rural Residential (RR), South

- The Homestead (OP - Open Space), East - Golf Course (GCC -

Golf Course Community),

Comprehensive Plan: GCC – Golf Course Community

Deadline for Action: Application Complete – 6-15-2021

60 Day Deadline – 8-13-2021 Extension Letter Mailed – No 120 Day Deadline – NA

Applicable Regulations: Chapter 153.10 – Final Major Subdivisions (Final Plat)

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 180 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."

2019 Request

The City approved the final plat for The Royal Golf Club at Lake Elmo 3rd Addition on December 4, 2018. As such, the developer or applicant would have until April 3, 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 February 12, 2019 asking for a time extension to record the final plat for The Royal Golf Club at Lake Elmo 3rd Addition. They requested to have about 15 months, until June 1, 2020, to record the final plat. The City Council approved this time extension request on March 5, 2019.

2020 Request

On April 1, 2020, the applicant/developer submitted another final plat recording time extension request to the City for The Royal Golf Club at Lake Elmo 3rd Addition. In their letter of request for the time extension, the Developer requested to have about 15 months, until July 31, 2021, to record the final plat. The City Council approved this time extension request on April 21, 2020.

2021 Time Extension Request

On June 15, 2021, the applicant/developer submitted another request to the City for a time extension for the recording of the final plat for the Royal Golf Club at Lake Elmo 3rd Addition. (Please see their letter dated June 15, 2021 for more information about this request.) 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 their letter of request, the developer outlined several reasons why they want to wait to record the final plat for the Third Addition until July 2022 and why they want the City to grant the time extension. They include:

1. They do not have commitments from both existing and potentially new builders. This extension will give us the time needed to finalize those commitments to get the Third Addition up and running.

City staff understands the developer intends to proceed with the development of Phase 3 as soon as market conditions improve and when the market shows it will support the addition of the Phase 3 lots.

As with the last time extension for the recording the final plat, it is staff's understanding they are asking for City approval of a year to record the final plat (until July 31, 2022) as it revolves around the 2021-2022 construction seasons.

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 as the Royal Golf development is contained to the land within the former Tartan Park.

This time extension request does not change the City's final plat approval nor the conditions of approval granted by the City on December 8, 2018 – except for two changes to the conditions as noted below. The final plat and the project plans will still be required to meet all the conditions of approval as this phase of the development moves forward to completion.

Since December 2019, City staff has been working with the developer on reviewing and approving revised plans for some of the lots along Palmer Drive. They have requested City approval to have 23 villa-style lots in the area that was originally planned for 17 single-family lots on the northeast side of the street. Staff is generally supportive of this change as the villa lots are more in demand and the overall project density for Royal Golf would remain below the approved project density. As a condition of the proposed change, City staff is requiring the developer enter into a detailed construction quality control plan and agreement with the City. This agreement is to ensure the builders meet all setbacks and that they not encroach into any easements with driveways, retaining walls or other improvements so the easements are kept clear and can be used for their intended functions. Staff will present this agreement to the City Council after it is finalized by the attorneys.

Revised Conditions

The Developer has asked the City Council in recent months for direction and possible changes to the City-required condition about the payment for replacement trees (existing Condition #8) and about the required \$1,000,000 donation for the loss of the ball fields (existing Condition #16). The Developer asked the City to lower the fee for the replacement trees from \$500 per tree to \$300. The City Council expressed support for this change during their meeting on February 9, 2021.

The developer also asked the City for different options for the timing of when the City would require them to make \$1,000,000 payment to the City. Staff is proposing that the Developer pay the City the required donation before any building permits are issued for the Subdivision or all or a portion of the Property is conveyed by the Developer to another developer, whichever comes first.

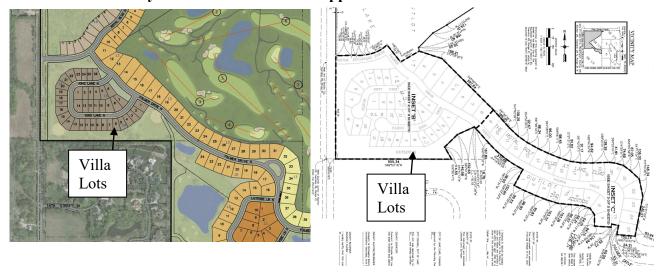
City staff has been working with another Developer in recent months that has expressed interest in developing the Third and Fourth Additions of the Royal at Lake Elmo. Based on Council direction, Staff has prepared revisions to the conditions of approval for the Subdivision and an updated Development Agreement for the Third Addition for Council consideration (under a separate report). The proposed development agreement includes the language about the revised fees for the replacement trees and revised language about the timing of when the City will require the Developer to make the \$1,000,000 cash donation to the City parks fund for the replacement of the lost ball fields.

2018 REVIEW - FINAL PLAT AND PUD PLANS

Consistency with Preliminary Plat. The proposed lot sizes, widths, and proposed impervious surface are generally consistent with that of preliminary plat. The only change is the modification of Kings Lane which was shown as a loop road in the Preliminary Plat, and is now proposed as two cul-de-sacs in the Final Plat. As a result of the conversion to two cul-de-sacs, forty original villa lots fronting Kings Lane have been reduced to 33 villa lots. General circulation is maintained in the broader development with through-traffic along Palmer Drive.

Previous Preliminary Plat

Approved Final Plat



Density. The total area of the 3^{rd} Addition is 103.70 acres. This total includes 20.56 acres of single-family residential lots, 6.62 acres of residential right-of-way, 4.75 acres of wetland, and 76.53 acres of outlots. Residential Density is therefore calculated as 103.70 - 4.75 Wetland = 98.95 / 67 units = 1.48 units per acre for the 3^{rd} Addition.

Outlots. An explanation of ownership and purpose of the outlots is below.

- Outlot A will be owned by the HOA to be used for drainage and utility easement, landscaping, and open space purposes, and future residential development.
- Outlot B will be owned by the HOA. A drainage and utility easement will be over all of Outlot B.
- Outlot C will be owned by the HOA to be used for drainage and utility easement, landscaping, and open space purposes.

Parkland Dedication. As approved with the Preliminary Plat, the developer is required to dedicate 8.8 acres of land or pay a cash contribution of \$611,457.00 for the entire preliminary plat area (291 lots) and dedicate a total of 8,085 lineal feet of trails with a 30-foot wide corridor, less a 5,010 foot buffer encroachment. For this phase, the developer will be required to pay a cash contribution of \$140,834.00, calculated as follows: 67 lots at \$2,101.00 per lot.

A 30-foot-wide trail corridor was required to be dedicated to the City centered on public trails in the development and the value of the dedicated land was to be credited toward any fees in lieu of parkland dedication. The 3rd Addition does not include the trail corridor location, and therefore no reduction or credit is provided within this phase.

Construction of a play structure near the HOA fitness center was a condition of the 2nd Addition Final Plat, which was originally required to be completed prior to the 3rd Addition Final Plat. The developer asked the City in July 2018 to change this condition of approval to delay the installation of the required play structure until the construction of the 3rd Addition as it was not practical and potentially unsafe to install it during the construction of the 2nd Addition. The City approved a revised condition that the developer install the play structure in Outlot D of the 2nd Addition before the City releases building permits for the 3rd Addition.

Recommended Findings (for Royal Golf Club 3rd Addition). In 2018, staff recommended the following findings for the approval of the Royal Golf Club 3rd Addition:

- 1. That all the requirements of City Code Sections 153.07 and 154.759 related to Final Plat and Final PUD Plans have been met by the Applicant.
- 2. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans are generally consistent with Preliminary Plat and PUD Plans approved by the City of Lake Elmo on June 6, 2017.
- 3. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans are consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
- 4. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans generally comply with the City's GCC Golf Course Community zoning districts as modified by the PUD regulations.
- 5. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat PUD Plans comply with the City's subdivision ordinance.
- 6. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans comply with the City's Planned Unit Development Regulations.
- 7. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans comply with the City's Engineering Standards, except where noted in the review memorandum from the City Engineer dated November 19, 2018 and modified by PUD regulations.
- 8. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans generally comply with other City zoning ordinances, shoreland, and erosion and sediment control, except as noted in this staff report and review memorandum from the City Engineer dated November 19, 2018.
- 9. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans generally comply with the City's landscaping and tree preservation ordinances, providing some flexibility to the Applicant to allow for woodland management and pollinator friendly native seeding in lieu of some required tree replacement in order to avoid possible detriment caused by over planting.
- 10. That the Royal Golf Club at Lake Elmo 3rd Addition Final Plat and PUD Plans achieve multiple identified objectives for planned developments within Lake Elmo.
- 11. That the proposed Final Plat and PUD Plans are for the 3rd Addition of 67 single family residential units of a 291-unit total residential golf course community Planned Unit Development on 103.7 acres of land (of 231 acres total) located on the former 3M Tartan Park properties.
- 12. That the Final Plat and PUD Plans will be located on property legally described on the attached Exhibit "A".
- 13. That there has been significant public testimony that 20th Street is already dangerous without the additional traffic and that the City and developer need to explore ways to make the road safer.

14. That the proposed PUD will allow a more flexible, creative, and efficient approach to the use of the land, and will specifically relate to existing zoning district standards in the following manner (with exceptions as noted):

a. Setbacks:

i. Royal Golf Club at Lake Elmo Setbacks

15.	16. 100 Ft. Wide Lots	17. 80-90 Ft. Wide Lots	18. 55-65 Ft. Wide Lots
19. Front	20. 30 ft.	21. 30 ft.	22. 20 ft. for side loaded garages, or 25'
23. Side	24. 10 ft.	25. 10 ft.	26. 10ft. house/5ft. garage or 7.5 ft./7.5 ft.
27. Corner Side	28. 15 ft.	29. 15 ft.	30. 15 ft.
31. Rear	32. 30 ft.	33. 30 ft.	34. 20 ft.

- a. Maximum Impervious Coverage: The maximum impervious coverage for 55-65' wide lots shall be 50%. All other lots shall have a maximum impervious coverage of 40%.
- b. Lot Sizes: The minimum lot size for Villa lots (55-65' wide) in the development shall be 6,600 sq. ft.
- c. Attached Garages: That attached garages shall not exceed 1,300 sq. ft. in area at the ground floor level except by conditional use permit. The width of the visible garage door area when closed shall not exceed 60% of the principal building façade (including garage) fronting on the primary street.
- d. Subdivision Identification Signs: The Royal Golf Club at Lake Elmo residential subdivision shall be allowed up to a maximum of 4 subdivision identification signs, including the identification sign for the golf course entrance, not to exceed 24 sq. feet in sign area each, located no closer than 10 feet to any public right-of-way. In addition, neighborhood identification markers (pillars) shall be permitted to be no larger than 2 ft. x 2 ft. to identify the development logo and the name of the neighborhood. Additional subdivision signs should be considered for a subdivision of this size.
 - i. *Staff Note:* If the developer requests a change to this, a variance should be requested.

- e. All other requirements for the City's GCC Golf Course Community zoning district will apply, including the allowed uses and other site and development standards.
- f. That the proposed street names within the development are generally consistent with the City's Street Naming Policy as amended April 17, 2018.
- g. The developer has not yet constructed an HOA-owned and maintained play structure as required by the original condition of approval of the 2nd Addition Final Plat.

Recommended Conditions of Approval. Staff recommends the following conditions of approval (with revisions) for The Royal Golf Club at Lake Elmo 3rd Addition final plat **and** for The Royal Golf Club at Lake Elmo 3rd Addition final plat recording time extension (<u>NOTE</u>: Conditions 1-18 are from the 2018 Final Plat approval):

- 1. That there shall be no encroachments to drainage and utility easements on residential lots other than those reviewed and approved by the City Engineer and upon execution of an easement encroachment agreement.
- 2. Prior to the execution of Final Plat, the Developer shall enter into a Developer's Agreement acceptable to the City Attorney and approved by the City Council that delineates who is responsible for the design, construction, and payment of the required improvements with financial guarantees therefore.
- 3. The Royal Golf Club at Lake Elmo 3rd Addition shall be incorporated into the Common Interest Agreement concerning management of the common areas and establish a homeowner's association (HOA) which shall be submitted in final form to the Planning Director before any building permit may be issued for any structure in any phase of the development. Said agreement shall comply with Minnesota Statues 515B-103 and specifically the provisions concerning the transfer of control to the future property owners. The HOA documents shall include required maintenance of wetland buffers.
- 4. That the HOA documents include architectural requirements that require four-sided architecture and garages facing the public rights-of-way to have windows and/or other architectural features.
- 5. The applicant shall enter into a landscape license and maintenance agreement with the City that clarifies the individuals or entities responsible for landscaping.
- 6. The developer shall provide evidence of an HOA owned and maintained children's play structure or other similar improvement has been constructed within Outlot D of the 2nd Addition before the release of building permits for the 3rd Addition.
- 7. That a fee in lieu of park land dedication be paid to the City based upon an appraisal by an appraiser to be chosen by the City and paid for by the developer.
- 8. That the developer pay a parkland dedication fee equal to \$300 \$500 per 2.5 caliper inch required in lieu of some required tree preservation replacement tree requirements, totaling \$69,350.00 \$111,552.00 in lieu of planting the required number of trees required. This fee was calculated as follows: \$300.00 \$500.00 multiplied by 969 2.5-caliper inch tree not planted within the entire subdivision, divided by 291 single family lots within the entire subdivision, multiplied by 73 67 single family lots within the 3rd Addition.

- 9. All changes and modifications to the plans requested by the City Engineer in the Engineer's review memo dated November 19, 2018 shall be incorporated into the Final Plat and PUD Plans. The Applicant should note the requirements for VBWD permits for temporary storm water management.
- 10. The Final Plat and PUD Plans approval is conditioned upon the applicant meeting all City standards and design requirements unless specifically addressed otherwise in this resolution.
- 11. Prior to the City issuing building permits, all wetland buffers shall be delineated and identified via staking or signage that is acceptable to the City.
- 12. Prior to the construction of any subdivision identification signs or neighborhood markers within the development, the developer shall submit sign plans for review and obtain a sign permit from the Planning Department. Any amendments to the finding regarding signs indicated in this Resolution shall be subject to a PUD amendment or variance.
- 13. That the Final Plat include street names as approved by the City Council.
- 14. The developer shall follow all of the rules and regulations spelled out in the Wetland Conservation Act and shall acquire the needed permits from the appropriate watershed districts prior to the commencement of any grading or development activity on the site.
- 15. That the Royal Golf Club development will not have street lights except at street intersections and cul-de-sacs.
- 16. That the developer make a \$1,000,000 donation to the City Parks fund before any building permits are issued by the City for the Subdivision or all or a portion of the Property within the Subdivision is conveyed by the Developer to another developer, whichever occurs first. when construction of the 3rd Addition prohibits use of the former Tartan Park ballfields, including construction materials storage and before the City releases the 3rd Addition final plat for recording.
- 17. The location and spacing of the trees that overlap the buildings and on edge of driveway when shown at mature diameter is adjusted and resubmitted on a revised landscape plan, per the Landscape Review memo, dated November 8, 2018.
- 18. The developer shall pave the unfinished trail in the 2nd Addition as soon as favorable conditions are available in the spring of 2019. The City may choose to not release building permits for the 3rd Addition in the spring of 2019 if the developer has not completed the required trail paving in a timely manner.
- 19. That the developer or applicant enter into a construction quality control plan and agreement with the City <u>before</u> the City releases the Royal Golf Club Third Addition final plat for recording.
- 20. That the developer or applicant record with Washington County the final plat for the Royal Golf Club at Lake Elmo 3rd Addition by July 31, 2022.

RECOMMENDATION:

Staff recommends that the City Council approve the requested time extension for the recording of the Royal Golf Club at Lake Elmo 3rd Addition Final Plat. This approval grants the developer until July 31, 2022 to record the final plat and is based on the findings of fact and is subject to the conditions of approval (as may be revised) outlined in the Staff Report.

"Move to approve the requested time extension to July 31, 2022 to record the Royal Golf Club at Lake Elmo 3rd Addition Final Plat. This approval is based on the findings of fact and is subject to the conditions of approval (as may be revised) outlined in the Staff Report."

ATTACHMENTS:

- 1. Final Plat Recording Time Extension letter dated June 15, 2021
- 2. Royal Golf at Lake Elmo 3rd Addition Final Plat (3 pages)



June 15, 2021

RE: The Royal Golf Club at Lake Elmo 3rd Addition

Dear Mr. Roberts:

As you are aware, Royal Development, Inc. ("Royal") received approval of the final plat of *The Royal Golf Club at Lake Elmo 3rd Addition* (the "Plat") from the City Council at the Council's December 4, 2018 meeting. Royal greatly appreciates the City's continued support of the development of The Royal Golf Club at Lake Elmo (the "Development").

As before, Royal does not want to cause the Council's approval to be voided and result in the City, Staff and Council having to expend additional time and resources to again review, comment and approve the Plat; therefore, this correspondence shall serve as Royal's request, pursuant to City Code Section 153.08(B)(4), for an extension of time to record the Plat. Therefore, Royal is requesting an extension of the Council's Plat approval through July 31, 2022.

Our need for the Plat Extension of the 3rd Addition is that we do not have commitments from both existing and potentially new builders. This extension will give us the time needed to finalize those commitments to get 3rd Addition up and running.

If there are any additional questions or additional information is required, please contact me at 651-414-1948.

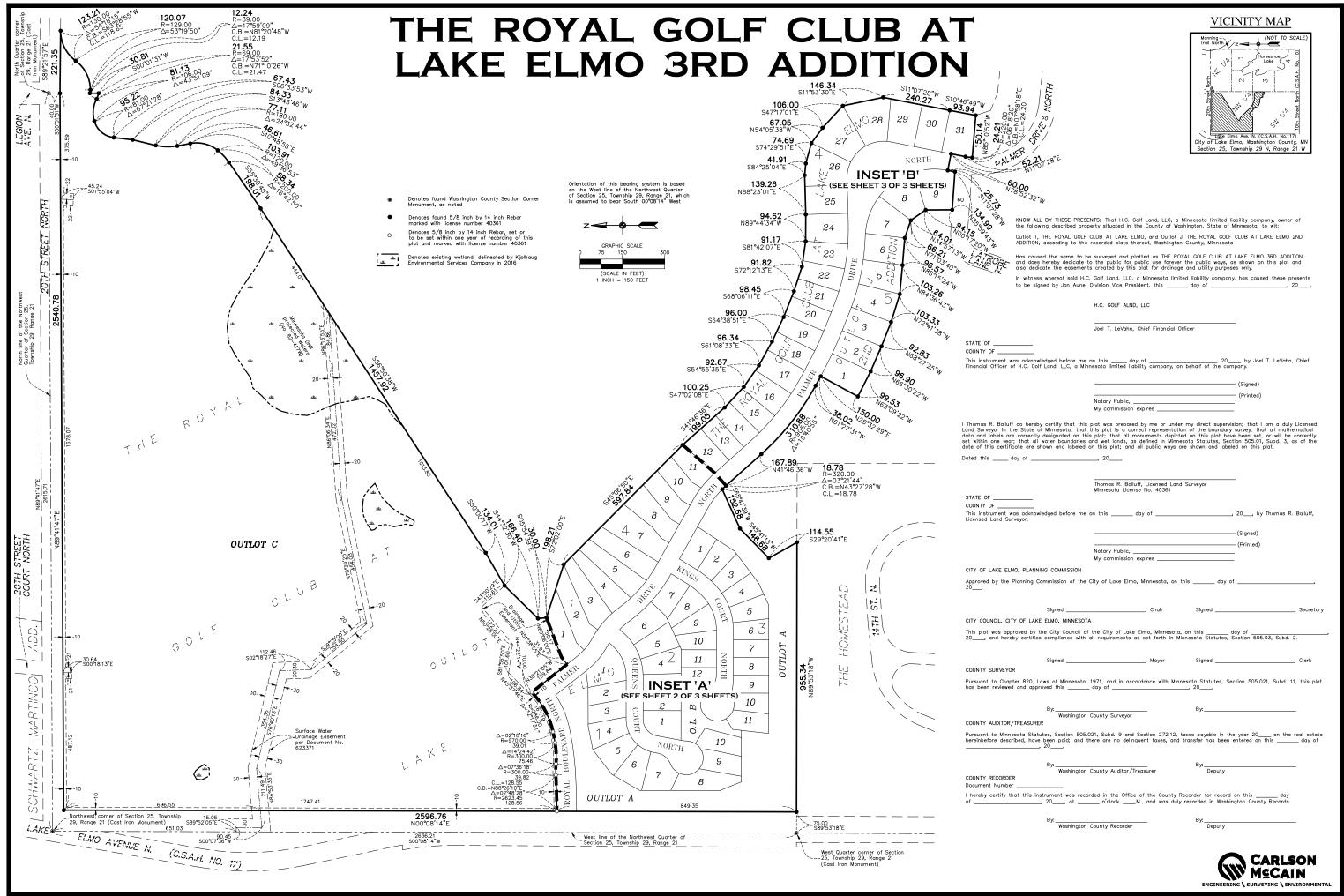
Thank you for the consideration of this request.

Yours truly,

James Felten

President

Royal Development, Inc.



INSET 'A'

THE ROYAL GOLF CLUB AT LAKE ELMO 3RD ADDITION



