

STAFF REPORT

DATE: 10/3/2023

MOTION

TO: City Council
FROM: Nathan Fuerst, Consultant Planner
AGENDA ITEM: Comprehensive Plan Amendment for North Star MUSA Phasing

BACKGROUND:

The unaddressed subject property is located northwest of the intersection of Stillwater Boulevard North and Lake Elmo Avenue North. The Applicant is proposing an amendment to Map 3-7, the MUSA Growth & Phasing Plan in the City's adopted 2040 Comprehensive Plan.

On August 15th, 2023, the Lake Elmo City Council approved the Final Plat and PUD for the North Star development. North Star is a 200-unit single family residential development which will create necessary connectivity with public utilities including water, sewer, roadways, trails, and sidewalks in surrounding contiguous development. To serve North Star with public utilities, the Developer was required to bring in utilities to serve their units at their own cost. This includes bringing sewer from south of TH 5 and the Union Pacific Railroad.

Upon approval of the Development, the Applicant began to request various permits required to make the utility connections and was denied a sewer extension permit from the Metropolitan Council (Met Council). The Met Council review staff cited an inconsistency with the City's adopted MUSA phasing plan found on Map 3-7 in the City's Comprehensive Plan. That map indicates that the Development is in the MUSA boundary but not phased for development until the 2035-2040 time period.

Therefore, to receive approval for their sewer extension permit, the Applicant has requested a Comprehensive Plan Amendment to correct the phasing in Map 3-7 from 2035-2040 to 2020-2030 (from a white to pink dotted boundary).

Staff note that this change will only include the property for the approved North Star Development. All future developments still within the 2035-2040 MUSA phasing plan will need to be accompanied by a Comprehensive Plan Amendment if development is to occur before that time.

ISSUE BEFORE CITY COUNCIL:

The Planning Commission should hold a public hearing and make a recommendation on the comprehensive plan amendment request.

GENERAL INFORMATION:

Property Owner: Sycamore Investment Partners LLC

Applicant: GWSA Land Development, LLC

Location: PIDs: 1402921140002 (NW of Stillwater Blvd. N. & Lake Elmo Ave. N.)

Requests: Comprehensive Plan Amendment to Map 3-7

Site Area: 101.39 acres

<i>Existing Zoning:</i>	V-LDR/PUD
<i>Future Land Use:</i>	V-LDR,
<i>Proposed Zoning:</i>	No Change
<i>Proposed Land Use:</i>	No Change
 <i>Deadline for Action:</i>	 Application Complete – 8/31/2023 60 Day Deadline – 10/30/2023 Extension Letter Mailed – No
 <i>Applicable Regulations:</i>	 2040 Lake Elmo Comprehensive Plan Minnesota State Statute 462.355 Subd. 3

PROPOSAL REVIEW AND ANALYSIS

COMPREHENSIVE PLAN AMENDMENT REVIEW

The 2040 Comprehensive Plan MUSA Map 3-7, MUSA Phasing & Growth Plan does not show this area of the City developing until the time period between 2035-2040. There is no discernable reason for the phasing of the MUSA areas in Map 3-7 other than a general understanding of utility availability and perceived timelines for development.

The Comprehensive Plan states the following regarding Map 3-7:

Map 3-7 identifies four staging areas consistent with existing and planned water, wastewater and transportation infrastructure. The City acknowledges that market conditions, as well as other external impacts may influence exactly where and when development occurs, and this map is intended to signal to the City that it must evaluate its infrastructure with respect to timing and development approvals. This is particularly important in the last phase denoted as post-2035. Property within this staging area should be monitored for capacity and potential improvements based on actual development in earlier phasing periods.

The City has sewer capacity to serve areas within the MUSA and plans to serve the property including North Star and the surrounding parcels within the time horizon of the 2040 plan. Staff find no issues with allowing for private development to bring the sewer infrastructure into this part of the City sooner than the existing Map anticipates.

The decision to change or amend the Comprehensive Plan is a policy matter for the City Council. Any change to the Comprehensive Plan should be based on findings and criteria to show that the change would be consistent with the goals and policies of the City.

As a condition of approval of the proposed Comprehensive Plan Amendment, the City should require the submission of the necessary Comprehensive Plan Amendment to the Metropolitan Council and the City receiving formal notification from the Metropolitan Council that they have completed their review and that they have approved the proposed plan amendment.

Affected Jurisdictions

Washington County. Comprehensive plan amendments have to be sent to adjacent or affected jurisdictions for comments. In this proposal, only Washington County has been identified as an affected jurisdiction due to the need for the sewer to cross the County's road, Stillwater Boulevard North.

Upon identifying this required Comprehensive Plan Amendment, and receiving such application, City staff immediately contacted Washington County and requested comments. Washington County has indicated that there is no comment on this request.

RECOMMENDED FINDINGS

Comprehensive Plan Amendment. Staff recommends approval of the Comprehensive Plan Amendment for the proposed amendment to Map 3-7, MUSA Phasing & Growth Plan, based on the following findings:

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and the Lake Elmo Planning Commission; and
2. That the request is to amend the Map 3-7, MUSA Phasing & Growth Plan to change the phasing of the land around the North Star development from a timeline of 2035 to 2040 to a timeline of 2020-2030; and
3. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.
4. That the proposed amendment is consistent with the preliminary and final approvals of the North Star Development granted by the Lake Elmo City Council on December 20, 2022, and August 15, 2023, respectively.

Staff recommends the following condition of approval:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that they have reviewed and approved the proposed amendment.

FISCAL IMPACT:

There would be no fiscal impact to the City at this time.

RECOMMENDATIONS:

The Planning Commission held a public hearing at its regular meeting on September 25, 2023. There was one written comment, and two residents present who provided verbal comment. Two residents cited concerns with the proposed amendment due to water issues and timing of utility extension for the North Star development. One resident supported the proposed amendment. The Planning Commission unanimously recommended approval of the proposed amendment.

Staff recommends that the City Council approve the amendment to Map 3-7, MUSA Phasing & Growth Plan on page 3-24 of the 2040 Comprehensive Plan for the land comprising the North Star development with the following motion:

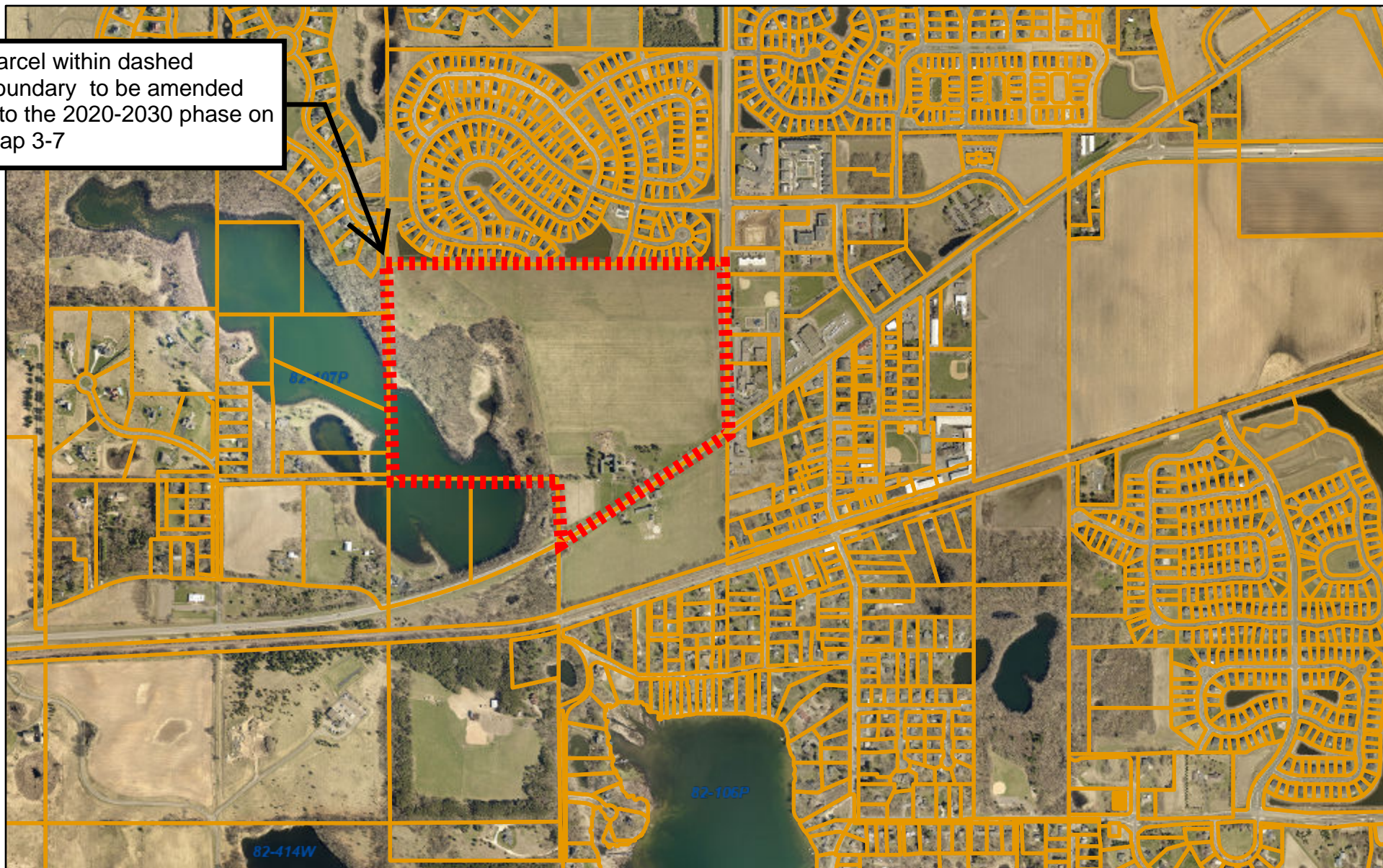
“Move to adopt Resolution 2023-096 approving a Comprehensive Plan amendment to change the phasing of the land comprising the North Star development, on the parcels identified by staff, from a timeline of 2035 to 2040 to a timeline of 2020-2030. ”

ATTACHMENTS:

- Property Location
- Existing and Proposed Land Use Exhibits
- Draft Resolution 2023-096

ArcGIS Web AppBuilder

Parcel within dashed boundary to be amended into the 2020-2030 phase on Map 3-7

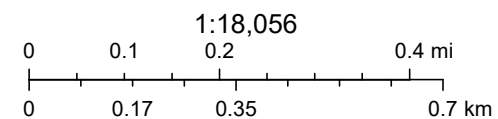


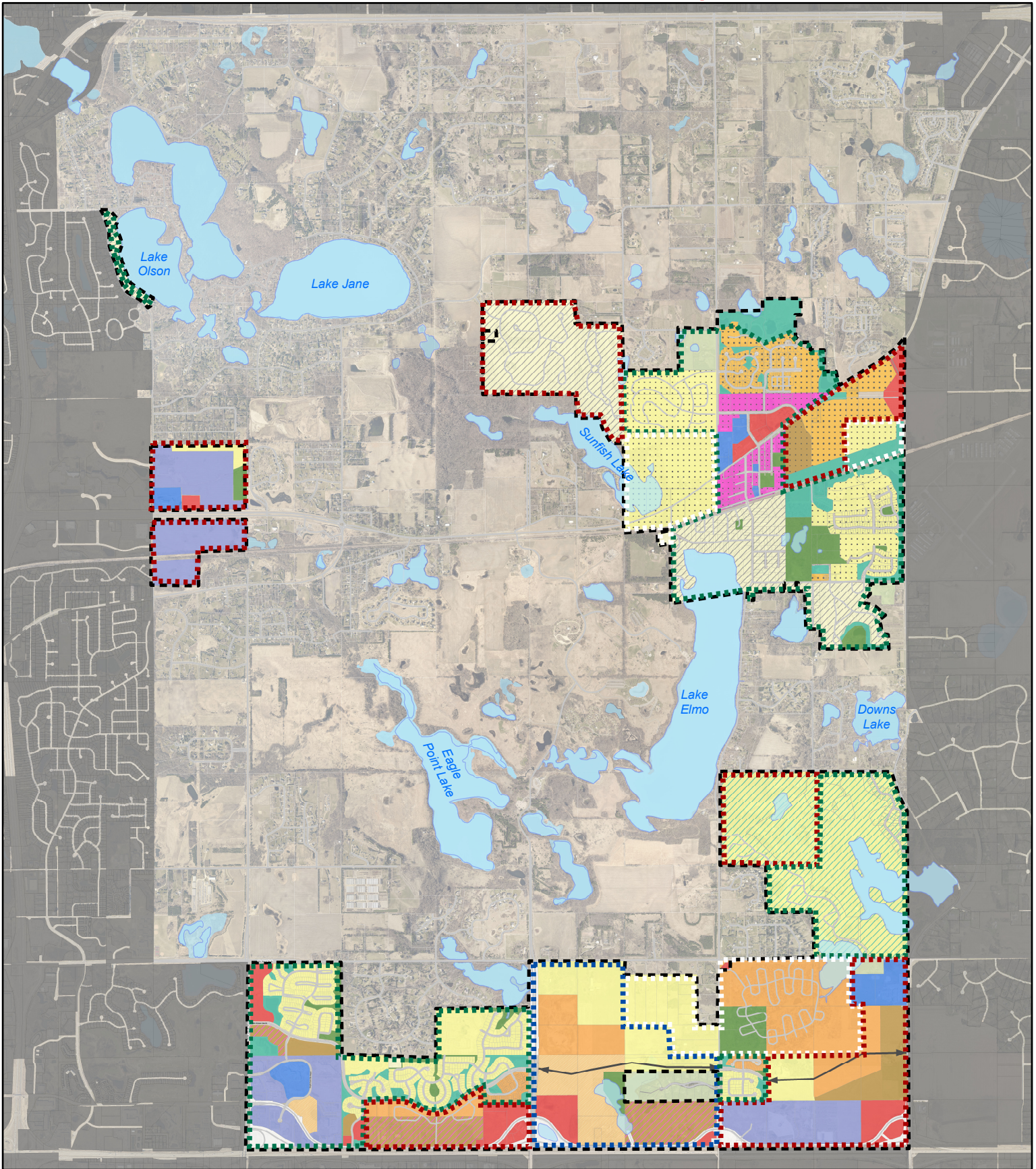
9/18/2023, 12:52:08 PM

 Parcels

DNR Protected Waters ID

 Municipals



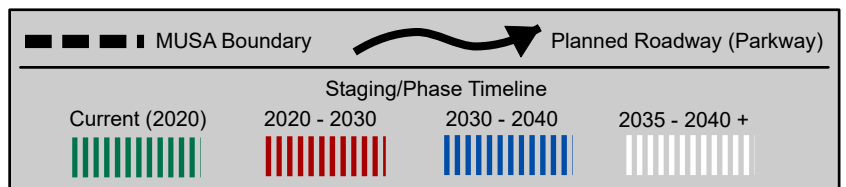


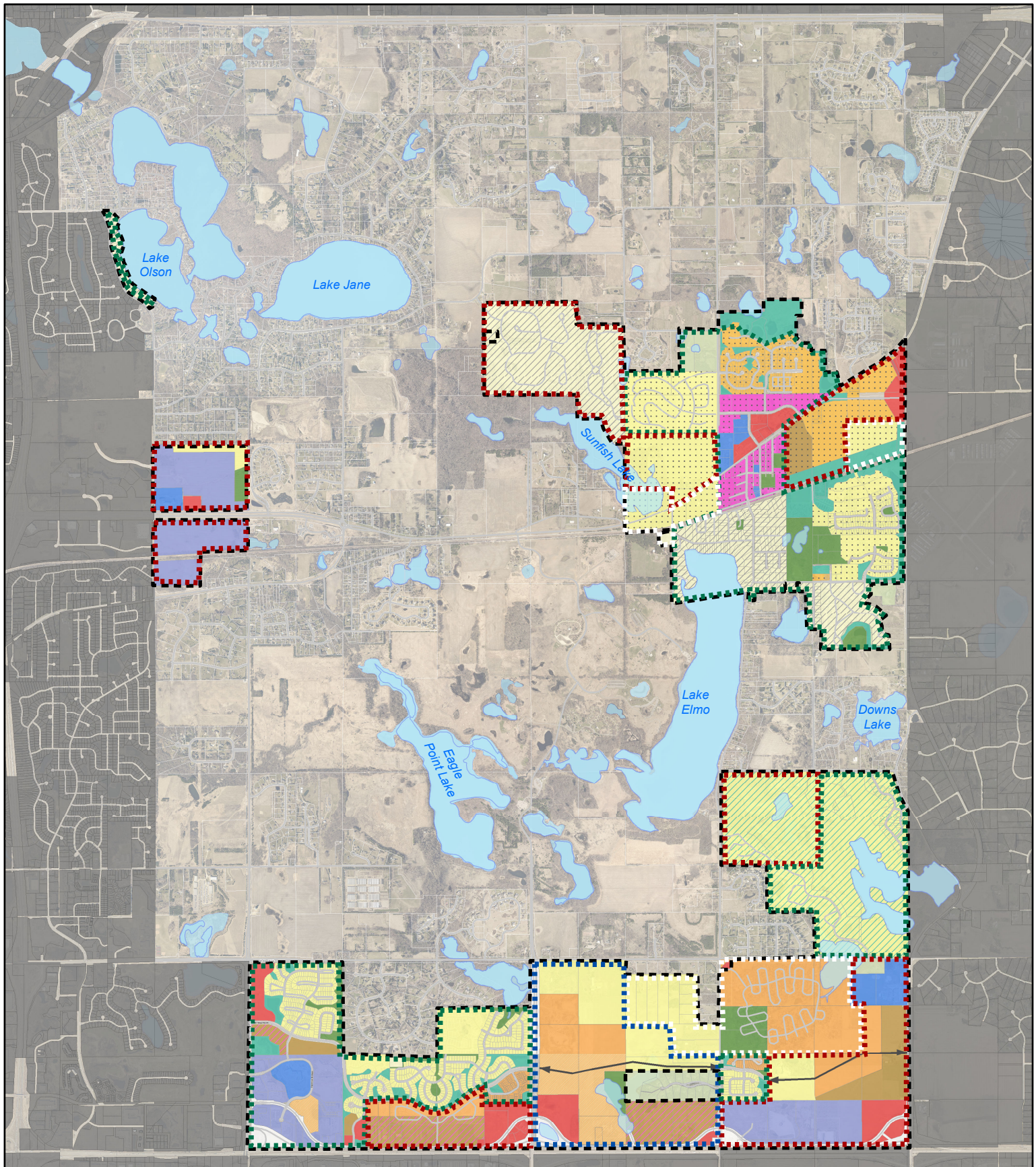
2040 Future Land Use

0 1900 3800 5700 7600 Ft



Map Date: September 2023

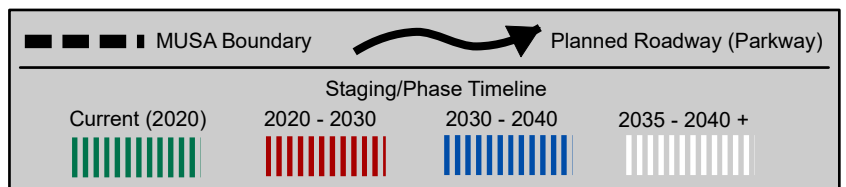




2040 Future Land Use

0 1900 3800 5700 7600 Ft

Map Date: September 2023



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

RESOLUTION NO. 2023- 096

*RESOLUTION APPROVING GWSA LAND DEVELOPMENT LLC REQUEST FOR
AMENDMENT TO THE CITY OF LAKE ELMO COMPREHENSIVE PLAN MAP 3-7 MUSA
GROWTH & PHASING PLAN TO CHANGE THE NORTH STAR DEVELOPMENT FROM A
TIMELINE OF 2035-2040 TO A TIMELINE OF 2020-2030.*

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

WHEREAS, the City of Lake Elmo has established a Comprehensive Plan that includes background data, policy statements, standards, and maps that help to guide the future physical, social, and economic development of the City; and

WHEREAS, on December 20, 2022, the City of Lake Elmo conditionally approved a Preliminary Plat and Planned Unit Development proposed by GWSA Land Development, LLC (the “Applicant”) for the North Star development on the property legally described in **Exhibit A** attached hereto (the “property”); and

WHEREAS, on August 15, 2023, the City of Lake Elmo conditionally approved a Final Plat and Planned Unit Development for the Property; and

WHEREAS, the Applicant requested permits required for the development of the Property, and a sewer extension permit was denied by the Metropolitan Council due to the phasing for the Property indicated in Map 3-7 in the City of Lake Elmo’s adopted 2040 Comprehensive Plan; and

WHEREAS, the Applicant has requested an amendment to Map 3-7 of the City of Lake Elmo’s 2040 Comprehensive Plan, the MUSA Growth and Phasing Plan, to change the Property from a timeline of 2035-2040 to a timeline of 2020-2030; and

WHEREAS, the public notice was published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109, and MN State Statute 473.858; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing about the proposed amendment on September 25, 2023; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation of approval to the City Council as part of a staff report dated September 25, 2023; and

WHEREAS, the City Council considered the said matters at its October 3, 2023, meeting and made the following findings of fact:

1. That the applicant has submitted a request to the City of Lake Elmo to amend the Comprehensive Plan in accordance with the procedures as established by the Lake Elmo Planning Department and the Lake Elmo Planning Commission; and
2. That the request is to amend the Map 3-7, MUSA Phasing & Growth Plan to change the phasing of the land around the North Star development from a timeline of 2035 to 2040 to a timeline of 2020-2030; and
3. That the proposed amendment is consistent with the overall goals and objectives of the Lake Elmo Comprehensive Plan.
4. That the proposed amendment is consistent with the preliminary and final approvals of the North Star Development granted by the Lake Elmo City Council on December 20, 2022, and August 15, 2023, respectively.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council does hereby GWSA Land Development LLC Comprehensive Plan Amendment subject to the following condition:

1. Submission of the Comprehensive Plan Amendment to the Metropolitan Council and the receipt of formal notification from the Metropolitan Council that they have reviewed and approved the proposed amendment.

This resolution was adopted by the City Council of the City of Lake Elmo on this 3rd day of October 2023.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

Resolution 2023-096
Exhibit A
Legal Description of Subject Property

Parent Parcel

“The Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota, EXCEPT the North 991.97 feet of the East Half of Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota and EXCEPT the North 991.97 feet of the West Half of Northeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota.

AND

That part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 29 North, Range 21 West, Washington County, Minnesota lying northerly of the northerly right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railroad.”

That part of the parent parcel lying north of a line described as commencing at the East corner of said Section 14; thence on an assumed bearing of North 00 degrees 09 minutes 24 seconds West along the east line of said Section 14, a distance of 366.68 feet to the actual point of beginning; thence South 54 degrees 13 minutes 45 seconds West a distance of 743.07 feet; thence southwesterly 822.00 feet along a tangential curve, concave to the northwest having a radius of 5740.98 feet and a central angle of 08 degrees 12 minutes 13 seconds, to the west line of the Northeast Quarter of the Southeast Quarter of said Section 14 and there terminating.