



MAYOR & COUNCIL COMMUNICATION

DATE: January 21, 2014

REGULAR

ITEM # 13

AGENDA ITEM: Friedrich Property Comprehensive Plan Amendment (RAD-ALT to RAD)

SUBMITTED BY: Kyle Klatt, Community Development Director

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Nick Johnson, City Planner

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The City Council has previously asked the Planning Commission for its recommendation concerning an amendment to the Lake Elmo Comprehensive Plan that would change the future land use designation of property located at 9434 Stillwater Boulevard North (the “Friedrich Property”) from RAD-ALT to RAD. In accordance with City Code and State Law, the City Council may only amend the Comprehensive Plan only after the Planning Commission has conducted a review of the proposed changes and after the Commission’s has conducted a public hearing concerning the amendment.

The Planning Commission considered the proposed amendment at its January 13, 2014 meeting and a summary of the Commission’s report and recommendation are included below.

FISCAL IMPACT: There are no direct fiscal impacts to the City associated with the proposed Comprehensive Plan Amendment. Staff has spent time preparing for the meeting and following proper hearing notification procedures. As a Council-initiated agenda item, the City will not receive any application fees to offset the hearing publication and mailing costs.

SUMMARY AND ACTION REQUESTED: At its December 3, 2013 meeting, the City Council directed the Planning Commission to conduct a public hearing to consider a Comprehensive Plan amendment that would revise the future land use map for property at 9434 Stillwater Boulevard North. Specifically the Council asked that the Planning Commission consider changing the future land use designation of this property from RAD-ALT (Rural Area Development Alternate Density) to RAD (Rural Area Development). The difference between these land use categories is that the RAD-ALT designation would allow residential densities on the site up to 2 units per acre while the RAD designation would limit this number to 0.45 units per acre.

The Planning Commission considered this matter at its January 13, 2014 meeting and recommended approval of the amendment to change the future land use designation for the subject property from RAD-ALT to RAD.

The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2014-09 amending the Comprehensive Plan to change the future land use designation of 9434 Stillwater Boulevard North from RAD-ALT to RAD.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT: The attached Staff report to the Planning Commission includes general information regarding the subject property in addition to a summary of the planning and zoning issues pertaining to the site. Also attached for consideration by the Council is the Staff report concerning a request to change the future land use designation of this site that was prepared in early 2010. These two documents provide good synopsis of recent action taken by the City for this property, with relevant dates noted as follows:

Date	Action
3/22/10	Application for Comprehensive Plan, Zoning Text Amendment and PUD/OP Concept Plan accepted as complete by the City
6/1/10	City Council approval of Comprehensive Plan amendment for subject property (RAD to RAD-2)
7/20/10	City Council approval of OP/PUD Concept Plan for senior living/farm-based preschool development
7/19/11	Granting of one-year extension for preliminary plan submission
8/21/12	Granting of additional one-year extension for preliminary plan submission
3/14/13	Expiration of OP/PUD Concept Plan
1/21/14	City Council consideration of Comprehensive Plan amendment (RAD-ALT to RAD)

The Planning Commission considered the proposed Comprehensive Plan Amendment at its January 13, 2014 meeting and conducted a public hearing concerning the amendment at this time. The following individuals addressed the Commission during the course of the public hearing:

- Janice Green spoke to the Commission as the owner of the property. She explained that her father was strongly supportive of the farm school concept and that this project was intended to help preserve the agricultural buildings and activity on the site. She stated that the land owners are requesting that the land use designation remain RAD-ALT.
- Larry Weiss, 9302 Stillwater Boulevard North, explained that he was originally in support of the proposed development on this site, but that he changed his mind when the density increased. He asked that that land use designation be changed back to RAD.
- Ed Nielson, 9498 Stillwater Boulevard North, expressed concern over the information that was presented about the senior living and farm school project when it was initially proposed. He explained that senior living projects are typically located along larger roads. He commented that 98% of the surrounding neighbors are opposed to the previous development proposal.
- Stewart Helgeson, 11150 12th Street North, stated that it would not make sense to change the land use plan back to RAD because the City may need to make yet another change if an acceptable project were to come forward.

The Planning Commission generally discussed the City's long range plans for rural areas and the OP zoning regulations that would apply to this site. Commissioners supported the findings for approval of the amendment as drafted by Staff, and recommended five additional findings to support its recommendation to the City Council. The Commission further noted that the City is still operating under older population and household forecast numbers that will be valid until the updated regional forecast is finalized by the Met Council.

The Planning Commission adopted a motion to recommend approval of the Comprehensive Plan Amendment to change the future land use designation of 9434 Stillwater Boulevard North from RAD-ALT to RAD consistent with the findings as noted in the attached Resolution No. 2014-109. The vote on the motion unanimous at 7-0.

BACKGROUND INFORMATION (SWOT):

Strengths

- The proposed amendment provides clarity for the City and neighbors regarding the maximum amount of development for the site.
- The Commission noted that the amendment would alleviate a potential "spot zoning" situation in this area.

Weaknesses

- An amendment would prohibit a unique development from moving forward that would combine senior living, a preschool, and agricultural activities on the site.
- Any new application for multi-family living and/or a farm-based preschool on the site could only move forward with another Comprehensive Plan amendment.

- Opportunities**
- Future development proposals could be approved by the City that are consistent with the OP zoning regulations.
 - The property owner/developer may still pursue a Comprehensive Plan amendment as part of a future development proposal.
 - The City will be able to further evaluate the used and densities allowed in rural development areas once the regional forecast has been finalized.
- Threats**
- The City is still operating under the forecasts approved under the MOU and 2013 Land Use Plan (additional density in rural development would be needed to reach these forecast numbers).

RECOMMENDATION: The Planning Commission is recommending that the City Council approve the amendment to change the future land use designation for the subject property from RAD-ALT to RAD. The suggested motion to adopt the Planning Commission recommendation is as follows:

“Move to adopt Resolution No. 2014-09 amending the Comprehensive Plan to change the future land use designation of 9434 Stillwater Boulevard North from RAD-ALT to RAD.”

Please note that this action requires a 4/5ths majority vote of the City Council. If there are fewer than four votes to approve the resolution amending the Comprehensive Plan, the future land use designation for the subject will not be changed.

ATTACHMENTS:

1. Resolution No. 2014-09
2. Planning Commission Staff Report – 1/13/14
3. Location Map
4. Proposed Map Amendment
5. Staff Report to City Council Dated 5/4/10
6. Planning Commission Meeting Minutes – 1/13/14