



## **MAYOR & COUNCIL COMMUNICATION**

**DATE:** August 5, 2014  
**REGULAR**  
**ITEM #** 14

**AGENDA ITEM:** RAD-ALT Comprehensive Plan Amendment

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community 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 a specific property that was guided for RAD-ALT (Rural Area Development – Alternative Density at 2 units per acre) back to RAD (Rural Area Development at 0.45 units per acre). The Council did not support this change at the time, but directed the Planning Commission to revisit the RAD-ALT land use category once the City’s 2040 forecast numbers from the Met Council were finalized.

With the release of the Met Council’s “Thrive 2040” report, which includes 2040 population and household forecasts for all metro communities, the Planning Commission has reconsidered the RAD-ALT land use category and is recommending that the City Council eliminate this category from the City’s Land Use Plan.

**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:** The City Council is being asked to consider an amendment to the Lake Elmo Comprehensive Plan that would eliminate the RAD-ALT land use category from the Plan. There are three existing parcels that have been guided for this land use designation, and the proposed amendment would change these parcels to the RAD designation. 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 attached Staff report to the Planning Commission includes a more specific description of the effected parcels along with a summary of recent actions related to this request.

The Planning Commission considered this matter at its July 14, 2014 meeting and recommended approval of a Comprehensive Plan amendment to eliminate the RAD-ALT (Rural Area Development Alternate Density) future land use category from the Future Land Use map and as referenced in other portions of the Plan and to change all parcels that are currently guided as RAD-ALT (2.0 units per acre) to RAD – Rural Agricultural Density (0.45 units per acre).

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

***“Move to adopt Resolution No. 2014-64 amending the Comprehensive Plan to eliminate the RAD-ALT future land use category from the Future Land Use map and as referenced in other portions of the Plan and to change all parcels that are currently guided as RAD-ALT to RAD”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached Staff report to the Planning Commission includes a summary of previous City reviews of rural area development land uses and a brief discussion of the current request. Please note that the Planning Commission received a set of Staff reports from previous meetings at which rural development issues were considered over the past year. This information was included in the Planning Commission packet that was also distributed to the City Council. In order to avoid unnecessary copying, these reports are have not been attached to this memorandum.

The Planning Commission conducted a public hearing on the proposed amendment, and received the following testimony concerning the amendment:

- The Commission acknowledged receipt of a letter from Janice Greene, representing the Friedrich family, noting their objection to the elimination of the RAD-ALT land use category.
- Larry Weiss, 9302 Stillwater Blvd. N., stated that the Friedrich site was changed to RAD-ALT for a specific project and the project has not been built. He noted that he is not supportive of RAD-ALT densities in the rural areas. He stated that the neighborhoods surrounding these sites do not want development at the density associated with RAD – ALT.
- Terry Emerson, 2204 Legion Ln. N., stated that he does not oppose eliminating RAD-ALT, but would like to develop his parcel as single family OP neighborhood, and that he would like the City to consider some variances for his proposed development.

- Ed Nielsen, 9499 Stillwater Blvd., stated that he would like to see the RAD-ALT go away because it equates to spot zoning.

The Commission discussed the implications of the change and how it may impact the City's growth projections. The Commission generally found that the change would not impact these projections, and that any subsequent reductions in households would not impact the City's current plans for providing services to urban residential areas. The Commission also noted that the RAD-ALT areas do not fit the surrounding land uses.

The Commission adopted a motion to recommend approval of the Comprehensive Plan Amendment as drafted with 17 findings and with one condition of approval. The motion carried with three ayes and one nay. The dissenting voter stated that any reductions in population density should also be considered for the I-94 and Village planning areas.

### **BACKGROUND INFORMATION (SWOT):**

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| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The proposed amendment provides clarity for the City and neighbors regarding the maximum amount of development for all RAD-ALT properties.</li><li>• The Commission noted that the amendment would alleviate potential "spot zoning" situations in the land use plan.</li></ul>   |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• An amendment would prohibit a unique development from moving forward on one of the RAD-ALT sites that has previously received Concept Plan approval from the City (which has since expired, however).</li></ul>   |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• Future development proposals could be approved by the City that are consistent with the OP zoning regulations.</li><li>• The property owners of the existing RAD-ALT sites could still pursue a Comprehensive Plan amendment as part of a future development proposal.</li><li>• The City will be able to further evaluate the uses and densities allowed in rural development now that the 2040 forecast has been finalized.</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• None</li></ul>  |

**RECOMMENDATION:** The Planning Commission and Staff are recommending that the City Council approve a Comprehensive Plan amendment to eliminate the RAD-ALT (Rural Area Development Alternate Density) future land use category from the Future Land Use map and as referenced in other portions of the Plan and to change all parcels that are currently guided as RAD-ALT (2.0 units per acre) to RAD – Rural Agricultural Density (0.45 units per acre).

***“Move to adopt Resolution No. 2014-64 amending the Comprehensive Plan to eliminate the RAD-ALT future land use category from the Future Land Use map and as referenced in other portions of the Plan and to change all parcels that are currently guided as 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. 2014-64
2. Proposed Map Amendment
3. Proposed Text Amendments
4. Thrive MSP 2040 Forecasts
5. MetroStats Policy Document - Thrive 2040
6. *Previous Rural Development Review Staff Reports (Not Included):*
  - a. *January 13, 2014*
  - b. *November 13, 2013*
  - c. *October 28, 2013*
  - d. *May 29, 2013*