



STAFF REPORT

DATE: 2/7/2017

REGULAR

ITEM #: 10

TO: City Council
FROM: Emily Becker, City Planner
AGENDA ITEM: 3880 Laverne Avenue North Zoning Map Amendment and Minor Subdivision
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received two requests from John J. Zignego for the property located at 3880 Laverne Avenue North (PID# 1302921220010):

- Zoning Map Amendment to rezone the property located at 3880 Laverne Avenue North from GB – General Business District to VMX – Village Mixed Use.
- Minor Subdivision to subdivide the parcel in to three separate parcels, creating two new lots.

ISSUE BEFORE COUNCIL:

The Council is respectfully requested to consider a Zoning Map Amendment and Minor Subdivision request for the property located at 3880 Laverne Avenue North.

PROPOSAL DETAILS/ANALYSIS:

Minor Subdivision

Request. The minor subdivision request proposes to subdivide the 3.22 acre parcel in to three parcels:

- One 2.06 acre parcel
- Two 0.58 acre parcels

Rezoning Required. These parcel sizes do not meet the minimum lot size requirements of the current zoning district in which this parcel is located (GB – General Business District, which has a minimum lot size of 1.5 acres).

Engineering Comments.

- *Access Management.* 39th Street access management points must be carefully coordinated in order to ensure it functions properly.
 - *Recommended Combined Access Required.* As a result, it is a condition of approval that driveway access be combined for Parcel A and B.

- **Need for Easements.** The typical design section for 39th Street, which was designed with the intention to match the Village Parkway, suggests the need for a 10-foot easement along North and South sides of this street.
 - This does not allow for the zero lot line design the VMX zoning district encourages.
 - Therefore, it is a recommended condition of approval that an easement be required to prevent a building being placed at a zero-lot line setback, as the VMX district allows.
- **Sewer and Water.** The 39th Street reconstruction extended a new sewer and water main stub that will serve both parcels. The plans will need to reflect stub locations to avoid conflict for stubs to serve both parcels.
- **Stormwater.** The site plan will need to create and obtain necessary approvals for a stormwater management plan.
 - Stormwater drainage will need to be maintained, and storm sewer connections to 39th Street system must be at existing or reduced runoff rates.

Zoning Map Amendment

Consistency with Comprehensive Plan. The property is guided for Village Mixed Use in the Comprehensive Plan Land Use Plan. The Comprehensive Plan allows a density of 5 to 10 units per acre in this district.

Parkland Dedication.

- The Council sets parkland dedication fees for commercial development by Resolution.
- The current fee for commercial parkland dedication is \$4,500 per acre. The proposed subdivision is creating two new 0.58 parcels, totaling 1.16 acres.
- The City received parkland dedication when the Brookman Addition, the Plat in which this subdivision is being proposed, in 1978. The Code requires dedication for the creation of new lots.
- The recommended parkland dedication is \$5,220 (\$4,500 X 1.16 acres).

Proposed Zoning - VMX - Village Mixed Use District. The purpose the VMX district is to provide an area for compact, mixed use development made mutually compatible through a combination of careful planning and urban design and coordinated public and private investment.

Allowed Uses.

- The Village Mixed Use District is intended to continue to allow retail, service, office, civic, and public uses as well as residential units.
- A listing of permitted and conditional uses allowed in the Village Mixed Use zoning district is attached to this report for reference.
- The applicant intends to use Parcel A, as shown in the attached survey, for a new office for an insurance business. It is not yet known what Parcel A will be used for.

Lot Sizes and Setbacks. As stated above, the proposed two newly-created parcels will be 0.58 acres in size. Below are the lot dimensions and setback requirements for the VMX District

Table 11-2: Lot Dimension and Setback Requirements, VMX District	
Minimum Lot Area (sq. ft.) a	
Non-Residential Use	None
Single Family Detached Dwelling	5,000
Two-Family Dwelling (per unit) b	3,000

Single-Family Attached (per unit) c	2,500
Multi-Family Dwelling (per unit)	1,800
Secondary Dwelling	See 154.454.C
Live-Work Unit	3,000
Congregate Housing	See 155.102
Other Structures	3,500
Maximum Lot Area (acres)	
Residential Structures	N/A
Other Structures	5
Minimum Lot Width (feet)	
Single Family Detached Dwelling	50
Two-Family Dwelling (per unit) b	30
Single-Family Attached (per unit)c	25
Multi-Family Dwelling (per building)	75
Live-Work Unit	25
Maximum Height (feet/stories)	35/3 d
Maximum Impervious Coverage	
Residential Structures	75%
Other Structures	No Limit
Minimum Building Setbacks (feet)	
Front Yard e	See 155.506
Interior Side Yard f	10
Corner Side Yard g	0
Rear Yard	10

REU Projection.

- According to a document created in 2012 entitled Alternate Village Area Future Land Use Concept, the projected number of REC Units on the 18.73 acre section of land that is made up by 3880 Laverne Avenue, 3800 Laverne Avenue, 3825 Lake Elmo Avenue, and the parcel to the north of the aforementioned, is 75.
- According to a Met Council Determination spreadsheet updated as of August 16, 2016, 3880 Laverne Avenue was charged for 5.23 REUs; the remaining parcels were not reflected on this report.
- Further subdividing the subject parcel and the subsequent development and connection to sewer would increase the number of REUs in this section of the Village, helping to meet these projections.

FISCAL IMPACT:

The lot split will result in a cash payment for park dedication in the amount of \$5,220

OPTIONS:

The Council may:

- Approve the Zoning Map Amendment and Minor Subdivision request.
- Make changes to conditions of approval and approve the Zoning Map Amendment and Minor Subdivision request.
- Deny the Zoning Map Amendment and Minor Subdivision request.

PLANNING COMMISSION/PUBLIC HEARING:

A public hearing was held on the proposed Zoning Map Amendment, and the Minor Subdivision was considered, on January 9, 2017 at the Planning Commission meeting. No one from the public spoke at the public hearing or provided comments prior to the meeting. The Applicant's representative contested the parkland dedication requirement, as a parkland dedication fee was paid to the City in 1979 was Brookfield Addition was platted. The proposed amendment was recommended by an affirmative vote of 6-0. The Planning Commission recommended revisions to the conditions of approval, as noted in the attached Resolution.

RECOMMENDATION:

Staff respectfully requests that the Council approve, as recommended by Staff and the Planning Commission, the proposed Zoning Map Amendment to rezone the property located at 3880 Laverne Avenue North from GB – General Business to VMX – Village Mixed Use:

“Move to approve Ord 08-165, approving a Zoning Map Amendment to rezone the property located at 3880 Laverne Avenue North from GB – General Business to VMX – Village Mixed Use.”

Staff also requests that the Council approve, as recommended by Staff and the Planning Commission, a minor subdivision request to split the parcel at 3880 Laverne Avenue North into three separate parcels, thereby creating two new lots of 0.58 acres each:

“Move to approve Resolution 2017-013 , approving a Minor Subdivision request for the property located at 3880 Laverne Avenue North, thereby creating two new lots of 0.58 acres each, subject to the 11 outlined conditions of approval.”

ATTACHMENTS:

- Ord. 08-165
- Resolution 2017-013 with PC Comments
- Resolution 2017-013 Final
- Application
- Planning Commission meeting minutes, 1/9/2017

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-165

AN ORDINANCE TO AMEND THE LAKE ELMO CITY CODE
BY AMENDING THE OFFICIAL ZONING DISTRICT MAP
OF THE CITY OF LAKE ELMO

The City Council of the City of Lake Elmo ordains that the following shall be added to
I. Zoning Map Changes of the Table of Special Ordinances of the Municipal Code:

Section 1: Zoning Map Amendment. The following property is hereby rezoned from
GB - General Business to VMX - Village Mixed Use:

PART LOT 1 002 BEING N 350.18FT OF LOT 1 BLK 2 BROOKMAN ADD ACCORDING TO PLAT THEREOF SUBJ TO
ANY UTILITY EASE SHOWN ON SD PLAT SUBJ TO NON- EXCLUSIVE EASE FOR RD PURPOSES OVER SLY 16FT
THEREOF RESERVED TO GRANTOR ITS SUCCESSORS & ASSIGNS SUBDIVISIONNAME BROOKMAN ADD LOT 1 BLOCK
2 SUBDIVISIONCD 37100

Section 2: The City Council of the City of Lake Elmo also hereby ordains that the
Zoning Administrator shall make the applicable changes to the official zoning map of
the City of Lake Elmo.

Section 3: Effective Date. This ordinance shall become effective immediately upon
adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-165 was adopted on this 7th day of February 2017, by a vote of
___ Ayes and ___ Nays.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2017-013

*A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY LOCATED AT 3880 LAVERNE AVENUE NORTH*

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

WHEREAS, John J. Zignego, 3880 Laverne Avenue North, P, Lake Elmo, MN, (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide the property located at 3880 Laverne Avenue North in to three separate parcels in accordance with the certificate of survey dated November 21, 2016 and signed by Timothy J. Freeman, P.L.S., License #16989, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

WHEREAS, the Lake Elmo Planning Commission reviewed the proposed Minor Subdivision at a meeting held on January 9, 2017; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation concerning the Minor Subdivision as part of a memorandum to the City Council for the February 7, 2017 Council Meeting; and

WHEREAS, the City Council reviewed the Applicant's Minor Subdivision request at a meeting held on February 7, 2017.

NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's VMX – Village Mixed Use District.
3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

4. The City finds that it would be desirable for parking serving the two new uses created by Parcel A and B as shown on the survey dated November 21, 2016 be shared with the Brookfield II building if possible.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

- 1) The property shall be rezoned to Village Mixed Use – VMX.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4,500 per acre for the two new 0.58 acre parcels being created (\$5,220 total) prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a landscape plan, grading, erosion control, and other plans outlined herein prior to the commencement of any construction activity on the parcel.
- 4) The applicant must obtain all other necessary City, State and governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 5) Any plans for construction on the newly created parcels must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Village Mixed Use District.
- 6) Building setback locations are subject to City approval and must allow for planned street improvements.
- 7) Only one driveway access to 39th Street is permitted. Access may be combined or limited to only Parcel A or Parcel B.
- 8) 8-inch watermain stub and 8-inch sanitary sewer main stub shall be shown on the plans and approved by the City Engineer prior to commencement of construction activity to ensure that the building placement does not conflict with the ability of the stubs to service both parcels.
- 9) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.
- 10) Stormwater drainage patterns must be maintained as part of any site development.
- 11) Storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

Passed and duly adopted this 7th day of February 2017 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2017-013

*A RESOLUTION APPROVING A MINOR SUBDIVISION OF
PROPERTY LOCATED AT 3880 LAVERNE AVENUE NORTH*

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

WHEREAS, John J. Zignego, 3880 Laverne Avenue North, P, Lake Elmo, MN, (Applicant) has submitted an application to the City of Lake Elmo (City) for a Minor Subdivision to subdivide the property located at 3880 Laverne Avenue North in to three separate parcels in accordance with the certificate of survey dated November 21, 2016 and signed by Timothy J. Freeman, P.L.S., License #16989, a copy of which is on file in the City of Lake Elmo Planning and Zoning Department; and

WHEREAS, the Lake Elmo Planning Department has reviewed the Minor Subdivision request for consistency with the City of Lake Elmo Zoning and Subdivision Ordinances; and

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NOW, THEREFORE, based upon the testimony elicited and information received, the City Council makes the following:

FINDINGS

1. That the Minor Subdivision is consistent with the Lake Elmo Comprehensive Plan and the Future Land Use Map for this area.
2. That the Minor Subdivision complies with the minimum lot frontage and area requirements of the City's VMX – Village Mixed Use District.
3. That the Minor Subdivision complies with the City's subdivision ordinance and specifically the requirements concerning exceptions to platting.

4. The City finds that it would be desirable for parking serving the two new uses created by Parcel A and B as shown on the survey dated November 21, 2016 be shared with the Brookfield II building if possible.

Commented [EB1]: The Planning Commission recommended that this be removed as a condition and added to Findings, as shared parking may or not serve all three uses of the three parcels.

CONCLUSIONS AND DECISION

NOW, THEREFORE, BE IT RESOLVED THAT that based on the testimony elicited and information received, the City Council of the City of Lake Elmo hereby approves the Minor Subdivision request, provided the following conditions are met:

- 1) The property shall be rezoned to Village Mixed Use – VMX.
- 2) The applicant shall pay a fee in lieu of parkland dedication in the amount of \$4,500 per acre for the two new 0.58 acre parcels being created (\$5,220 total) prior to any formal City authorization to split the existing parcel into three lots.
- 3) The applicant must submit and receive approval of a landscape plan, grading, erosion control, and other plans outlined herein prior to the commencement of any construction activity on the parcel.
- 4) The applicant must obtain all other necessary City, State and governing body permits prior to the commencement of any construction activity on the parcel including but not limited to building permits, conditional use permits, etc.
- 5) Any plans for construction on the newly created parcels must comply with the Lake Elmo Design Standards Manual and specific general site considerations and development standards for specific uses within the Village Mixed Use District.
- 6) Building setback locations are subject to City approval and must allow for planned street improvements.
- 7) A 10-foot utility easement as detailed in the City Engineer Memo dated December 8, 2016 must be provided after approval by City Engineer.
- 7) Only one driveway access to 39th Street is permitted. Access may be combined or limited to only Parcel A or Parcel B.
- 8) The applicant for development activity occurring on the newly created parcels should work with the City and Brookfield II Building to analyze parking needs of development activity and the possibility of shared parking with Brookfield II Building.
- 8) 8-inch watermain stub and 8-inch sanitary sewer main stub shall be shown on the plans and approved by the City Engineer prior to commencement of construction activity to ensure that the building placement does not conflict with the ability of the stubs to service both parcels.
- 9) The site plan is subject to a storm water management plan meeting State, Valley Branch Watershed District and City rules and regulations. All applicable permits must be obtained if needed.
- 10) Stormwater drainage patterns must be maintained as part of any site development.

Commented [EB2]: The Planning Commission recommended this be struck, as it does not comply with VMX building front setback standards of 0-20 feet.

Commented [EB3]: The City Engineer recommended that combined driveway access to Parcel A and B from 39th Street be provided. The Planning Commission felt access would be better served by Laverne Avenue and so recommended limiting only one access to 39th Street, combined or limited to either Parcel A or Parcel B.

Commented [EB4]: The Planning Commission recommended that this be removed as a condition and added to Findings, as shared parking may or not serve all three uses of the three parcels.

11) Storm sewer connections to the 39th Street system must be at existing or reduced runoff rates and volumes.

Passed and duly adopted this 7th day of February 2017 by the City Council of the City of Lake Elmo, Minnesota.

ATTEST:

Mike Pearson, Mayor

Julie Johnson, City Clerk

Date Received: 11/21/16
Received By: [Signature]
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- ☐ Comprehensive Plan ☒ Zoning District Amend ☐ Zoning Text Amend ☐ Variance*(see below) ☐ Zoning Appeal
- ☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.) ☐ Excavating/Grading
- ☐ Lot Line Adjustment ☒ Minor Subdivision ☐ Residential Subdivision Sketch/Concept Plan
- ☐ PUD Concept Plan ☐ PUD Preliminary Plan ☐ PUD Final Plan ☐ Wireless Communications

Applicant: JOHN J. ZIGNEGO
Address: 3880 LAVERNE AVE. NO., LAKE ELMO, MN 55042
Phone #: 651-777-8788
Email Address: RUSTY@ZIGNEGOINSURANCE.COM

Fee Owner: LAKE ELMO ASSOCIATES, LTD.
Address: 3880 LAVERNE AVE. NO., LAKE ELMO, MN 55042
Phone #: 651-777-8788
Email Address: _____

Property Location (Address): 3880 LAVERNE AVE. NO., LAKE ELMO
(Complete (long) Legal Description: THE NORTH 350.18 FT. OF LOT 1 BLOCK 2, BROOKMAN ADDITION.
PID#: 13-029-21-22-0010

Detailed Reason for Request: SUBDIVIDE TWO NEW LOTS ON VACANT LAND NORTHERLY OF THE EXISTING BUILDING. SEWER AND WATER IS NOW AVAILABLE TO THE PROPERTY.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

NONE

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 11-21-2016

Signature of fee owner: [Signature] Date: 11-21-14

CERTIFICATE OF SURVEY
MINOR SUBDIVISION

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8833 www.ffe-inc.com

SURVEY FOR:
John J. (Rusty) Zignego
3880 Laverne Ave. No.
Lake Elmo, MN 55042

LEGAL DESCRIPTION
PROPOSED PARCEL A

The west 199.91 feet of the north 126.89 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

LEGAL DESCRIPTION
PROPOSED PARCEL B

North 126.89 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, lying easterly of the west 199.91 feet thereof.

LEGAL DESCRIPTION
RESIDUAL PARCEL

That part of the north 350.13 feet of Lot 1, Block 1, BROOKMAN ADDITION, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota, lying southerly of the north 126.89 feet thereof.



- LEGEND
- DENOTES SET 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
 - DENOTES FOUND 1/2 INCH DIA. INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "RLS 9232", UNLESS SHOWN OTHERWISE

NOTE
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATES, NAD83, 1986 ADJ.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.
Timothy J. Freeman 11/21/16
Timothy J. Freeman, LS
Minnesota License No. 16989 Date



**City of Lake Elmo
Planning Commission Meeting
Minutes of January 9, 2017**

Chairman Kreimer called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Kreimer, Griffin, Dodson, Williams, Larson, and Lundquist

COMMISSIONERS ABSENT: Haggard, Fields and Dorschner

STAFF PRESENT: Planning Director Wensman, City Planner Becker & City Administrator Handt

Approve Agenda:

M/S/P: Dodson/Lundquist, move to approve the agenda as amended, ***Vote: 6-0, motion carried.***

Election of Officers:

M/S/P: Williams/Dodson, move to elect Tom Kreimer for Chair, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Lundquist/Griffin, move to elect Todd Williams for Vice Chair, ***Vote: 6-0, motion carried unanimously.***

M/S/P: Dodson/Griffin, move to elect Rolf Larson for Secretary, ***Vote: 6-0, motion carried unanimously.***

Approve Minutes: December 12, 2016

M/S/P: Williams/Griffin, move to approve the December 12, 2016 minutes as presented, ***Vote: 6-0, motion carried unanimously.***

Public Hearing – Zoning Map Amendment and Minor Subdivision– rezone the property at 3880 Laverne Ave

Becker started her presentation regarding the Zoning Map Amendment and Minor Subdivision. The Zoning Map amendment is requested to rezone from GB to VMX. This land is guided for VMX in the Comprehensive Plan, which has not minimum lot size for non-residential. The subdivision will create three separate parcels.

This property does qualify for an exception to platting as it is not creating more than four parcels. There is a cash contribution for park land dedication of \$5,220 required. GB requires 1.5 acres per parcel, so if this is not rezoned, those 2 lots cannot be created.

Some engineering comments are that they are recommending a combined driveway access for Parcel A & B. There is also a need for a number of easements. There were more engineering comments regarding sewer & water and stormwater. The zoning map amendment is consistent with the Comprehensive plan. Staff is recommending 13 conditions of approval.

Dodson asked if the City Engineer considered access of parcel B to Laverne Ave. Becker stated that the City Engineer did not look at that. The condition could be changed to state reviewed by the City Engineer.

Williams is wondering why the condition doesn't require shared parking vs. just encouraging it. Becker stated that there might be circumstances where that might not work.

Tim Freeman, represents Zignego, the idea of sharing parking is something that they are interested in. He talked about suburban type zero setbacks for the VMX district. He thinks making a condition of approval for the building setback and combined parking, limits things for this approval and could be dealt with when a project comes forward. Freeman feels that the parkland dedication has already been paid for this area by the acre. He feels replatting this property does not add any acreage, it just further subdivides it. Instead of having that be a condition of approval, he would like to see something like this will be reviewed a little further with the City Attorney.

Dodson asked the developer what the motivation of subdividing the lots is vs. just adding buildings to the existing lot. Freeman stated that the new lots would most likely have different ownership. Dodson stated that when property subdivides, Parkland dedication is paid. Freeman stated that the fee was already paid on all of the acreage. Wensman stated that the City Attorney has already reviewed this. There was debate about collecting it on 2 lots or 3. The discovery of the previously paid fee, limited it just to the 2 newly created lots. The City Attorney is the one that recommended it as a condition of approval.

Public Hearing opened at 7:30 pm

No one spoke and there were no written comments

Public Hearing closed at 7:31 pm

Williams agrees that there is a conflict of the VMX zoning and the required utility easement. This area needs to be looked at for if it should be a parkway or something else. He is interested in removing number 7 as a condition of this project approval.

Wensman would recommend changing the wording of condition #8 to read if there is an access to 39th street, that it be a shared driveway. Williams is wondering if it would be better to say that there will be only one access permitted to 39th Street for those 2 lots.

Williams would like condition 9 to state that the City will work with the owners of Brookfield II building to analyze parking needs with the possibility of shared parking with Brookfield II building and submit their findings to the City within 60 days of approval. Wensman stated that there are no building plans yet and they should be required to submit that with the site plan review. Dodson's concern is that the building plans will not come at the same time.

Williams is wondering if something should be included in the findings that it would be desirable for the existing Brookfield parking to be shared with the new development. That way it is not a condition of approval, but makes it should desirable.

M/S/P: Dodson/Williams, move to recommend approval of the zoning Map amendment to rezone the property located at 3880 Laverne Ave to Village Mixed Use, **Vote: 6-0, motion carried unanimously.**

M/S/P: Dodson/Lundquist, move to recommend approval of the Minor Subdivision request for the property located at 3880 Laverne Ave, subject to the 11 outlined conditions of approval as amended and based on the amended findings, **Vote: 6-0, motion carried unanimously.**

Public Hearing – Comprehensive Plan Amendment – to create a new land use designation called “Golf Course Community” with updated maps and figures

Wensman started his presentation regarding the Comprehensive plan amendment for the former Tartan Park property. There would be 5 changes to the comprehensive land use plan. 1) A new land use category called “Golf Course Community” 2) updated density of 1.5-2.49 3) updated planned land use map 4) “Preservation of Community Amenities” will be added which describes the need for “Golf Course Community” land use 5) updated map to reflect the changes to the MUSA.

The City has broad discretion when regarding property. The Golf Course Community specifically ties the residential development to the golf course and cannot be redeveloped if the golf course is eliminated. The Royal Golf development will be a PUD and if an amendment was requested to eliminate the golf course, it would be inconsistent with the Comprehensive Plan and would be denied.