



STAFF REPORT

DATE: July 22, 2019

REGULAR

ITEM #:

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Lake Elmo Subdivision Code
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The Planning Commission work plan requires Staff to prepare code amendments as necessary keep pace with the 2040 Comprehensive plan. Furthermore, there are some aspects of the subdivision code that could be amended to encourage a functional development review process.

ISSUE BEFORE THE COMMISSION:

Does the Commission have comments pertaining to the amended subdivision code?

REVIEW AND ANALYSIS:

At this point in the review process, the Parks Commission has had the opportunity to review the code for all items pertaining to park dedication. Their recommended amendments are incorporated into Section 154.15 of the attached subdivision code. At this point many of the proposed amendments will appear to be grammatical and not as significant in terms of function. However, there is a significant change in Section 154.10 Final Major Subdivisions, (B) Review of Final Plat. The significance of this proposed change is that the Planning Commission would no longer review final plats. The Commission would only review a final plat if it is substantially different than what had been approved through the preliminary plan approval. The justification for this is that the City cannot apply more restrictive conditions or deny a phase of development if it matches what had been approved with the preliminary plat review. As long as the proposed final plat matches approval, Staff does not necessarily see a reason for the Commission to review the plan as well. The proposed change is listed below:

(3) Planning Commission action. ~~After review of the final plat by the staff, the Planning Commission shall review the final plat for substantial compliance with the approved preliminary plat and make recommendation to Council.~~ The Planning Commission shall only review final plats if there is a substantial change from what had been approved for the Preliminary Plat.

Park Dedication Review:

For the Park Commission Staff tried to focus their attention on the park related components of the code. To break it down the Parks Commission reviewed dedication because of two new zoning classifications that were added to the zoning code, which are Mixed Use Commercial (MU-C) and Mixed Use Business (MU-BP). Staff was uncertain of how to appropriately apply the existing fee structure for park dedication to these two districts. The Parks Commission recommends the amendments and although Staff recommended a \$5,000 dedication requirement per acre for commercial development, which is up from current collection of \$4,500 per acre the Parks Commission felt that the amount could be increased further. Staff informed the Parks Commission a more detailed look into the collection amount would happen to see if a further increase could be justified. Staff would like a brief discussion on the commercial park dedication requirement with the Planning Commission.

Existing Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
RS, V-LDR, GCC, LDR, MDR, HDR	10%
RE and OP Development	7%
RR and AG	4%
C, CC, LC, GP, BP, VMX	Fees as set by Council resolution

\$4,500/acre

Proposed Fee Structure

<i>Zoning Districts</i>	<i>Minimum Required Land Dedication</i>
V-LDR, GCC, LDR, MDR, HDR,	10%
RS, AG, RE, RR (Rural Districts)	5%
C, CC, LC, BP, VMX, MU-BP, MU-C Minor Subdivisions	Fees as set by Council resolution ^a

- a. A 10% land or cash charge is only applied if a residential component is incorporated into the development/subdivision. However, the 10% charge does not apply to a minor subdivisions.

(D) *Trails*. Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total **required park dedication**. **To receive credit for a trail, there must be a through public trail connection to the larger Lake Elmo or Washington County trail network. If the proposed trails are not able to connect to existing trails, they must be installed in a way that would provide a connection to future trails as additional infrastructure is established.**

Commercial Requirements:

For this additional review Staff used City's that share a border with a major highway such as Highway 36 or I-94 for a new fee comparison. The thought behind this comparison is that values for commercial land would be more similar in price than the other communities that were used. Staff then calculated an average price per acre of undeveloped and platted land in Lake Elmo which was zoned or guided for commercial, or mixed use development. The estimated price per acre was calculated by taking the tax value (determined by Washington County) of a property divided by the number of acres. Please understand that there are many factors that go into determining value but, the estimated price per acre is \$131,564.

Stillwater: Requires a 7.5% dedication rate per acre. (Value of \$9,867)

Woodbury: Requires land dedication of 10% or \$6,000 per acre of the subdivision.

Oak Park Heights: Requires a dedication of 10% of the value, either land or cash. (Value of \$13,156.4)

Maplewood: Requires a 9% dedication of land or cash. (Value \$11,840)

Average Collection: \$10,215.85

Based on the collected average of the communities used above Lake Elmo is collecting \$5,700 less than adjacent communities that also boarder a major highway. Because of the more specific criteria used Staff believes that an increase from \$5,000 (currently recommended) to \$10,000 per acre for a park dedication fee for commercial/development could be justified. This amount would be required for projects that do not have a residential component

FISCAL IMPACT:

Staff does not foresee a negative fiscal impact.

COMMENTS AND RECOMMENDATION:

Staff Recommendation: Staff believes that the edits in the attached subdivision code will help the aide in a smooth development process. Furthermore, the research that had been gathered for trail connection(s) and park dedication seem to further benefit the City and the residents.

Park Commission: The parks Commission recommended approval of the amended fee structure and the language as it pertains to trails (under the fee table). 4-0

Options:

Recommend approval of the amendments as proposed.

Recommend approval with amendments to the proposed language.

Recommend denial of the amended language.

“Motion to recommend approval of the subdivision code as proposed”

ATTACHMENTS

- Lake Elmo Subdivision Code with redlines.