



## STAFF REPORT

DATE: 7/02/2019

CONSENT

**TO:** Mayor and City Council  
**FROM:** Ken Roberts, Planning Director  
**ITEM:** Wyndham Village - Final Plat Recording Time Extension  
**REVIEWED BY:** Sarah Sonsalla, City Attorney

### **BACKGROUND:**

On December 4, 2018, the City Council approved the Wyndham Village final plat. On January 2, 2019, the City Council approved Resolution 2019-006 that formally memorialized the City Council's final plat approval.

On April 16, 2019, the City Council approved a 90 day time extension for the recording of the final plat for Wyndham Village. This time extension granted the developer approval to record the final plat before July 1, 2019.

### **ISSUE BEFORE THE CITY COUNCIL:**

The City Council is being asked to consider a request from J. P. Bush Homes (Joe Bush) for approval of another time extension for the recording of the final plat for Wyndham Village. (Please see the attached letter from Joe Bush explaining this request.)

### **PROPOSAL DETAILS/ANALYSIS:**

#### **General Information.**

*Applicant:* JP Bush Homes, 1980 Quasar Ave S, Lakeland, MN 55043  
*Property Owner:* James McLeod, 11580 30<sup>th</sup> St N, Lake Elmo, MN 55042  
*Location:* Part of the southwest quarter of the southeast quarter of Section 13, Township 29 North, Range 21 West  
*PID:* 13-029-21-43-0001  
*History:* A Comprehensive Plan Amendment to re-guide the property from Rural Single Family to Village Low Density Residential was approved by the City Council on February 7, 2018 and by Metropolitan Council on March 14, 2018. The Preliminary Plat was approved July 17, 2018 (Resolution No. 2018-066), and an application to rezone the property from Rural Single Family to Village Low Density Residential was approved July 17, 2018 (Ordinance No. 08-212). The City Council approved the Final Plat on December 4<sup>th</sup> 2018 and formally approved the Final Plat with Resolution No.

2018-XXX on January 2, 2019. On March 5, 2019, the City Council approved the required house moving agreement for this development.

## **TIME EXTENSION REQUEST – REVIEW AND ANALYSIS:**

### **City Code Requirements**

Section 153.10 (B) (4) of the City Code has the requirements for recording a final plat. It states in part “If not filed within 120 days, approval of the final plat shall be considered void, unless a request for a time extension is submitted in writing and approved by the Council.”

The City approved the final plat for Wyndham Village on December 4, 2018 and formalized the approval on January 2, 2019 with the adoption of Resolution 2019-006. As such, the developer or applicant would have had until May 1, 2019 (120 days from January 2, 2019) to record the final plat to meet the 120 day time limit set by the City Code. The owners submitted a letter to the City on April 5, 2019 asking for a 90 day time extension to record the final plat for Wyndham Village. The City Council approved the time extension request on April 16, 2019 giving the developer until July 1, 2019 to record the final plat.

The developer/applicant is now requesting to have another 90 days (3 months), until October 1, 2019, to record the final plat. The City Code is silent, however, on what if any considerations, requirements or criteria the City should use when considering such a time extension request. As such, the City should review each time extension request on a case-by-case basis.

### **Request Details**

In his letter of request, the developer outlined several reasons why he is requesting the 90 day time extension to record the final plat and why he wants the City to grant the time extension. They include:

1. Confusion and delays about the sharing of information for drainage calculations for the ponding area.
2. Difficulties in working with adjacent property owners/developers with easements and utility and street designs.
3. The length of time required to receive all necessary plan approvals and permits, including those from the Watershed District.

Staff does not see a problem with this request as it would be better to not have a developer create lots and start construction of a phase of a project until they are sure that it will succeed. In addition, this delay should not negatively affect any of the neighbors or other developments in the area.

This time extension request does not change the City’s final plat approval nor the conditions of approval granted by the city on December 4, 2018 and On January 2, 2019. The final plat, the project plans and the house moving will still be required to meet all the conditions of approval as this development moves forward to completion.

## **RECOMMENDATION:**

Staff recommends that the City Council approve the requested time extension for the recording of the Wyndham Village Final Plat. This approval grants the developer until October 1, 2019 to record the final plat.

***“Move to approve the requested time extension to October 1, 2019 to record the Wyndham Village Final Plat. This approval is subject to the applicant/developer meeting all City required conditions of approval for the final plat.”***

**ATTACHMENTS:**

1. Final Plat Recording Time Extension letter dated June 20, 2019 (2 pages)
2. Wyndham Village Final Plat



*J.P. Bush*  
H O M E S

June 20, 2019

**Request for Wyndham Village Final Plat Filing Extension.**

**Property:** 11580 30<sup>th</sup> Street North lake Elmo Minnesota

**Owner:** The James R. Mcleod Revocable Trust

**Proposer:** James Mcleod, Land Owner.

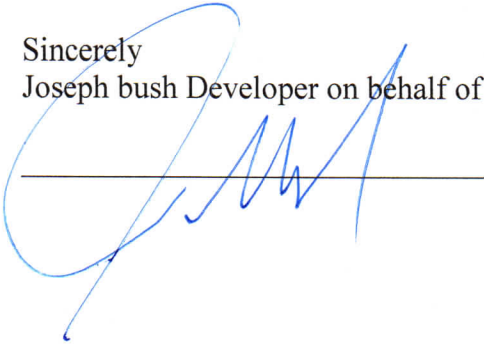
JP Bush Homes, Developer.

The City of Lake Elmo Approved our subdivision called "Wyndham Village". A beautiful 10 lot development that required multiple steps for approval. Comprehensive Plan amendment, Metropolitan Council Approval, Rezoning change, Preliminary and lastly Final plat approval on December 4<sup>th</sup>, 2018 and Final Resolution Approval on January 2<sup>nd</sup>, 2019. The City has granted an extension to allow the plat recording on or before July 1<sup>st</sup>, 2019. Mr. Mcleod and Joseph Bush of JP Bush Homes appreciates the support within the Community and the City of Lake Elmo.

**Per the City Code Section 153.08 (B) (4)** is provision for a request for time extension is submitted in writing and approved by the Council". Mr. Mcleod and JP Bush have made significant strides towards the Final plat recording with cooperation and help from Ken Roberts planning director. During our planning and preparing Final Plat documents we needed cooperation with the North Port "Pulte" engineer regarding the calculations of the retention pond on the east boundary of our development. The needed calculations are being requested by the Watershed for our final review items. Our engineer Chuck Plowe has made many email and voice mail attempts to contact the "Pulte" engineering firm. They have completely refused any type of reply or courtesy call back. Mr. McLeod made good faith agreements with Craig at Gonya allowing easements across his property for the North Port acceleration lane and the North Port use of McLeod land for their storm water pond deficiency. Mr. McLeod signed Easement agreements so North Port could get their final plat. Without these easements from McLeod their development would not have been approved. In exchange for the Easements McLeod was to be given the road stub, sewer and water stub, and cooperation in engineering that would relate to the issue at hand.

We are nearly complete with the required Watershed approvals and other requirements to record the Final Plat. We are fast approaching the 120 Rule of required recording. Please accept this letter officially Requesting for an extension to record the final Plat documents. The amount of additional time I believe we need is 90 days. Please place this request on your next agenda along with Staff recommendations.

Sincerely  
Joseph bush Developer on behalf of the McLeod's

A handwritten signature in blue ink, appearing to read 'J. Bush', is written over a horizontal line.

