

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 30th St N, Lake Elmo, MN 55042

Location: Part of the southwest quarter of the southeast quarter of Section 13,

Township 29 North, Range 21West

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 4th 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



June 20, 2019

Request for Wyndham Village Final Plat Filing Extension.

Property: 11580 30th 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 4th, 2018 and Final Resolution Approval on January 2nd, 2019. The City has granted an extension to allow the plat recording on or before July 1st, 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

WYNDHAM VILLAGE KNOW ALL PERSONS BY THESE PRESENTS: That James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust, owners of the following described property situated in the City of Lake ELmo, County of Washington, State of CUILOI G Washington County cast iron monument ROREBORE at the North Quarter corner of Section 13, T29N, R21W. The east 460.50 feet of the west 1273.00 feet of the south 498.60 feet, and also the east 139.50 feet of the west 812.50 feet of the south License No. 9232-219.30 feet of the Southwest Quarter of the Southeast Quarter of Section 13, Township 29 North, Range 21 West. License No. 9232-589°34'25"W Have caused the same to be surveyed and platted as WYNDHAM VILLAGE, and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat. 181.34 NORTH LINE OF THE — / SOUTH 498.60 FEET In witness whereof said James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust, have L=9.67 hereunto set their hands this _____ day of _____, 201___. Δ=02°31'08" VICINITY MAP CB=509°56'39"W NOT TO SCALE Δ=21°07'23" James R. McLeod, Trustee of the Lavonia M. McLeod, Trustee of the James R. McLeod Revocable Trust James R. McLeod Revocable Trust This instrument was acknowledged before me on ___ by James R. McLeod and Lavonia M. McLeod as Trustees of the James R. McLeod Revocable Trust. \ Δ=15°28'42" Δ=14°51'29" Notary Public, ____ My Commission Expires _ Δ=06°07'28" *Δ=05°55′05*" L=14.13 SURVEYOR'S CERTIFICATION Δ=04°45'47" I, Milo B. Horak, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and ∆=52°07'17"/ labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; _589°34'25"W _ _ _ <u>110.98</u> that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat. L=55.12 Section 13, T29N, R21W /Δ=52°38'20" City of Lake Elmo, Washington County, Minnesota Milo B. Horak, Licensed Land Surveyor Minnesota License No. 52577 License No. 9232no plastic cap — -589°34'25"W 139.51 NORTH LINE OF THE $-^{\prime}$ SOUTH 219.30 FEET ____ by Milo B. Horak, Licensed Land Surveyor. This instrument was acknowledged before me on My Commission Expires 584°50'03"W 276.51 PLANNING COMMISSION OUTLOT A Approved by the Planning Commission of the City of Lake Elmo, Minnesota, this _____ day of _____, 201__. .1273.00. Chair, Planning Commission Secretary, Planning Commission 589°49'17"W ..812.50.. CITY COUNCIL 61.30 90° || **← −33− → ← −33−** 330.70 This plat was approved by the City Council of Lake Elmo, Minnesota, this ______ ____ day of ___ 584°47'12"W certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2. N87°24'18"W NORTH 171.29 STREET 30 T H South line of the SE 1/4, Mag nail at the South Quarter corner Section 13, T29N, R21W. - -City Administrator of Section 13, T29N, R21W. N89°34'25"E 600.02 nail and disk monument,— **COUNTY SURVEYOR** --5 89°34'25" W 2639.10 --License No. 40344 SOTH Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd.11, this plat has been reviewed and approved this _____ day of _____, 2018. Washington County Surveyor Legend COUNTY AUDITOR/TREASURER O Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 201___, on real estate cap inscribed HORAK LS 52577. hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this ____ Drainage and utility easements are shown thus: Denotes found 1/2 inch iron pipe monument, with a plastic cap, License Number 40344, unless otherwise noted. L= Denotes length of curve. Scale in Feet Washington County Auditor/Treasurer R= Denotes radius of curve. Δ = Denotes delta angle of curve. **COUNTY RECORDER** CB= Denotes chord bearing. 1 inch = 40 feet Distances are in feet and decimals of a foot, unless otherwise noted. Document Number _ Distances shown to the nearest foot, 10,33, 60, etc., are exact extrinsic values. Being five feet in width and adjoining all lot lines and I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this __ being ten feet in width and adjoining all public ways, The orientation of the bearings are based on the south line of the Southeast __, 201__ at ____o'clock ____.M. and was duly recorded in Washington County Records. unless otherwise indicated on this plat. Quarter of Section 13, Township 29 North, Range 21 West, which is assumed Landmark Surveying, Inc. to bear North 89 degrees 34 minutes 25 seconds East. Office number: 651-433-3421 Washington County Recorder Deputy Scandia, Minnesota 55073 E-mail: inthefield@frontiernet.net