



STAFF REPORT

TO: Mayor Fischer and Members of the City Council

FROM: Corrin Wendell, AICP, Community Development Director
Chris Heineman, City Administrator

DATE: Wednesday, January 11, 2023

RE: Villas of Gervais Lake Subdivision

SUMMARY

The purpose of this workshop is to review the background of the Villas of Gervais Lake subdivision and consider potential changes by the developer to the Preliminary Plat that would reduce or eliminate the requested variances. These options include:

- 1) Revised development proposal with public road & 7 parcels (Variance for 8-foot reduction of Lot Depth from 130 feet to 122 feet)
- 2) Revised development proposal with private road & 7 parcels (No variances required)

City staff is requesting feedback from the City Council on which of these two options is preferred moving forward. Based on the feedback received by the Council, it is anticipated that the applicant would submit a Preliminary Plat application for the Planning Commission meeting on January 26. A Public Hearing would then be scheduled for the City Council meeting on February 8.

BACKGROUND

City staff was initially approached in March of 2022 by Sean Keats from Cara Builders, LLC about the potential subdivision of a 3.12 acre parcel located north of Little Canada Road and bordered by Edgerton Street to the east and Gervais Mill Park to the north. The parcel is in the R-1 single family zoning district and is the last undeveloped remnant of the Huot property.

There are several unique circumstances related to this site including grade and topography changes of approximately 28 feet (884' to 912') on the south end and 20 feet (884' to 864') on the north end of the parcel. The north end of the parcel is also designated as a floodplain and may only be used for drainage and stormwater retention. In addition, site access is limited and Ramsey County will only allow a road at the north end of the parcel to maintain sufficient distance from the Edgerton Street and Little Canada Road intersection. These issues create practical difficulties, but it remains a prime residential development site.

City staff worked with the developer on eight site plans before arriving at a layout that would work for the site with minimal variances. The initial site plan included 11 single-family lots and

was ultimately reduced to 8 single-family lots before being presented to the Planning Commission. The Planning Commission reviewed the application at the July 14th Planning Commission meeting and voted to recommend approval (5-1) to the City Council.

The City Council conducted a public hearing and considered the Preliminary Plat application at the July 27 City Council meeting. Based on feedback from residents, the City Council recommended reducing the site plan to seven single-family lots and referred the application back to the Planning Commission. The Planning Commission reviewed the recommended changes to the Preliminary Plat and additional information from the watershed district at their August 11 meeting and once again recommended approval to the City Council.

The City Council reviewed the preliminary plat application for a second time at the City Council meeting on August 24th. At that time, the stormwater management plan for the proposed subdivision had not been formally approved by the watershed district. This step is typically completed between the preliminary and final plat approval process. Due to the unique circumstances of this site and the concerns raised by local residents, the City Council tabled the preliminary plat application until more information related to stormwater management was available from the Ramsey-Washington Metro Watershed District (RWMWD).

Based on the feedback from the City Council and local residents, the developer made several adjustments to the preliminary plat. This included the removal of a majority of the retaining wall along the west side of the site which will reduce the amount of grading and soil correction required. The lots on the west side of the development also include tuck-under garages to reduce grades in that area. One lot was eliminated, reducing the total lots from 8 lots to 7 and decreasing the overall density of the site. An outlot was also created on the north end of the parcel to accommodate stormwater management for the entire site. The street grade was also reduced from 8.0% to 7.5% with a 2.5% grade near the intersection with Edgerton Street.

The Watershed District approved the stormwater permit application for the Villas of Gervais Lake subdivision at their meeting on November 5 based on the changes above. The RWMWD was also asked to review proposed changes to reduce the variances and they had no additional comments or concerns. The watershed grading permit remains pending receipt of the following items:

1. The applicant shall submit a copy of the final, signed plans set.
2. The applicant shall submit a copy of the approved Minnesota Pollution Control Agency's NPDES Construction Permit coverage for the project.
3. The applicant shall submit contact information for the trained erosion control coordinator responsible for implementing the Stormwater Pollution Prevention Plan (SWPPP).
4. The applicant shall submit the escrow fee of \$14,500.

The City Council voted to deny the Villas of Gervais Lake Preliminary Plat and variance application at the November 30 City Council meeting. Following this decision, staff met the applicant to discuss potential options for moving forward. The developer has begun to explore legal options, but would prefer working with the Council to find an acceptable solution. The City Attorney also reviewed the City Council action and issued a legal opinion advising the City to

review an updated site plan that closer meets the direction of the Council. The proposed site plan will be presented at the workshop for your consideration.

Timeline (2022):

- July 14th – Planning Commission
 - Preliminary Plat and Variance – recommended Approval to the City Council
- July 27th – City Council
 - Preliminary Plat and Variance – Tabled and directed back to Planning Commission for more information (watershed information)
- August 11th – Planning Commission
 - Preliminary Plat and Variance– recommended Approval to City Council
- August 24th – City Council
 - Preliminary Plat and Variance – Tabled for more information
- November 30th – City Council
 - Preliminary Plat and Variance - Denied

KEY AREAS OF DISCUSSION AND REVIEW:

The proposed process for the applicant is to have the Preliminary Plat and Variance reviewed by the Planning Commission which will send a recommendation to the City Council. The City Council will then conduct a public hearing. If the Preliminary Plat and Variance is approved, the applicant can then apply for the Final Plat and Variance and attend a Planning Commission for their recommendation prior to final approval from the City Council. This development proposal will be seen in two phases, one for the Preliminary Plat and one for the Final Plat. For this process, a public hearing is required at the City Council meetings. Letters of notification are mailed to residents within 350 feet of the site and the notice is published in the Pioneer Press. With the previous application, the neighborhood was noticed three separate times and the Commission and Council received public participation at both the Planning Commission and City Council meetings.

Proposal

- To subdivide the parcel into seven lots creating seven new homes. Options include:
 1. Revised development proposal with public road & 7 parcels (Variance for 8-foot reduction of Lot Depth from 130 feet to 122 feet)
 2. Revised development proposal with private road & 7 parcels (No variances required)

Variance Request (for Public Street option)

- The site plan with the public street shows a lot depth of the four western parcels of 122 feet, which is 8 feet less than the standard.
- The request is for 122 feet in lot depth length (130 feet requirement), leaving a Variance request of 8 feet for four of the seven lots.
- The proposal meets the requirements of the zoning code, except for one area of Lot Depth. There is a brand-new standard (with the Zoning Code update in 2020, that requires lots to be 130 feet in length, this has not been the requirement before 2020, there was not one in place). The request is for 122 feet in length, leaving a Variance request of 8 feet.

- The variance process is intended to provide limited relief from the strict requirements of the ordinance in those cases where the reasonable conditions of a particular requirement will create practical difficulties because of circumstances unique to the property. Variances are intended to address extraordinary, exceptional or unique situations that were not caused by the applicant's act or omission.
- The property is found to be unique due to the floodplain location on the north end of the site, requirements of stormwater that occupy a large portion of the site which is then unbuildable, and topography and slopes of the site that make the layout of the site in a particular way to avoid steep slopes.
- The property is found to be of a unique situation that was not caused by the applicant's act or omission.
- Similarly, other parcels within the City are found to have steep slopes, challenging topography, hills, bluffs, and other land characteristics that require creativity to build and often variances are necessary that meet our definition for exception within the zoning code.

City Review:

Preliminary Plat areas of review (Section 1005.020 of the Subdivision Code)

- General Requirements – includes Name of Subdivision, Location of boundary lines and legal description, Developer information, graphic scale, date and north arrow.
- Total acreage of plat, existing zoning classification, location of existing sewers, water mains, topography data, subsurface ground water information, layout of proposed street, locations of proposed sewer lines and water mains, all easement information, setback lines, water supply, sewage disposal.
- Supplemental information may include but can be waived by the City Administrator: covenants, soil survey, tree coverage survey, provision for surface water disposal, ponding, drainage, and flood control, vegetation preservation plan.
- The items listed above have been submitted to the city and the proposed development information has been received, reviewed, and noted to be in compliance with city standards.

Final Plat areas of review (Section 1005.030 of the Subdivision Code)

- Name of subdivision
- Location and legal description of plat and survey
- Location of monuments
- Location of lots, streets with accurate dimensions, scale
- Statement of dedicated easement, utility and drainage facilities

Items reviewed by staff for Zoning Compliance

- Site Plan review and approval
- Zoning Requirements
 - Parking
 - Landscaping
 - Tree Preservation

- Fences
- Buildable Area
- Setbacks
- Lot Area
- Lot Width
- Lot Depth
- Building Height
- Building Materials
- Impervious Surface
- Shoreland District requirements

Items reviewed by Building Official at the time of Building Permit Application

- Home design and layout
- Building Height
- Park Dedication (collected at time of building permit application)

Zoning Compliance

- The property is zoned R-1, Low Density Residential (Density range 2.5-4 units/acre).
- The proposal meets the requirements of the zoning code, except for one area of Lot Depth. There is a brand-new standard (with the Zoning Code update in 2020, that requires lots to be 130 feet in length, this has not been the requirement before 2020, there was not one in place). Many parcels within Little Canada are less than 130 feet in depth. The request is for 122 feet in length, leaving a Variance request of 8 feet.

Comprehensive Plan Compliance

- The parcel is guided Low Density Residential that allows for single-family homes with a density range of 2.5-4 units/acre.
- The proposed development complies with the Comprehensive Plan as it meets the density and land use requirements.
- The density for this proposed development is 7 units/ net acres 1.96 acres (85,638 sf) is 3.57 units/acre, which is within the desired range.

City Engineer Review

- This proposal has been reviewed and meets all engineering criteria by the City Engineer.

Development Review Committee

- This proposal has been reviewed and accepted by the Development Committee that consists of the Community Development Director, City Administrator, Public Works Director, City Engineer, and Building Official.

Related Agencies Review:

Watershed District

- The watershed district reviews all proposed developments within the City for stormwater management requirements. This proposal has been reviewed and approved by the watershed.

- Like many properties within the City, this parcel is located within the Shoreland Overlay District and the northern portion of the parcel is located in Zone A per the FIRM floodplain maps. The RWMWD, Watershed District, has made a “no delineation” for a wetland. There are no wetlands within the evaluation area.
- Stormwater management for the proposal has been met.

Ramsey County

- Ramsey County staff reviews all proposed developments within the City. This proposal has been reviewed and approved by the County.
- The roadway access to Edgerton from the proposed development has been met and follows County guidelines and distance from the intersection.