



## STAFF REPORT

TO: Planning Commission Chair and Members of the Planning Commission

FROM: Corrin Wendell, AICP, Community Development Director

DATE: Thursday, March 9, 2023

RE: Final Plat and Variance – 0 Edgerton Street (PID 052922340061) – Villas of Gervais Lake – Case #1414

### **ACTION TO BE CONSIDERED**

To consider recommending approval of a Final Plat and Variance application for the property located at 0 Edgerton Street (PID 052922340061) to subdivide the parcel into 7 parcels with an 8-foot reduction of Lot Depth from 130 feet to 122 feet for 4 of the 7 parcels located on the west side of the subdivision.

### **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 14<sup>th</sup> 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 (5-0) to the City Council.

The City Council reviewed the preliminary plat application for a second time at the City Council meeting on August 24<sup>th</sup>. 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 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.

On January 11<sup>th</sup>, City Council met at a workshop 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 included:

- 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 requested feedback from the City Council of which of these two options is preferred moving forward. Based on the feedback received by the Council, the applicant submitted a Preliminary Plat application to the Planning Commission meeting for their meeting on January 26. The Planning Commission recommended approval to the City Council. A Public Hearing was scheduled for the City Council meeting on February 8. At this meeting, the City Council advised the applicant that Option 1 was preferred and moving forward was a good next step in the process to receive review from the Planning Commission on the changes made. At the City Council meeting on February 8<sup>th</sup>, the City Council approved the Preliminary Plat and Variance for the development and the applicant is now moved onto the Final Plat process.

**Applicant:**

Sean Keatts  
Cara Builders, LLC  
1475 18<sup>th</sup> Ave, N.W.  
New Brighton, MN 55112

**Owner:**

Pinot Properties, LLC, 4038 Valentine Court, Arden Hills, MN 55112.

**Address/Location:**

0 Edgerton Street, Little Canada. The property is located east of I-35E and south of I-694W within the Little Canada city limits.

**Property Legal Description:**

HUOT ADDITION OUTLOT A (PID 052922340061)

**Property Acreage:**

3.12 acres, subject to any drainage and utility easements. This property is also subject to any other easement of record.

**Zoning:**

The property is zoned R-1, Low Density Residential

**Timeline (2022):**

- July 14<sup>th</sup> – Planning Commission
  - Preliminary Plat and Variance – recommended Approval to the City Council
- July 27<sup>th</sup> – City Council
  - Preliminary Plat and Variance – Tabled and directed back to Planning Commission for more information (watershed information)
- August 11<sup>th</sup> – Planning Commission
  - Preliminary Plat and Variance– recommended Approval to City Council
- August 24<sup>th</sup> – City Council
  - Preliminary Plat and Variance – Tabled for more information
- November 30<sup>th</sup> – City Council
  - Preliminary Plat and Variance - Denied
- January 11<sup>th</sup>, 2023 – City Council Workshop

- Changes to site plan reviewed and recommended going forward with the application process
- January 26<sup>th</sup>, 2023 – Planning Commission recommends approval for the Preliminary Plat and Variance.
- February 8, 2023 – City Council approves the Preliminary Plat and Variance.

**KEY AREAS OF DISCUSSION AND REVIEW:**

**Proposal**

- To subdivide the parcel into seven lots creating seven new homes.
  1. Revised development proposal with public road & 7 parcels (Variance for 8-foot reduction of Lot Depth from 130 feet to 122 feet)

**Variance Request (with Public Street)**

- 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.

**Practical Difficulties:**

1. The property owner proposes to use the property in a reasonable manner permitted by this ordinance;
2. The plight of the land owner is due to circumstances unique to the property not created by the landowner;
3. The variance will maintain the essential character of the locality.
4. Economic considerations alone shall not constitute a sufficient basis for a Variance if reasonable use for the property exists under the regulation.

**Findings:**

- 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.
- The physical, topographical, and slope aspects of the property are the main reason for the variance request in that it produces an extreme hardship that is limited to the uniqueness of the site, along with the floodplain located on the site.
- If this parcel was a normal, flat parcel, at 3.12 acres, and had regular driveway access to Edgerton, the applicant would be able to fit up to 12 lots (at 4 un/acre). Because of the slope of Edgerton, normal driveway access is not possible creating a need to build a public road to access the site and create lots at the increased elevation. This limits the use of the site from 12 lots down to 7 lots in addition to the floodplain area, utilized only for stormwater, which further takes away acreage from development occurring.

### **City Review:**

#### **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.

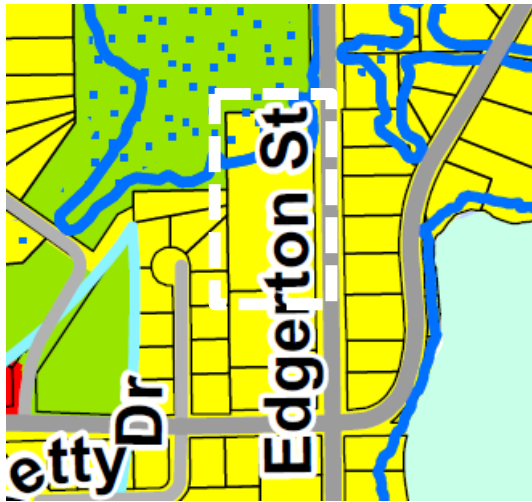
#### **Ramsey County**

- 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.

AERIAL MAP (Source: Ramsey County GIS)



ZONING MAP (R-1)



COMPREHENSIVE PLAN FUTURE LAND USE MAP (Yellow, Low Density Residential)



**FINDINGS**

**What is a Major Subdivision?**

A major subdivision is a division of a single parcel, lot, or tract into four or more separate parcels, lots, or tracts. Subdivision by definition is the division of land by platting, conveyance, registered land survey or other means into four or more lots, plats, sites or other divisions.

**Major Subdivision Filing Requirements:**

- 1) Legal Description of land you want to divide.
- 2) Proposed split line(s). Clearly identify each new parcel.
- 3) Dimensions of all property lines and Proposed use and area of each new lot.

Block 1, Lot Number	Lot Area	Lot Width	Lot Depth
1	11,618 sf	80.61 ft	144.13 ft
2	10,004 sf	82 ft	122 ft
3	10,004 sf	82 ft	122 ft
4	14,688 sf	87.39 ft	122 ft
<b>Outlot A</b>	26,923 sf		
Block 2, Lot Number	Lot Area	Lot Width	Lot Depth
1	11,000 sf	78.50 ft	140 ft
2	10,125 sf	75 ft	135 ft
3	20,191 sf	75 ft	269.22 ft



Section 904.020 R-1, Low Density Residential states the requirements for parcels within the R-1 zoning district.

	Front	Side	Corner Side	Rear
Single-Unit Dwelling	30 <sup>1, 2, 3</sup>	7.5 <sup>4</sup>	20 <sup>5</sup>	40
Driveway	Not applicable	5	20	--
Parking <sup>6</sup>	10	5	20	5
Porch	22 <sup>2</sup>	7.5	20 <sup>2</sup>	30
Deck	22 <sup>2</sup>	7.5	20 <sup>2</sup>	30

**Table 904-4: Minimum Lot Dimensions, R-1 District**

	Area	Width	Depth
Single-Family Detached Building			
Interior lot	10,000	75	130
Corner lot	11,000	80	130

- 4) Existing and proposed drainage and contour plan. The easements must be reflected on the survey.
- 5) Location and widths of proposed utility easements.
- 6) Existing street rights-of-way, railroad and utility rights-of-way, parks and other public open space, permanent building and easements within the existing lot and adjoining lots.
- 7) Areas, other than street and utility easements, that you intend to dedicate for public use, including their areas.
- 8) Scale of the drawing and north arrow.
- 9) Certificate of Survey.

**Section 915, General Development Requirements:**

Off-Street Parking and Loading: 1, 2, and 3-unit buildings, (2) spaces per dwelling unit for residents’ use counting the space in the driveway. *The proposal complies with this requirement and provides 2 spaces per unit.*

**Section 915.140, Landscaping and Screening:**

Single-family detached houses shall have at least one overstory tree per house, with a minimum caliper size of 2.0 inches. Existing trees may count toward this requirement. *The proposal has a Landscaping Plan and is attached.*

**Park Dedication:**

Per City Code, parcels that are subdivided are subject to a park dedication fee of either a portion of the land donated to the City or a fee in lieu of donated land. This will be negotiated through the Development Agreement process and collected ahead of building permits.

**Public Hearing:**

A Final Plat and Variance requires a Public Hearing and the City Council will open the hearing at their March 22, 2023 meeting to take comment from the public. At that time, they considered the comments from the public. Public hearing notice letters were sent to addresses within 350 feet of the parcel as well as to the Pioneer Press for publication.

**RECOMMENDED ACTION**

To consider recommending approval of a Final Plat and Variance application for the property located at 0 Edgerton Street (PID 052922340061) to subdivide the parcel into 7 parcels with an 8-foot reduction of Lot Depth from 130 feet to 122 feet for 4 of the 7 parcels located on the west side of the subdivision.