City Council Agenda Report

City of Long Lake
450 Virginia Avenue, PO Box 606
Long Lake, MN 55356

MEETING DATE / September 17, 2024

SUBJECT:	Review of Development Application for 'Wilds on Wayzata' Proposed Subdivision, 925 Wayzata Boulevard W
APPLICANT:	Flip & Gina Carlson, Wilds on Wayzata LLC
PROPERTY OWNERS:	Dylan Carlson & Alec Martinez
PREPARED BY:	Hannah Rybak, City Planner Jeff Oliver, City Engineer

Report Date: 9/11/2024

Overview / Background

The Applicants have submitted a development application for the review of a Master Development Plan for a Planned Unit Development (PUD), a Rezoning to the Planned Unit Development District, a Preliminary Plat and Final Plat located at 925 Wayzata Boulevard W. The purpose of the request is to split the existing single-family lot into four developable single-family lots.

This application was originally received by the City in April of 2023. Since then, the Applicants have submitted approximately 10 iterations of these plans, for various three and four lot subdivisions. Staff identified many issues with these iterations, and outlined areas of the plans that do not conform to the Long Lake Zoning and Subdivision Ordinances. To account for the areas that do not conform to the Code, the Applicants have now requested that their application be processed through a Planned Unit Development (PUD) District. Developments processed through a PUD can be granted flexibility from zoning and subdivision provisions. This application, as submitted, has not been deemed "complete" by staff. There are several items missing from the list of required submittals for a PUD Master Development Plan, and there are many engineering-related issues that have not been addressed by the submitted plans. Staff have made the Applicants aware of these missing and unaddressed items but the Applicants have not relented from their position that they wish for this configuration to be presented to the Planning Commission and City Council for consideration. So, staff is honoring that request and bringing it forward for review, despite the application being deemed incomplete by staff.

The subject property contains one single-family home and 51 trees. The lot is 52,663 SF, or 1.2 acres, and contains approximately 215 feet of frontage along Wayzata Boulevard W. The proposed project would include the removal of the existing home, and the splitting of the property into four new single-family lots. The subdivision would essentially quarter the property into rectangular lots. The two eastern lots would have frontage along Wayzata Boulevard W, and the two western lots would be situated behind the front lots, and would have no frontage. The Applicants have proposed a single access for a "private road" to be shared between the four lots. The road would be situated down the middle of the lots, on the shared interior property line. It would run the length of the eastern two (front) lots, and continue down the middle of the western two (rear) lots. The plans show the homes being oriented to "front" on the private road, rather than Wayzata Boulevard W. Private roads are only permitted in the PUD District; under the existing R-1 Zoning, this would be considered a shared driveway.

Staff has reviewed the project for compliance with the current R-1 Single Family Residential zoning.

	Lot Area	Lot Width	Frontage on a public street	Direct access to an improved roadway
R-1 Minimum Requirement	**10,000 SF**	**75 feet**		
Lot 1	16, 438 SF	102.97 feet	Yes	Yes
Lot 2	12,312 SF	111.89 feet	No	No
Lot 3	10,573 SF	111.89 feet	No	No
Lot 4	13,339 SF	105.44 feet	Yes	Yes

The following items would require variances under current R-1 zoning:

- Lack of frontage on a public street for Lots 2 and 3
- Lack of direct access to an improved roadway for Lots 2 and 3 (access crosses entirely through Lots 1 and 4)
- Shared driveway for 4 lots (max is 2 lots sharing a driveway)

Rather than requesting these variances, the Applicants have requested to rezone the property to the PUD Planned Unit Development District.

Property Information

The current zoning and Comprehensive Plan land use designation for the properties are as follows:

Current Zoning:	R-1 Single Family Residential
Requested Zoning:	Planned Unit Development
2040 Comprehensive Plan Designation:	Low Density Residential

Project Location

925 Wayzata Boulevard W

Planned Unit Development Eligibility

Section 5, Subd. 6, A Lot Requirements:

2. The minimum area for all PUD developments outside the Downtown Village Mixed Use area as identified in the Comprehensive Plan shall be two acres unless the City Council finds that:

a. *The PUD and Master Development Plan includes two distinct land uses.*

   Single family residential is the sole use proposed. **Criterion not met.**

b. *There are existing natural features on the property that would be impacted if development occurred according to the existing zoning of the property.*

   The only existing natural features on the property are the existing trees. This development plan is more harmful to the trees than an allowable development meeting standard zoning requirements would be. **Criterion not met.**

c. *The PUD and Master Development Plan requirements and process provides for development that is compatible with the planned land uses of the surrounding area.*

   All surrounding properties are single family residences that largely comply with current R-1 Low Density Residential zoning. The lack of frontage for two of the lots, and small lot size (in comparison to surrounding properties) is not compatible with the surrounding area. Additionally, based on the grading plan provided, it appears that neighboring properties could be directly impacted by drainage and tree damage. **Criterion not met.**

Staff does not find any of the above criteria to be met, and as such finds that this project is not eligible to be processed through a PUD.

Lot and Building Requirements

Lot Area
- PUD area requirement: 2 acres
  - Proposed: 1.2 acres

Density
- Low density residential: 3-7 units per acre
  - Proposed: 4 units per acre

Height
- 35 feet maximum
  - No building plans provided – height cannot be evaluated

Setbacks
- R-1 District Setbacks
  - Front yard: 35 feet
  - Side yards: 10 feet
  - Rear yard: 25 feet
- PUD District Setbacks for Single-Family Development
  - Front yard: 25 feet
  - Side yards: 5 feet
  - Rear yard: 10 feet

The plans show a concept building pad on each lot that meets both R-1 and PUD District setbacks.

Tree Preservation and Landscape Plan

The Applicants have provided a tree inventory on the Existing Conditions survey. There are 51 significant trees on the property.

The Applicants have not submitted a Tree Preservation or Landscape Plan. Based upon the Grading Plan provided, most if not all of the trees would need to be removed to accommodate this development. Additionally, it appears that the root systems of trees located on neighboring properties will be impacted by the proposed grading. This proposal is in conflict with the following provisions located in *Section 33: Tree Preservation and Landscape Standards*:

Subd.1: Purpose. It is the policy of the City of Long Lake to recognize and preserve existing natural resources of the community, and to encourage the greening of the City. The City Council finds that the preservation of trees and other vegetation, where practicable, is in the best interest of City residents' health and welfare.

Subd. 5, Landscape Requirements for Development and Redevelopment Plans., B, 2. Design Considerations. During the planning process, it is expected that all measures will be taken to protect significant trees and woodland areas on, or adjacent to, the parcel and that roads, utilities and structures will be sited to minimize the impact on trees and natural areas. Extensive clearing of undergrowth and/or disturbance of the ground litter layer should not occur in areas where trees are to be preserved.

Fire Comments

The City of Long Lake Fire Chief has reviewed the plans and offers the following comments:

The proposed plans do not provide fire apparatus access consistent with Appendix D of the 2020 Minnesota State Fire Code. Appendix D addresses minimums for turn arounds on dead end fire apparatus access roads. The use of the full length of the private driveways for maneuvering as shown in the turning movement exhibit included in the plans does not meet the requirements of the Fire Code.

Engineering Comments

City Engineer Oliver has conducted a preliminary review of the site and identified a preliminary list of requirements as follows:

ALTA Survey

- The existing topography on the ALTA survey is insufficient to understand drainage patterns between the subject property and adjacent properties. Topography must be shown a minimum of fifty feet beyond the boundary of the subject property on this, and all other plan sheets with topography shown.

- This plan sheet identifies an existing catch basin in the right-of-way for Wayzata Boulevard near the southeast corner of the site. There is no outlet pipe for this catch basin shown. This information must be included on this plan sheet and all other applicable plan sheets.

Preliminary and Final Plats

- All non-standard drainage and utility easements must be labeled and dimensioned on the preliminary and final plats.

- Hennepin County standards for the right-of way on Wayzata Boulevard is 60 feet on each side of the centerline of the roadway. The preliminary and final plats do not meet this requirement. The Hennepin County Transportation Department should comment on this issue.

- Although the location of the shared driveway for the four proposed lots is not specifically labeled on the plans, it is assumed to be 20 feet wide and centered within the Drainage and Utility Easement shown on the site plan. A joint use driveway easement must be shown on the preliminary plat for the proposed driveway, allowing each of the property owners full access across other private properties. This easement, or a maintenance agreement, must also be established to outline all maintenance of the driveway, including snow removal, pavement preservation and reconstruction of the driveway. The easement and maintenance agreement must be recorded against all four proposed lots.

- The Turning Movement exhibit in the plans shows the ladder truck access into the site will include wheel paths to the outside edge of the center driveway. The plan also includes utilizing the private driveways for Lots 2 and 3 for a multi turn movement, including backing, turn around on the end of the driveway. The wheel paths also appear to leave the driveways and cross turf areas. These issues will also likely be present for garbage and delivery trucks. The fire chief should comment on the acceptability of the width and access driveway as proposed.

- The proposed 20 foot wide central driveway will effectively be narrowed significantly in the winter due to "snow bank creep", resulting in a situation where passage of two vehicles going opposite directions will be difficult or impossible.

Watermain and Sanitary Sewer

- A 20 foot wide Drainage and Utility Easement is shown on the center lot line, with the sanitary sewer centered on the lot line. Required separation between the sanitary sewer and watermain is 10 feet, placing it at the front lot line for Lots 1 and 2. However, the watermain is not shown in the required location. In addition, there must be a ten foot drainage and utility easement to the south of the watermain. These discrepancies must be reviewed and rectified by the developer.

- The proposed Utility Plan includes gravity sewer serving Lots1 and 4 flowing into a sump manhole in the common driveway. This manhole is labeled to include a "forcemain pump" that discharges into another manhole to the west. This proposed design is non-standard and must be revised to include a standard design for sanitary sewer systems that is consistent with the City Engineers Association of Minnesota Standards for Utilities, and the Minnesota State Plumbing Code.

- As proposed the sanitary sewer and watermain exit the easement covering the common driveway near the west property line, turn south and includes multiple turns to connect to the existing sanitary sewer and water in the property to the west. This proposed design is problematic for operations and maintenance of the sewer and water systems, including the potential for a build up of solids in the sewer. The design must be revised to prevent these maintenance concerns.

- An additional hydrant must be included near the end of the common driveway for fire department hookup. Final details of hydrant locations to be approved by the Fire Chief.

- The need for an air relief valve near the proposed connection point to the existing watermain west of the property will be determined during final plan review.

Storm Sewer

- Review and approval of the plans by the Minnehaha Creek Watershed District is required.

- An independent review will be provided by WSB for storm sewer system and drainage. This review will include recommendations on the need for additional storm sewer in front and rear yards to reduce or eliminate runoff across driveways and through adjoining properties.

- The proposed plans include two infiltration basins located on the east side of the site immediately adjacent to Wayzata Boulevard. As discussed earlier in this memo, Hennepin County may require dedication of additional right of way in the southeast corner of the property, and one of the infiltration basins may be partially within the dedicated right of way. The applicant should contact the Hennepin County Transportation Department to determine if the infiltration can be located within the right of way as a permitted use. The applicant should pursue this question as soon as possible in order to make design decisions if the basin cannot be located in the County right of way.

As a condition of approval, the City Engineer will have final review and approval of the above technical details.

Staff Comments and Findings – Master Development Plan

The Planning Commission shall base their comments and the City Council shall base their actions regarding the application for a Master Development Plan on consideration of:

a. *The City of Long Lake Comprehensive Plan and Design Guidelines, as may be amended from time to time;*

The proposed development is in conformance with the Comprehensive Plan guidance of Low Density Residential. However, there are several goals within the Comprehensive Plan that the proposed development is in conflict with:

Goal: Provide a mix of housing options for all stages of life

- *As families age, alternative housing styles should be considered allowing residents to remain in Long Lake throughout their lives.*
- *Provide housing opportunities, which meets the needs of all generations and income levels, particularly varying type of independent and accessible senior housing.*

Goal: Protect the environment

- *Promote and protect natural resources areas in the review and approval of new development*
- *Embrace public and private actions to preserve and enhance our lakes, wetlands, and trees as a significant aesthetic, recreational and economic value to be preserved for all generations*

The proposed development does not contribute to the diversification of land uses within the city, nor does it protect the existing trees on the site, therefore it may not warrant the flexibility requested through the PUD. **Criterion not met.**

b. *The effect of the development on the neighborhood and surrounding area of the City;*

The immediate area is characterized by a rural feel, with large lots and many existing mature trees. The proposed development would squeeze in four large homes on relatively small lots, and require the removal of many trees. There is varying topography in the area, which could lead to drainage problems that would negatively impact neighboring properties. **Criterion not met.**

c. *The impacts of the development on community facilities including but not limited to adjacent roadways and parks;*

The proposed development will have no impact on Wayzata Boulevard W or City parks. **Criterion met**.

d. *The quality of design of the project and its relationship to adjacent planned uses;*

The Applicant has not provided plans for the proposed buildings, so it is not possible to evaluate the aesthetic impact of the development. However, the configuration of the project is concerning. The

concept building pads show large home footprints on relatively small lots. The lot sizes are significantly smaller than others in the area. This coupled with the necessary tree removals to facilitate the development could lead to this project looking out of place in the context of the immediate area. **Criterion not met.**

e. The compliance of the application with the purpose and requirements of the PUD district; and

The purpose and intent of the PUD District, outside of the Downtown Village Mixed Use Area, includes:

- Preservation and enhancement of desirable environmental features on property such as mature trees, vegetative buffer areas, significant slopes and water-related features.
- Development that implements goals or policies of the Comprehensive Plan throughout the City of Long Lake.

The proposed development is not consistent with either of the above statements. **Criterion not met.**

f. Other such factors as the City finds relevant to the evaluation of the application.

The proposed plans lack topographic detail on adjacent properties to allow evaluation of potential impacts to those properties. In addition, the proposed sanitary sewer and water systems do not appear to meet current standards of the City of Long Lake, and across the state. The proposed site grading includes drainage across driveways through back yards within the development that are concerning and can likely be addressed with additional storm sewer. Access for fire apparatus, delivery and garbage trucks, appears to be difficult without exiting the driveway and performing backing operations. During winter months, it appears that space constraints will make it difficult or impossible for multiple personal vehicles to simultaneously travel in opposite directions on the proposed driveway. **Criterion not met.**

Staff Comment and Findings – Rezoning to the PUD District

The Planning Commission and City Council may approve the rezoning of the property of to a Planned Unit Development concurrently with the approval of the Master Development Plan. **Based on the findings in this report, staff does not recommend approving the Master Development Plan or rezoning the property to PUD.** Specifically:

1. The proposed development does not satisfy any of the criteria to permit the use of a PUD District on land located outside of the Downtown Village Mixed Use District, totaling less than two acres in size. In staff's opinion, this fact alone prohibits the approval of the Master Development Plan.
2. The proposed development is in conflict with provisions in the City's Comprehensive Plan and Tree Preservation Ordinance.
3. The proposed development is not in keeping with the character of the area and potential negative impacts to adjacent property have not been addressed by the plans provided with this application.
4. The proposed development is in conflict with the purpose and intent of the PUD District as it relates to property outside of the Downtown Village Mixed Use District.
5. There are serious concerns associated with passenger vehicles, delivery vehicle and trash collection vehicle access, which are not addressed by the submitted plans.
6. The proposed access does not meet the specifications found within the Minnesota State Fire Code for emergency access.

Staff Comments and Finding – Platting

Below are the Ordinance requirements for approval of a Preliminary and Final Plat. The proposed Preliminary and Final plats cannot be approved without either approval of the Master Development Plan and subsequent rezoning to the PUD District, or variances to account for the areas of the plans that do not conform to Zoning and Subdivision Ordinance requirements. The Applicants have not applied for any variances. **Based on these facts and the recommendation above related to the Master Development Plan and rezoning request, staff**

recommends denial of the proposed Preliminary and Final plats. Further, staff has found that the proposed plats do not satisfy all criteria required for the approval of preliminary and final plats, as outlined below.

Subdivision Design Standards (Section 18, Subdivision 6)

A. General

1. *All subdivisions shall comply with the Comprehensive Plan and the provisions of this Ordinance.* **Criterion not met.**

2. *All subdivisions shall be platted or described by Registered Land Survey in accordance with Minnesota Statute 505. No subdivision shall be allowed if the conveyance is described by metes and bounds.* **Criterion met.**

3. *The design of all improvements required by the subdivision of land shall comply with the:*
    a. *City of Long Lake Street & Utility Standards & Detail Plates, dated May 15, 2002, as amended from time to time, which are herein adopted by reference. Section 18 Page 13 09/07/2006*
    b. *City of Long Lake Stormwater Management Plan, dated August 2002, as amended from time to time.*
    c. *Any other plan and specification standards pertaining to the design of improvements adopted by the City, and*
    d. *Requirements of the Minnehaha Creek Watershed District (MCWD).*

    Criterion not met.

Section B. Overall Requirements.

1. *No subdivision shall be approved if the property is not suitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, rock formations or protected waters or wetlands.* **Criterion not met.**

2. *Land subject to life, health or property hazards shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.* **Criterion met.**

3. *Subdivisions shall be designed to complement the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the City.* **Criterion not met.**

4. *No plat shall extend over or onto another municipal or school district boundary.* **Criterion met.**

5. *If the subdivision plan shows that one or more lots may be resubdivided in compliance with the zoning district of the property and/or the Comprehensive Plan, the City may require the platting of public right of way and/or dedication of easements to allow for the extension of public roads.* **Not applicable.**

6. *Subdivisions shall be designed to the extent practical and reasonable so that lots obtain access from local streets rather than collector, minor arterial and arterial roadways.* **Criterion met.**

Primary Issues to Consider

1. Does the City Council find the proposed project to meet the criteria to utilize the PUD process on a lot that does not meet the minimum 2-acre area requirement (see Code standards below)?
    a. The PUD and Master Development Plan includes two distinct land uses.
    b. There are existing natural features on the property that would be impacted if development occurred according to the existing zoning of the property.

    c. The PUD and Master Development Plan requirements and process provides for development that is compatible with the planned land uses of the surrounding area.
2. Does the City Council find the proposed Master Development Plan to meet the ordinance requirements, as outlined by the criteria above?
3. Does the City Council find the Master Development Plan sufficient as to approve the rezoning to Planned Unit Development?
4. Does the City Council find that the proposed preliminary and final plats satisfy all requirements to be approved?

Planning Commission Recommendation

At their September 10, 2024 regular meeting, the Planning Commission held the public hearing and voted unanimously to recommend that the City Council deny the requested Master Development Plan, rezoning to the PUD District, and preliminary and final plats. The Planning Commission determined that the development is not eligible to be processed as a PUD. Additionally, they do not believe that submission of any of the outstanding information will be able to achieve compliance for the application, as it is currently proposed, due to the referenced issues. The draft resolution attached reflects this recommendation.

Alternative Action

1. If the City Council finds that this project, as proposed, potentially meets the criteria to be eligible for use of the PUD District and further would potentially support the request for rezoning for this project, depending on the details contained within the information that has not been provided by the Applicant, it is recommended that this item be tabled for future consideration to allow the Applicant to submit all required and requested information. This would include:
    a. Plan updates addressing all requirements in the "Engineering Comments" section of this report
    b. Plan updates demonstrating that the access complies with the Minnesota State Fire Code
    c. Submission of a Tree Preservation Plan depicting all mature trees that will be saved or removed (on both the subject property and trees located on neighboring properties that could be impacted)
    d. Landscape Plan indicating the species, size and planting specifications
    e. Renderings depicting the height, bulk and gross square footage of the uses including the number and size of dwelling units.
2. The City Council may decide to go against the recommendation of the Planning Commission and staff and approve the Master Development Plan, rezoning to the PUD District, and preliminary and final plats. The City Council will need to provide clear findings for approval and direct staff to prepare a resolution recommending approval. If this path is selected, the City Council should provide staff with direction as to any contingencies related to currently missing information.

Supporting Information

- Resolution No. 2024-44
- Land Use Application and supporting documentation
- Hennepin County Preliminary Review
- Minnehaha Creek Watershed District Comments – Wilds on Wayzata