

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0523R

AS AMENDED

RESOLUTION GRANTING AN AMENDMENT TO A LOW DENSITY PLANNED DEVELOPMENT SPECIAL USE PERMIT FOR BAYHILL COVE, A CLUSTER HOUSING DEVELOPMENT OF 15 HOMES LOCATED ON THE EAST SIDE OF BAYHILL DRIVE SOUTH OF PULASKI STREET/75TH AVENUE WEST (S.V. BAYHILL, LLC).

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) S.V. Bayhill, LLC, has submitted to the city council a request for an amendment to an existing approved special use permit for a 15 dwelling low density planned development on property legally described as follows:

(1) That part of Government Lot 2, Section 24, and that part of the SW1/4, SW1/4, Section 13, T49N, R15W, lying southeasterly and south of a line described as follows: commencing at the northwest corner of said Section 24, thence south 0 degrees 29 minutes 58 seconds east (assumed bearing), along the west line of said Section 24 a distance of 1,177.03 feet to the beginning of the line to be described; then north 32 degrees 34 minutes 45 seconds east along the southeasterly right-of-way line Burlington Northern, Inc. (formerly the Duluth transfer track of the Northern Pacific Railway) also being the northwesterly right-of-way line of the Lake Superior and Mississippi Railroad as described in deed recorded in Book K of deeds, page two, to the south line of said SW1/4 of SW1/4; then continuing northeasterly along the said southeasterly right-of-way line of the Burlington Northern, Inc., to the south line of Pulasky Street; thence southeast along the south line of Pulasky Street to the east line of said SW1/4 of SW1/4 except that part of Government Lot 2, Section 24, T49N, R15W, lying southeasterly, southerly and westerly of a line described as follows: commencing at the northwest corner of said Section 24, thence south 0 degrees 29 minutes 58 seconds east (assumed bearing), along the west line of said Section 24 a distance of 1297.96 feet to the beginning of the line to be described; thence north 32 degrees 34 minutes 45 seconds east along a line 66.00 feet distant and parallel with the southeasterly right-of-way of Burlington Northern, Inc. (formerly the Duluth transfer track of the Northern Pacific Railway) a

distance of 212.00 feet; thence south 57 degrees 25 minutes 15 seconds east a distance of 46.51 feet; thence southerly and easterly along a tangential curve concave to the north having a radius of 183.00 feet and a central angle of 49 degrees 21 minutes 28 seconds a distance of 157.65 feet and the cord of said curve bears south 82 degrees 05 minutes 59 seconds east; thence south 11 degrees 07 minutes 58 seconds east a distance of 307 feet, more or less, to the northwesterly bank of the St. Louis River and said line there terminating. Except that part platted as Spirit Cove Division; and

(2) Lots 19 through 24, Block 33, Hunter and Markells Grassy Point Addition according to the plat thereof; and

(3) Lots 26 through 29, Block 34, Hunter and Markells Grassy Point Addition according to the original plat thereof on file and of record in the office of the register of deeds; in an for said St. Louis County, Minnesota, in Book "C" of Plats, page 130; and

(b) Said permit application was duly referred to the city planning commission for a study, report and public hearing held during the regular meeting on August 11, 2008, and the commission has subsequently reported its recommendation of conditional approval to the city council; and

(c) The applicant's compliance with conditions set out in this permitting resolution will remedy any shortcomings identified by the city planning commission's findings of inadequacies in the submitted documents, and that compliance with the conditions contained herein will adequately protect the comprehensive plan and conserve and protect property values in the neighborhood and comply with City Code Section 50-32; and

(d) That a special use permit amendment is hereby granted to S.V. Bayhill, LLC, to construct a 15 unit cluster housing development on the above described property, subject to the following terms and conditions:

(1) That the project be limited to, constructed and maintained in accordance with the following plans, with the addition of a sidewalk adjacent to

one side of the roadway:

(A) Site plan and grading plan (c6) and grading/fill plan (c7) by Master Engineering entitled "Bayhill Cove," dated May 10, 2006, and date stamped by the planning department June 30, 2008, with the addition of a sidewalk adjacent to one side of the roadway;

(B) Building plans by Fox-1, entitled "SV Bay Hill LLV - Phase II," dated stamped June 30, 2008, in the planning department with plans having the following title:

1. Plan A - "The Spirit of the Bay";
2. Plan B - "The Bay View";
3. Plan C - "The Bay Walk";
4. Plan D - "The Back Bay";
5. Plan E - "The Back Bay #2";
6. Plan F - "The Back Bay #3";
7. Plan G - "The Back Bay #4";

(C) "Entry Monument Sign, L1," by Markell-labree Design Group (no date); ~~and~~

~~(2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the secretary of the planning commission without further planning commission or city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article IV.~~

Approved as to form:

Attorney

PC/PLNG KD:tmf 8/13/2008

STATEMENT OF PURPOSE: This resolution grants an amendment to a low density planned development special use permit that was approved by the city council on May 22, 2006 (Council Resolution 06-0374). The original project included 15 dwellings with two building types along a private roadway with a sidewalk adjacent to it. The applicant is seeking approval for the addition of three new building types and loss of the sidewalk. The applicant is only seeking to replace building types and not add any dwellings to the project.

Staff recommended approval with the condition that the sidewalk adjacent to the roadway be retained. Staff also recommends that the secretary of the planning commission be granted authority to approve future minor modifications to the approved plan so in the case that such modifications are proposed by the applicant no additional action would be required by the planning commission or city council.

The planning commission reviewed this request and held a public hearing at their regular meeting on August 11, 2008, and unanimously recommended approval of the special use permit amendment including staff's recommendations.

Petition received: June 30, 2008
Action deadline: October 28, 2008