



# CITY OF GRAND RAPIDS

NOTICE OF MEETING  
PLANNING COMMISSION

## Meeting Agenda Full Detail Planning Commission

**COUNCIL CHAMBERS**  
**CITY HALL - 420 N. Pokegama Ave.**  
**Grand Rapids, MN 55744**

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Tuesday, January 15, 2013

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

### Approval of Minutes

#### 12-0795

Approve the minutes of the December 6, 2012, 4:00 pm regular meeting.

**Attachments:** [December 6, 2012 Draft Mtg. Minutes](#)

### General Business

#### 12-0796

Consider a recommendation to the City Council regarding the vacation of a platted alley and a public use easement within the plat of Town of Grand Rapids.

**Attachments:** [UPM Vacation- Staff Report 1-3-13](#)

[UPM Vacation- Maps](#)

[UPM Public Vacation- Application](#)

[Public Vacation Considerations](#)

#### 12-0797

Consider a recommendation to the City Council regarding amendments to Chapter 30 Land Development Regulations that would amend multiple sections of Article V Subdivisions.

**Attachments:** [PC Staff Report 1-3-13 Subdivision Ord](#)

[Subdivision Ordinance DRAFT Amendments Article V - Subdivisions 1-3-13](#)

[League of MN Cities-Park Dedication Requirements](#)

[Zoning Ord. Text Amendment Considerations](#)

### Public Input

*Individuals may address the Planning Commission about any non public hearing item or any item not included on the Regular Meeting Agenda. Speakers are requested to come*

*to the podium, state their name and address for the record and limit their remarks to three (3) minutes.*

**Miscellaneous\Updates**

**Adjourn**

*NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:  
February 7, 2013*

## Server Error

The server encountered a temporary error and could not complete your request.

Please [try again](#) in 30 seconds.

# CITY OF GRAND RAPIDS

## Minutes - Final Planning Commission

COUNCIL CHAMBERS  
CITY HALL - 420 N. Pokegama Ave.  
Grand Rapids, MN 55744

Thursday, December 6, 2012

4:00 PM

Council Chambers

### Call To Order

### Call of Roll

**Present** 4 - Commissioner Lee Anderson, Commissioner Julie Fedje-Johnston, Commissioner Ron Niemala, and Commissioner Mark Gothard

**Absent** 3 - Commissioner Shane McKellep, Chairperson Michael Twite, and Commissioner Marn Flicker

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

### Approval of Minutes

Approve the minutes of the October 4, 2012, 4:00 pm regular meeting.

**Motion by Commissioner Anderson, Second by Commissioner Gothard to approve the minutes of the October 4, 2012 Regular Meeting. The following voted in favor thereof: Niemala, Fedje-Johnston, Anderson, Gothard. Opposed: None, passed unanimously.**

### General Business

Consider a recommendation to the City Council regarding the rezoning of a 2.1 acre parcel of land from PU (Public Use) to R-4 (Multiple-family Residential- high density).

*Community Development Director Mattei provided background information. Innovative Developers, LLP have requested the rezoning of the former St. Joseph's Catholic Church site from (PU) Public Use to R-4 (Multiple-family Residential-high density).*

*Motion by Commissioner Niemala, second by Commissioner Anderson that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward to the City Council a recommendation to approve the rezoning of property, as petitioned by Innovative Developers, LLP., legally described as: Lots 1-24 & the vacated N/S alley, Block 9, Grand Rapids First Division, Itasca County, Minnesota and as shown in the maps presented here today, from the established PU (Public Use) to R-4 (Multiple-family Residential-high density).*

*Commissioner Niemala read his considerations for the record:*

1. *Will the change affect the character of neighborhoods?*  
*No, it's already adjacent to CBD and existing R-4.*
2. *Would the change foster economic growth in the community?*  
*Yes, for a number of reasons it would provide two 18 unit four story housing facilities and increase the tax base.*
3. *Would the proposed change be in keeping with the spirit and intent of the ordinance?*  
*Yes, it would.*
4. *Would the change be in the best interest of the general public?*  
*Yes, it would be due to the location and the Comp Plan.*
5. *Would the change be consistent with the Comprehensive Plan?*  
*Yes, it fits with the mixed use category.*

*The following voted in favor thereof: Gothard, Anderson, Fedge-Johnston, Niemala.  
Opposed: None, passed unanimously.*

#### **Approved**

Consider a recommendation to the City Council regarding amendments to the Zoning Ordinance that would establish an *Educational Service Institution* use as a permitted use within the BP (Business Park) zoning district.

*Community Development Director Mattei provided a provided a power point presentation. Independent School District #318, submitted a petition requesting a text amendment to the Zoning Ordinance that would allow the district's Alternative Learning Center (ALC) to locate, as a permitted use, within the BP (Business Park) zoning district.*

*Mark Schroder- Assistant Principal Provided information on the ALC.*

*Jim Smokorivich- Principal Grand Rapids Senior High School explained the reason they chose this location.*

*The Commissioners reviewed the considerations.*

*Motion by Commissioner Niemala to table the item. Motion failed due to lack of second.*

*Motion by Commissioner Anderson, Second by Commissioner Gothard that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward a favorable recommendation to the City Council regarding the draft text amendments adding Educational Service Institution to the Definitions: Section 30-421 and as permitted use within the BP/SPB (Business Park), GB/SGB (General Business), CBD (Central Business District), and PU (Public Use) zoning districts: Section 30-512 Table-1 (Permitted Uses), and as a use permitted with restrictions (R) within the LB/SLB (Limited Business) zoning districts: Section 30-564 (restriction-Maximum size of structure shall be limited to 5,000 square feet gross floor area).*

*Commissioner Anderson read his considerations for the record:*

1. *Will the change affect the character of neighborhoods?*

*No, it is a good fit for Business Park. It is low traffic and low profile.*

2. *Would the change foster economic growth in the community?  
Allowing this type of business use in BP could encourage other alternative training facilities to locate here.*
3. *Would the proposed change be in keeping with the spirit and intent of the ordinance?  
Yes, low impact, low traffic basically low profile.*
4. *Would the change be in the best interest of the general public?  
Yes, training, teaching facility will be able to stay in Grand Rapids. This type of alternative education center is need in Grand Rapids.*
5. *Would the change be consistent with the Comprehensive Plan?  
Yes, future land use Business Park lists education and training facilities.*

*The following voted in favor thereof: Gothard, Anderson, Fedje-Johnston. Opposed: Niemala, motion passed.*

**Approved**

### **Public Input**

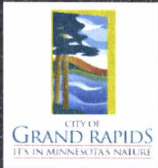
### **Miscellaneous\Updates**

Subdivision Ordinance Update Project

*Community Development Specialist Trast provided an update on the Subdivision Ordinance Project and provided a handout.*

### **Adjourn**

**Motion by Commissioner Anderson, Second by Commissioner Niemala to adjourn the meeting at 5:17 p.m. The following voted in favor thereof: Gothard, Anderson, Fedje-Johnston, Niemala. Opposed: None, passed unanimously.**



# Planning Commission Staff Report

<b>Agenda Item #2</b>	<b>Community Development Department</b>	<b>Date: 1/3/13</b>
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding the vacation of a platted alley and a public use easement within the plat of Town of Grand Rapids.	
<b>Background:</b>	<p>UPM Blandin Paper Co. submitted a valid petition on December 3, 2012 requesting the vacation of the following described <u>public right-of-way</u>:</p> <p style="text-align: center;"><i>N/S Alley LYG between Lots 1-12 &amp; Lots 13-24, Block 17, Town of Grand Rapids, Itasca County, Minnesota;</i></p> <p>and the vacation of the following described <u>public use easement (public access- including parking)</u>:</p> <p style="text-align: center;"><i>on that portion of vacated 2<sup>nd</sup> Street N LYG between the W boundary of the N/S Alley within Block 17, plat of Town of Grand Rapids and the W boundary of 1<sup>st</sup> Avenue NW (as described in City Resolution No. 01-83)</i></p> <p>As stated within the attached Public Vacation Application, the requested right-of-way and public use easement vacation, if approved, would allow the petitioner to secure and control access to its buildings and property in the immediate area.</p> <p>In October of 2001, the City Council adopted Resolution No. 01-83 vacating portions of 2<sup>nd</sup> Street NW and 2<sup>nd</sup> Avenue NW (<i>see attached</i>). Described within the resolution, the public use easement (described above) was retained by the city, as well as an *easement to access and maintain the trunk storm sewer within the area (<i>*this easement will continue to be retained</i>).</p> <p>In 2001 the Paper Co. owned the property on both sides of the right-of-ways to be vacated, and requested the vacations in an effort to help ensure the safety of its employees as they crossed the public street/avenue back-and-forth between Paper Co. buildings for work purposes. Blandin Paper Co. currently owns all of the properties on Block 17, plat of Town of Grand Rapids.</p> <p>As described in the attached email correspondence, the Public Utilities Commission supports the petitioned vacation, contingent on the City retaining utility easement over the entire area to be vacated, which is proposed in Blandin's vacation application. This easement would allow for</p>	

	<p>the maintenance of any public or private utilities (natural gas, telephone, etc.) currently located within the area to be vacated.</p> <p>There were no concerns or objections regarding the petitioned right-of-way vacation or the public use easement from the staff review committee which consists of the Public Works Department, Engineering Department, Community Development Department, Fire Department, Police Department, and the Grand Rapids Public Utilities Commission.</p> <p>Minnesota Statutes 412.851 governs the procedures for vacating a street (or a portion of) in a statutory city. Generally speaking, under this statute the City Council has the authority to vacate public right-of-way on its own motion or through a petition of the majority of the land owners. The petition presented by UPM Blandin Paper Co. represents 100% participation of adjacent land owners, and therefore is valid.</p>
<b>Considerations:</b>	<p>When considering the vacation of public right-of-way, the Planning Commission must make findings of fact based on the attached list of considerations.</p>
<b>Recommendation:</b>	<p>Staff recommends that the Planning Commissioners visit the site, review the comments submitted by the Review Committee, and review the relevant sections of the Comprehensive Plan.</p> <p>Prior to making a recommendation to the City Council to approve/not approve the vacation, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or not approve the right-of-way vacation.</p>
<b>Required Action:</b>	<p>Pass a motion forwarding a recommendation to the City Council for approval or non-approval of the proposed public right-of-way and public use easement vacation.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward to the City Council a recommendation to <b>(approve) (not approve)</b> the vacation of public right-of-way described as:</p> <p style="padding-left: 40px;"><i>N/S Alley LYG between Lots 1-12 &amp; Lots 13-24, Block 17, Town of Grand Rapids, Itasca County, Minnesota;</i></p> <p>and vacation of a public use easement described as:</p> <p style="padding-left: 40px;"><i>on that portion of vacated 2<sup>nd</sup> Street N LYG between the W boundary of the N/S Alley within Block 17, plat of Town of Grand Rapids and the W boundary of 1<sup>st</sup> Avenue NW (as described in City Resolution No. 01-83)</i></p>



	<p><u>Contingent on the following stipulation(s):</u></p> <ul style="list-style-type: none"><li>• A utility easement is retained over the area of the vacated N/S alley.</li></ul>
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Site Map</li><li>• Public Vacation Application/Petition</li><li>• Staff Review Committee Comments</li><li>• City Resolution No. 01-83</li><li>• List of the Planning Commissions Vacation Considerations</li></ul>

Councilmember Sanderson introduced the following resolution and moved for its adoption:

**RESOLUTION NO 01-83**

**A RESOLUTION TO VACATE SECOND STREET NW BETWEEN THE WEST BOUNDARY LINE OF First Avenue NW extended and the west boundary line of Second Avenue NW extended and Second Avenue NW between the north boundary line of Second Street NW extended and the south boundary line of Third Street NW extended.**

WHEREAS, the City Planning Commission, at their regular meeting on September 6, 2001, reviewed the vacation request of Second Street NW between the west boundary line of First Avenue NW extended and the west boundary line of Second Avenue NW extended and Second Avenue NW between the north boundary line of Second Street NW extended and the south boundary line of Third Street NW extended; and

WHEREAS, the Planning Commission found the vacation to be in the best interest of the public's health, safety, and general welfare; and

WHEREAS, the City Clerk's affidavit of publication of Notice of Public Hearing and of mailing notices to area residents were provided; and

WHEREAS, the Grand Rapids City Council conducted a public hearing on the proposed vacation on October 22, 2001, to consider the vacation of Second Street NW between the west boundary line of First Avenue NW extended and the west boundary line of Second Avenue NW extended and Second Avenue NW between the north boundary line of Second Street NW extended and the south boundary line of Third Street NW extended; and

WHEREAS, all public who wished to voice their opinion in regard to the above mentioned vacation were allowed to be heard.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRAND RAPIDS, MINNESOTA: that the City Council concurs with the Planning Commission's findings that this vacation is for the best interest of the public's health, safety, and general welfare, and hereby vacate the following described land:

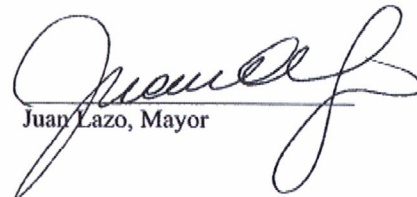
Second Street NW between the west boundary line of First Avenue NW extended and the west boundary line of Second Avenue NW extended and Second Avenue NW between the north boundary line of Second Street NW extended and the south boundary line of Third Street NW extended. **The city of Grand Rapids will retain an easement for public use on that portion of 2<sup>nd</sup> St. N lying between the west boundary of the north/south alley within Block 17 of the plat of Grand Rapids and the west boundary of NW 1<sup>st</sup> Avenue. In addition, the City of Grand Rapids will retain an easement to access and maintain the trunk storm sewer within the vacated area.**

BE IT FURTHER RESOLVED, that the City Council instructs the City Clerk to submit a copy of this resolution to the Itasca County Assessor, Itasca County Recorder, and the Itasca County Auditor.

Adopted by the Council this 22<sup>nd</sup> day of October, 2001.

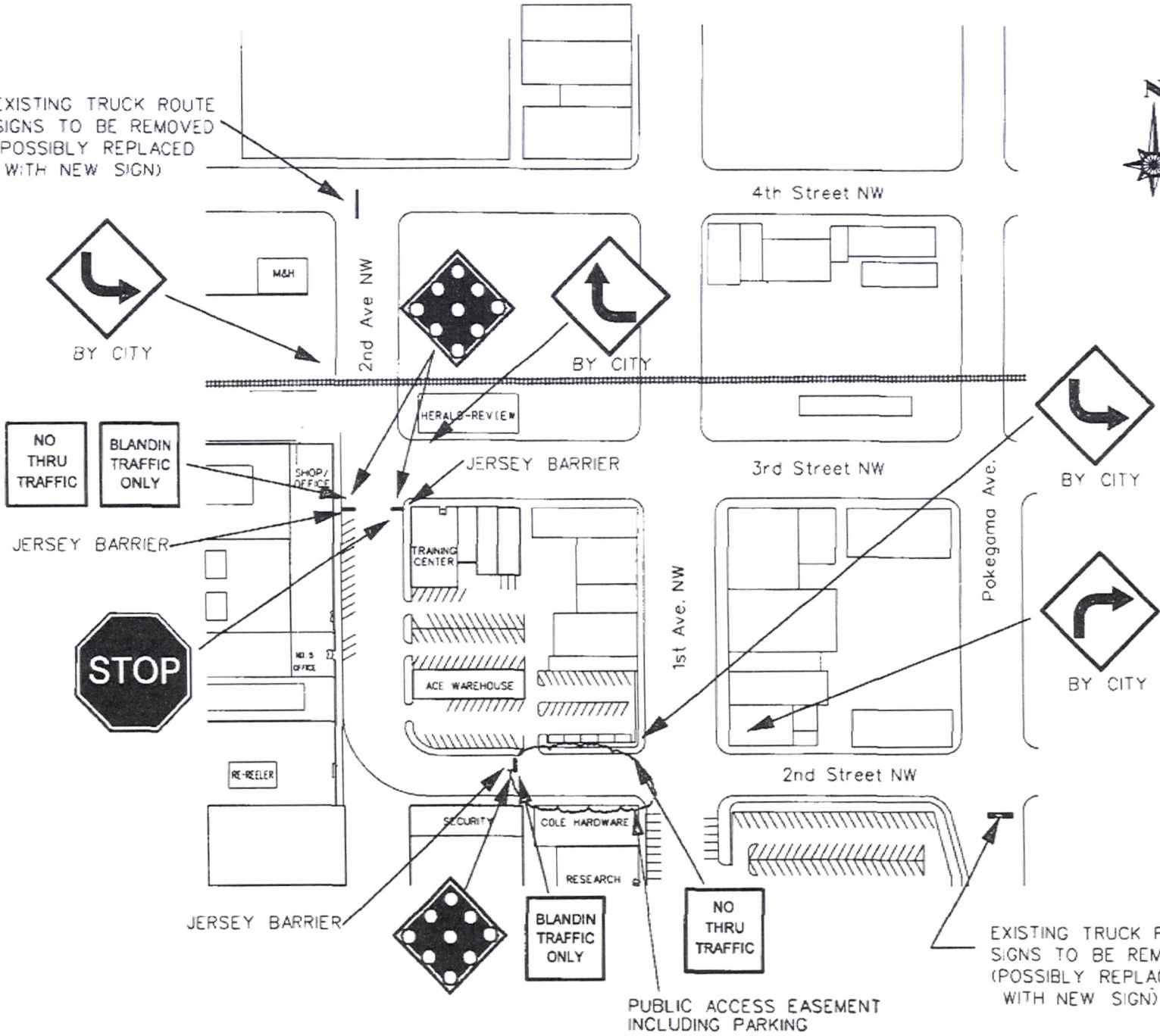
ATTEST:

  
Ed Treska, City Administrator/Clerk

  
Juan Lazo, Mayor

Councilmember Drake seconded the foregoing resolution and the following voted in favor thereof: Drake, Sanderson, Fritz, Lazo; and the following voted against same: Zeige; whereby the resolution was declared duly passed and adopted.

EXISTING TRUCK ROUTE SIGNS TO BE REMOVED (POSSIBLY REPLACED WITH NEW SIGN)



NO THRU TRAFFIC  
BLANDIN TRAFFIC ONLY



BLANDIN TRAFFIC ONLY

NO THRU TRAFFIC

EXISTING TRUCK ROUTE SIGNS TO BE REMOVED (POSSIBLY REPLACED WITH NEW SIGN)

PUBLIC ACCESS EASEMENT INCLUDING PARKING

## EricTrast

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**From:** Rob Mattei  
**Sent:** Friday, December 07, 2012 4:57 PM  
**To:** EricTrast  
**Subject:** Fwd: UPM Vacation Request

*Sent from my Verizon Wireless 4G LTE DROID*

----- Original Message -----

Subject: UPM Vacation Request

From: [atward@grpuc.org](mailto:atward@grpuc.org)

To: Rob Mattei <[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)>

CC: Denny Doyle <[dmdoyle@grpuc.org](mailto:dmdoyle@grpuc.org)>, [rhoyum@jdicontracts.com](mailto:rhoyum@jdicontracts.com)

Rob,

GRPU staff has reviewed the UPM Blandin Paper Company request to vacate the platted alley and public use easement as per your memo dated December 4, 2012 referencing the subject. If utility easements for construction and maintenance of all water, sewer and electric lines located within the vacated areas are provided, GRPU does not object to the request.

Thank you for providing us an opportunity to review the vacation request.

Anthony T. Ward  
General Manager  
Public Utilities Commission  
P. O. Box 658  
Grand Rapids, MN 55744  
218-326-7188

## EricTrast

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**From:** Rob Mattei  
**Sent:** Friday, December 14, 2012 8:22 AM  
**To:** EricTrast  
**Subject:** FW:

### **Rob Mattei**

Community Development Director  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7622  
**Mobile:** 218-244-2924  
**Fax:** 218-326-7621  
[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)  
[www.grandrapidsmn.org](http://www.grandrapidsmn.org)



CITY OF  
**GRAND RAPIDS**  
OFFICIAL AND PROFESSIONAL SERVICE

**From:** Jeff Davies  
**Sent:** Friday, December 14, 2012 8:11 AM  
**To:** Rob Mattei  
**Subject:**

Rob,

After reviewing the UPM Blandin Paper vacation request I fully support the proposed request. I see no negative impacts to the Public Works Department.

### **Jeff Davies**

Public Works Director  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7480  
**Mobile:** 218-259-8688  
**Fax:** 218-326-7688  
[jdavies@ci.grand-rapids.mn.us](mailto:jdavies@ci.grand-rapids.mn.us)  
[www.grandrapidsmn.org](http://www.grandrapidsmn.org)

## EricTrast

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**From:** Rob Mattei  
**Sent:** Tuesday, December 04, 2012 3:47 PM  
**To:** EricTrast  
**Subject:** FW: Petitioned vaction of Platted Alley

### Rob Mattei

Community Development Director  
City of Grand Rapids  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-7622  
**Mobile:** 218-244-2924  
**Fax:** 218-326-7621  
[rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)  
[www.grandrapidsmn.org](http://www.grandrapidsmn.org)



CITY OF  
**GRAND RAPIDS**  
CITY OF BUSINESS & SPORTS

**From:** Jim Denny  
**Sent:** Tuesday, December 04, 2012 3:43 PM  
**To:** Rob Mattel  
**Subject:** Petitioned vaction of Platted Alley

Rob,

I see no issue with UPM Blandin Paper's petition for vacation of a platted alley and public use easement, located on block 17, City of Grand Rapids.

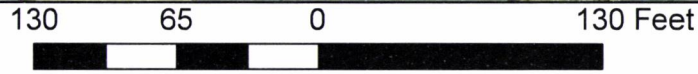
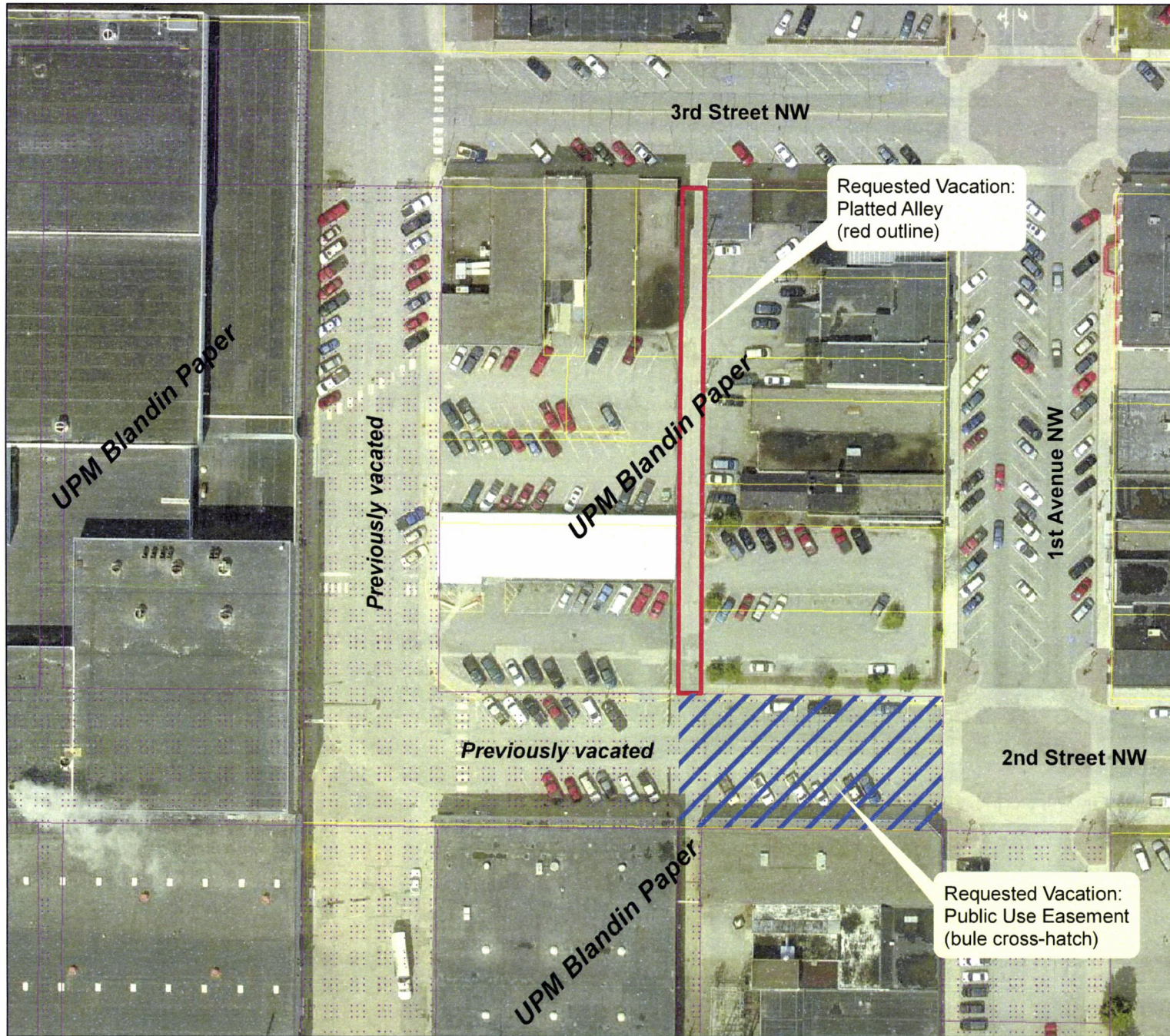
### Jim Denny

Chief of Police  
Grand Rapids Police Department  
420 North Pokegama Avenue  
Grand Rapids, MN 55744-2662  
**Office:** 218-326-3464  
**Mobile:** 218-360-0174  
**Fax:** 218-326-7610  
[jdenny@ci.grand-rapids.mn.us](mailto:jdenny@ci.grand-rapids.mn.us)  
[www.grandrapidsmn.org](http://www.grandrapidsmn.org)

# UPM Blandin Paper- Vacation Request (platted alley & public use easement)



CITY OF  
**GRAND RAPIDS**  
IT'S IN MINNESOTA'S NATURE



**Legend**

- Parcels
- Vacations

**2009 Aerial Photo  
RGB**

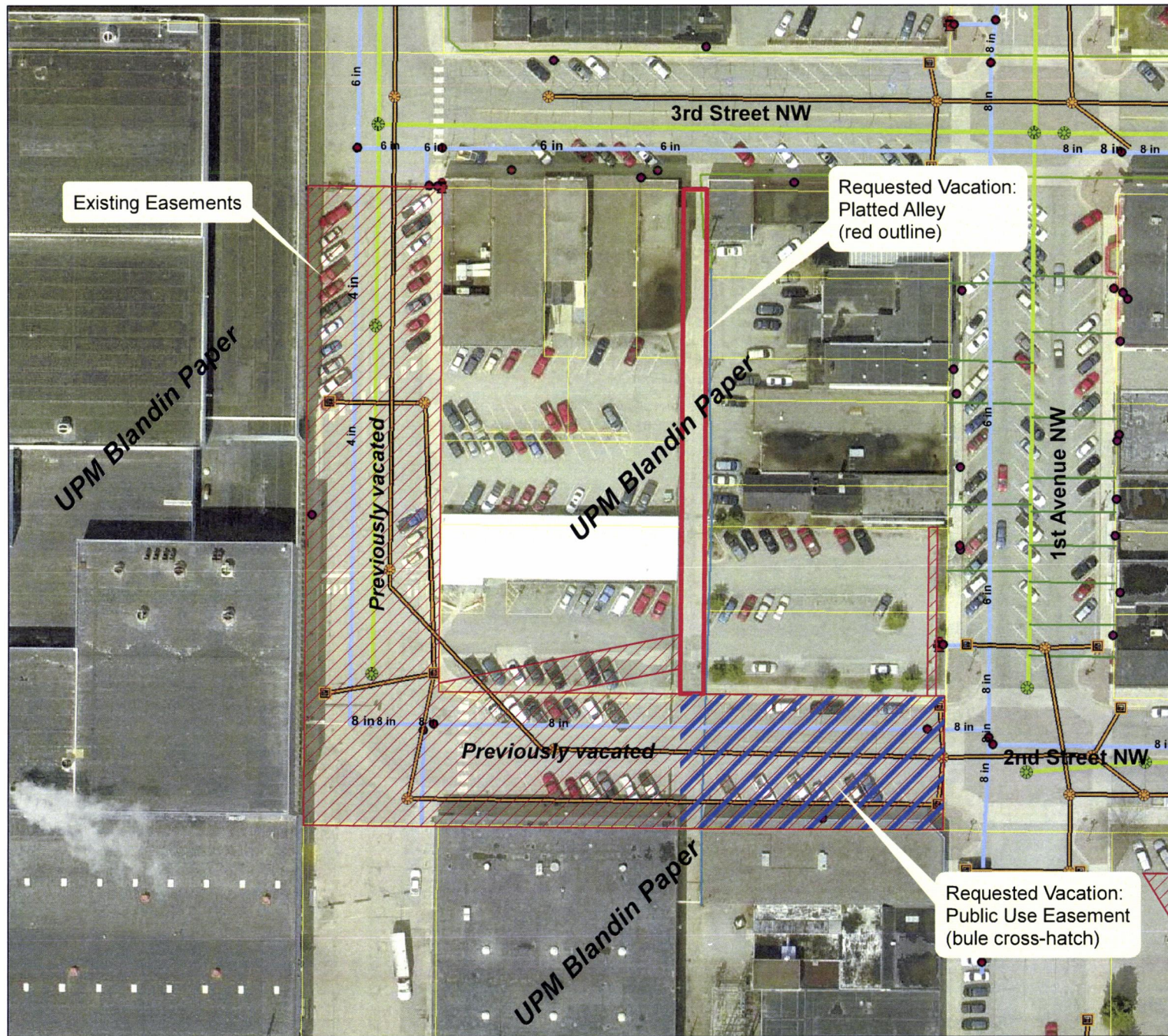
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



# UPM Blandin Paper- Vacation Request (platted alley & public use easement)



CITY OF  
**GRAND RAPIDS**  
IT'S IN MINNESOTA'S NATURE



Existing Easements

Requested Vacation:  
Platted Alley  
(red outline)

Requested Vacation:  
Public Use Easement  
(blue cross-hatch)

**Legend**

- Parcels
- Easements
- Water Lines
- Manholes
- Sanitary Line
- Service Lines
- Storm Pipes

**Primary Underground Conductor**

- <all other values>

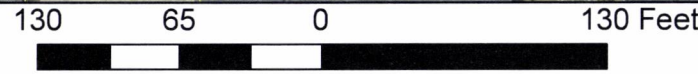
**SubtypeCD**

- Single Phase Primary Underground
- Three Phase Primary Underground
- Two Phase Primary Underground

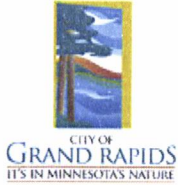
**2009 Aerial Photo**

**RGB**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3







**Public Vacation Application**  
 Community Development Department  
 420 North Pokegama Ave.  
 Grand Rapids, MN 55744  
 Tel. (218) 326-7601 Fax (218) 326-7621  
 Web Site: www.grandrapidsmn.org

**General Information:**

Blandin Paper Company  
 Name of Applicant  
115 SW First Street  
 Address  
Grand Rapids MN 55744  
 City State Zip  
218.327.6201/jim.kent@upm.com  
 Business Telephone/Other Telephone/e-mail

\_\_\_\_\_  
 Name of Owner (If other than applicant)  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_  
 City State Zip  
 \_\_\_\_\_  
 Business Telephone/Other Telephone/e-mail

Please check which of the following you are applying for:

- Street Vacation                       Alley Vacation                       Easement Vacation

Provide a legal description of the property to be vacated (for example, the North-South alley adjacent to lots 8-12, block 5, Grand Rapids 5<sup>th</sup> Division). Attach an exhibit and/or electronic file if the legal description is lengthy. \_\_\_\_\_

\_Vacation of the entire north/south alley located in Block 17 of the Plat of Town of Grand Rapids with the vacation of the north/south alley in Block 17 but with the City retaining utility easement over the vacated alleyway; along with the vacation of a public use easement located on the vacated portion of 2<sup>nd</sup> Street NW lying between the west boundary of the north/south alley within Block 17 of the Plat of Town of Grand Rapids and the west boundary of 1<sup>st</sup> Avenue NW

I(we) certify that, to the best of my(our) knowledge, information, and belief, all of the information presented in this application is accurate and complete and includes all required information and submittals, and that I consent to entry upon the subject property by public officers, employees, and agents of the City of Grand Rapids wishing to view the site for purposes of processing, evaluating, and deciding upon this application.

Joseph Mather  
 Signature(s) of Applicant(s)

12/3/12  
 Date

\_\_\_\_\_  
 Signature(s) of Owner(s)-(If other than applicant)

\_\_\_\_\_  
 Date

Date Received	<del>DEC 3 2012</del>	Certified Complete	<u>12/5/12</u>	Office Use Only	Fee Paid	<u>\$505<sup>00</sup></u>
Does the boundary of the requested vacation terminate at or abut a public water body: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Planning Commission Recommendation	Approved _____	Denied _____	Meeting Date	<u>1/3/2013</u>		
City Council Action	Approved _____	Denied _____	Meeting Date	_____		
Summary of Special Conditions of Approval: _____						

**Required Submittals:**

- Application Fee - \$505.00 \*1
- Location Map
- Petition for Vacation
- Proof of Ownership – (a copy of a property tax statement or deed will suffice)

*\*1 The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

**Justification of Proposed Vacation:** Please answer the following question (attach additional pages if needed). The Planning Commission and City Council will consider these questions and responses, and other issues (see attached list) in making their findings of fact and recommendation on the proposed rezoning.

1. Explain why the proposed vacation would be in the public’s best interest. Please refer to the factors being considered by the Planning Commission and City Council that are listed on the final page of this application.

\_\_\_\_\_ Since the easements were granted; UPM, Blandin has acquired all of the property on Block 17. Presently, UPM’s interest is in securing its facility and controlling access to its grounds and buildings; protecting the public from the risks and hazards associated with a working manufacturing facility.

\_\_\_\_\_

\_\_\_\_\_

**Additional Instructions:**

Prior to submitting your Petition for Vacation, you will need to arrange for one or more preliminary meetings with the Community Development Director. This meeting is intended to ensure that the proposed application is complete, to answer any questions the applicant may have, discuss meeting schedules and, if applicable, the scope of the required submittals.

**Findings for Approval:**

The Planning Commission, in formulating its recommendation, and the City Council, in support of its action will make findings of fact based on their responses to the following list of considerations:

- Is the street right-of-way needed for traffic purposes?
- Is the street right-of-way needed for pedestrian purposes?
- Is the street right-of-way needed for utility purposes?
- Would vacating the street right-of-way place additional land on the tax rolls?
- Would vacating the street right-of-way facilitate economic development in the City?

In cases where a street/alley or public right –of-way is adjacent to a public water (lake or river), the City will also give consideration to comments submitted by the Minnesota Department of Natural Resources.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Complete applications shall be submitted to the Community Development Department one month prior to the Planning Commission’s review of the vacation. More information may be requested by the City of Grand Rapids Planning Commission or City Council, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

**Petition for Vacation**

PETITION FOR VACATION OF (PART OF) \_\_\_Block 17 public use easement\_\_\_\_\_ (STREET/ALLEY/EASEMENT) IN THE CITY OF GRAND RAPIDS.

To the City Council of Grand Rapids, Minnesota:

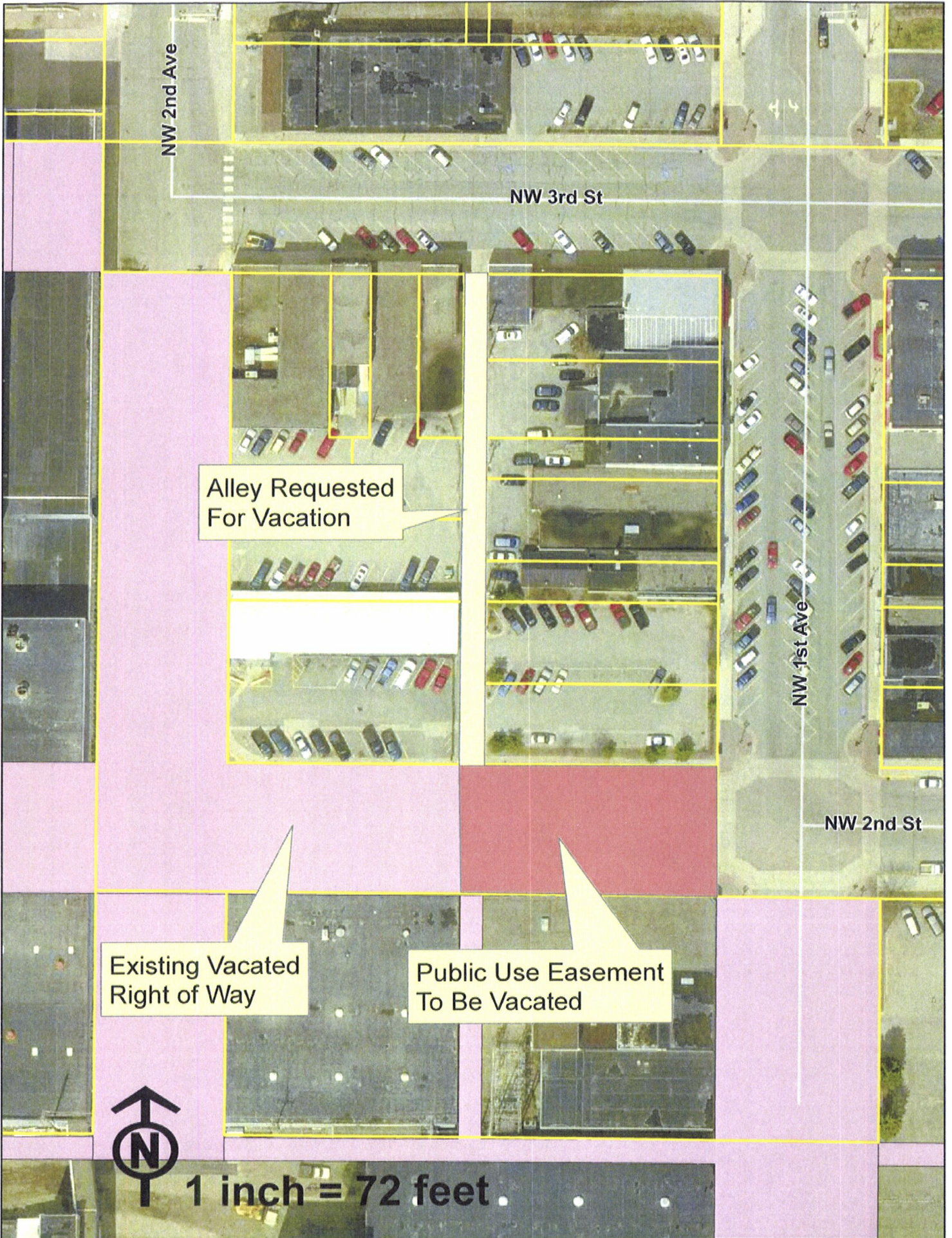
The undersigned, a majority of the owners of property as set forth opposite their respective names, abutting on \_\_\_Block 17\_\_\_\_\_ (Street/Alley/Easement), respectfully petition the City Council to vacate the aforesaid (part of) \_\_\_Block 17\_\_\_\_\_ (Street/Alley/Easement).

Names (If not owner, describe nature of the interest in this property)	Description of Property
UPM Blandin Paper Company by: _____	_100% of Block 17 _____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Clerk

*This petition must be signed by at least **FIFTY PERCENT (50%)** of the property owners, or those with property interests abutting the property (street, alley or easement) to be vacated. Please provide the appropriate number of names and addresses and signatures, as needed to meet this requirement (attach additional sheet if necessary).*



NW 2nd Ave

NW 3rd St

NW 1st Ave

NW 2nd St

Alley Requested For Vacation

Existing Vacated Right of Way

Public Use Easement To Be Vacated



1 inch = 72 feet.

# **PLANNING COMMISSION**

Considerations

## **R-O-W/EASEMENT VACATIONS**

1. Is the alley right-of-way and easement needed for traffic purposes?
2. Is the alley right-of-way and easement needed for pedestrian purposes?
3. Is the alley right-of-way and easement needed for utility purposes?
4. Would vacating the alley right-of-way and easement place additional land on the tax rolls?
5. Would vacating the alley right-of-way and easement facilitate economic development in the City?



# Planning Commission Staff Report

<b>Agenda Item #3</b>	<b>Community Development Department</b>	<b>Date:</b> 1/3/13
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding amendments to Chapter 30 <i>Land Development Regulations</i> that would amend multiple sections of Article V <i>Subdivisions</i> .	
<b>Background:</b>	<p>Intermittently, over the past couple of years, Community Development Department staff, with input from the City Engineer, has been developing draft amendments to the City's Subdivision Ordinance (Article V, Chapter 30), to modernize the ordinance.</p> <p>The majority of the Subdivision Ordinance has not been updated since 1978. The many changes in the community since that time, including the completion of the orderly annexation of Grand Rapids Township, emphasize the need to update the Subdivision Ordinance. Additionally, many of the city's "tools" for long range community planning and zoning have seen numerous changes:</p> <ul style="list-style-type: none"> <li>• Updating of two Comprehensive Plans</li> <li>• Updating of Article VI (Zoning)</li> <li>• Updating of Article III (GR/Itasca Co. Airport Zoning)</li> <li>• Updating of the City's Official Zoning Map</li> <li>• Development of a Downtown Redevelopment Master Plan</li> <li>• Updating of the Riverfront Framework Plan</li> </ul> <p>At their December 6, 2012 meeting, the Planning Commission was provided a draft document of Article V outlining the proposed amendments, and was asked to review the amendments and identify any conflicts with the Comprehensive Plan. The proposed amendments included:</p> <ul style="list-style-type: none"> <li>• The addition of a number of new definitions.</li> <li>• A less cumbersome mechanism for subdividing a property: redefined minor subdivision and lot split.</li> <li>• Amended submittal requirements.</li> <li>• Accommodations for rural zoning districts: road specifications, considerations for private water and sewer systems.</li> </ul> <p>Additionally, the League of Minnesota Cities has specifically encouraged municipalities to review and consider updating the portion of their subdivision ordinance that pertains to the dedication of park land/open space, so as to avoid conflict with Minnesota Statute §§462.358 Subd. 2b and 2c, which authorizes and governs the park dedication requirements of cities.</p> <p>The statutory requirements are summarized as follows <i>(also outlined in the</i></p>	

	<p><i>attached handout provided by the League):</i></p> <ol style="list-style-type: none"> <li>1. <i>The parkland dedication requirements and the methodology used to arrive at the requirements must be established by ordinance.</i></li> <li>2. <i>The city may accept either land or an equivalent amount in cash, based on the fair market value of the land.</i></li> <li>3. <i>Any cash payments received must be separately accounted for and used only for the purposes for which they were obtained.</i></li> <li>4. <i>Any cash payments may not be used for ongoing "operation or maintenance."</i></li> <li>5. <i>The city must "reasonably determine" that the land or cash payment is needed to meet the increased demands of the new subdivisions.</i></li> <li>6. <i>There must be an "essential nexus" between the fees or dedication and purpose sought to be achieved by the fee or dedication, and the fee or dedication must bear a "rough proportionality" to the need created by the proposed subdivision or development.</i></li> </ol> <p>As you know, the current Section 30-266 (<i>Public sites and open spaces</i>) of the Subdivision Ordinance establishes a formula for the option of money in lieu of parkland dedication which uses a set percentage of land value. The League is concerned that these types of formulas are arbitrary and do not conform to the Statute, specifically what is summarized in points 5 and 6, above.</p> <p>You will notice Section 30-266 currently remains intact, with no proposed amendments. Staff is currently in the process of working with the Park &amp; Rec. Department to update portions of their 2001 Park Facility and Recreation Programming plan. Updates to the City's recreational needs will assist staff in developing a methodology which results in a compliant approach to establishment of parkland dedication requirements. These amendments will come to the Planning Commission at a later date.</p> <p><i>Staff will present a brief PowerPoint presentation highlighting the most significant changes to the ordinance.</i></p>
<p><b>Considerations:</b></p>	<p>The Planning Commission should make specific findings of fact regarding the proposed amendments to the ordinance:</p> <ol style="list-style-type: none"> <li>1. Will the change affect the character of the neighborhood?</li> <li>2. Will the change foster economic growth in the community?</li> <li>3. Would the proposed change be in keeping with the spirit and intent of the Zoning Ordinance?</li> <li>4. Would the change be in the best interest of the general public?</li> <li>5. Would the change be consistent with the Comprehensive Plan?</li> </ol>
<p><b>Recommendation:</b></p>	<p>Based on the above findings the Commission should consider a recommendation to the City Council in regard to these draft changes.</p>

<b>Required Action:</b>	<p>Pass a motion, based on the findings of fact, to forward either a favorable recommendation, either with or without changes to the draft amendments, to the City Council, or pass a motion, based on the findings of fact, forwarding an unfavorable recommendation to the City Council regarding amendments to Article V <i>Subdivisions</i> of Chapter 30 <i>Land Development Regulations</i>.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward a <b>(favorable)(unfavorable)</b> recommendation to the City Council regarding the draft amendments to Article V <i>Subdivisions</i> of Chapter 30 <i>Land Development Regulations</i>.</p>
<b>Attachments:</b>	<ul style="list-style-type: none"><li>• Draft Text Amendments to Article V <i>Subdivisions</i></li><li>• League of Minnesota Cities Parkland Dedication Handout</li></ul>



## ARTICLE V. SUBDIVISIONS\*

### DIVISION 1. GENERALLY

#### Sec. 30-261. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public right-of-way which affords a secondary means of access to abutting property. Its intended function is primarily for vehicular service access to the back or the side of properties abutting on a street.

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Block* means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake or rail line.

*Boulevard* means the portion of the street right-of-way between the curblin and the property line.

*Building* means any structure having a roof which may provide shelter or enclosure of persons, animals or chattel, and when such structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

*Butt lot* means a lot at the end of a block and located between two corner lots.

*Comprehensive plan* means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the city and including a land use plan, a community facilities plan, and a transportation plan which has been prepared and adopted by the city.

*Cul-de-sac* means a minor street with only one outlet and having a turnaround at the terminus.

*Deflections* means the angle formed by the intersection of two tangents at the point of intersection.

*Easement* means a grant by an owner of land for the specific use of such land by the public generally, or to a person or persons.

*Grade, gradient or profile of* means a ratio of the vertical rise or fall to the horizontal distance or length multiplied by 100.

*Ghost plat*, means a plan that shows the eventual build out of a parcel at urban densities by establishing future lot lines; building envelopes; layout of future streets; easements; and information on how public utilities may be extended to accommodate future, urban development.

*Half street* means a street where half the right-of-way is dedicated under an assumption that the other half will be dedicated at a later date.

*Lot* means one unit of a recorded plat, subdivision or registered land survey (RLS) occupied or to be occupied by a building, land use or group of buildings together with such open spaces or yards as are required by this article and having its principal frontage on a public street.

*Lot Split* means an easily described subdivision of a parcel of land into two lots that are compliant with the terms of this Article as well as Article VI. An easily described subdivision of a parcel is defined as either a metes and bounds property description with no more than two successive bounds or a subdivision description in which the boundaries of the property refer to existing boundaries in the official recorded map of the subdivision. Furthermore, a lot split cannot necessitate the creation of any easements, right of ways or extensions of infrastructure.

~~*Minor subdivision* means a single easily-described division of a platted lot of record where resultant parcels meet the minimum lot area and width requirements of the zoning district and are approximately comparable in size to existing lots in the general vicinity.~~

*Owner* means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this article.

*Pedestrian way* means the right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, crosswalk or however otherwise designated.

*Planned unit development (PUD)* means a process to acquire rezoning and/or variances from ordinance requirements which includes the preparation of and a commitment to the implementation of an approved plan.

*Plat, final*, means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be submitted to the county recorder.

*Plat, preliminary*, means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration.

*Protective covenants* means contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

*Reserve strip* means any strip or parcel of land not so included as a part of a buildable lot except that land indicated as outlots and held for development in the future as buildable lots.

*Right-of-way* means a street, alley or easement permanently established for the passage of persons and vehicles including the adjacent traveled surface and lands that are formally dedicated to such usage.

*Right-of-way width* means the shortest distance between the lines delineating the right-of-way of a street.

*Street* means a public thoroughfare for vehicular traffic which affords the principle means of access to abutting property.

*Street, arterial*, means a street so designated by the city comprehensive plan which serves as a route for high traffic volumes.

*Street, collector*, means a street so designated by the city comprehensive plan which interconnects with arterial and local streets and carries moderate volumes of traffic.

*Street, local*, means a minor street of limited continuity used primarily for access to abutting properties and carrying relatively low volumes of traffic.

*Street, marginal access*, means a minor street which is parallel and adjacent to a limited access thoroughfare.

*Street, pavement or roadway, width*, means the width of the paved street surface between the curb faces.

*Street, private*, means a travelway entirely on land which has not been transferred to use by the general public and which is not maintained or supervised as a roadway by public officials.

*Subdivider* means any person commencing proceedings under this article to effect a subdivision of land for himself or for another.

*Subdivision* means the separation of an area, parcel or tract of land under single ownership to ~~two or more~~ than two parcels, tracts, lots, or longterm leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- (1) Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses.
- (2) Creating cemetery lots.
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of common boundary.

*Subdivision design standards* means the guides, principles and specifications for the preparation of subdivision plans indicating among other things the minimum and maximum dimensions of the various elements set forth in the preliminary plat.

*Subdivision, minor*, means subdivision that meets all the following criteria:

A. Does not require the dedication of rights of way or construction of new streets;

B. Does not require the creation of any public utility easements other than the standard required easements of platted lots;

C. Does not create a need for any public improvements;

D. Does not landlock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;

E. Does not fall within the corridors of any planned or proposed street as shown upon the official map or approved area plans; and

F. Does not violate any local, state or federally adopted law, ordinance, regulation, plan or policy.

*Subdivision review committee* shall consist of the city engineer, city fire chief, public utilities commission, park and recreation director, in addition to the city's zoning administrator.

*Vertical curve* means a parabolic curve that is used to connect two tangents having differing percentages of vertical grade. The purpose of the vertical curve is to create a transition which avoids a sudden change from one grade to another.

(Code 1978, § 22.03)

**Sec. 30-262. Penalties.**

Any firm, person or corporation who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article subject to modification under section 30-265 or who sells or offers for sale or lease any lot or block of land regulated under this article before all of the requirements of this article have been complied with, shall be guilty of an offense.

(Code 1978, § 22.05)

**Sec. 30-263. Purpose and interpretation.**

The process of dividing land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided the basic character of this permanent addition to the city has become firmly established. Consequently, it is in the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards. It is the purpose of these regulations to: (1) encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction; (2) provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service; (3) place the cost of improvements against those benefitting from their construction; (4) secure the rights of the public with respect to public lands and waters; and, (5) set the minimum requirements necessary to protect the public health, safety, morals, comfort, convenience, and general welfare.

~~Each new subdivision under this article becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivision, without correlation to the city plan, may and often does bring a disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate municipal services and efficient movement of traffic, all platted subdivisions within the jurisdiction of the city shall, in all respects, fully comply with the regulations set forth in this article. In their interpretation and application the provisions of this article shall be the minimum requirements adopted for the protection of the public health, safety, general welfare and the protection of solar access.~~

~~(Code 1978, § 22.04)~~

**Sec. 30-264. Territorial limits of regulations and scope.**

The rules and regulations governing plats and subdivisions of land contained in this article shall apply within the city, and to land located within the scope of the comprehensive plan when not within another municipality. In the event of overlapping jurisdiction, the extent of jurisdiction under this section shall be as determined and agreed upon between the city and the other municipality or municipalities concerned. Except in the case of a resubdivision, these regulations shall not apply to any lot or lots forming a part of subdivision plats recorded in the office of the county recorder prior to the effective date of these regulations, nor is it intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those in conflict with these regulations, or with private restrictions placed upon property by deed, covenant or other private agreement which are equal to or more restrictive or with restrictive covenants running with the land to which the city is a party.

(Code 1978, § 22.02)

**State law reference**—Extraterritorial jurisdiction for subdivision regulations, Minn. Stat. § 462.358, subd. 1a.

**Sec. 30-265. Modifications, exceptions and variances.**

(a) *Planned unit development (PUD)*. The requirements of this article may be waived by the city by use of a PUD as provided in section 30-703.

(b) *Condominium plats*. In the city, condominium plats shall conform to Minnesota Statute 515A Uniform Condominium Act.

(cb) *Minor subdivisions*. In the case of a subdivision of small size and of minor importance, as defined in section 30-261, the planning commission may exempt the subdivider from complying with some of the requirements stipulated in section 30-312 pertaining to the preparation of the preliminary plat.

(d) *Lot splits*. In the case of a lot split, as defined in section 30-261, the zoning administrator may grant administrative approval of the subdivision and in doing so exempt the subdivider from some or all of the requirements stipulated in section 30-312 pertaining to the preparation of a preliminary plat. The subdivision of a lot of record, as a lot split, is permitted as an exception one time only. Any further subdivisions will be considered as either a subdivision of minor subdivision as defined herein.

(ee) *Variances*. The board of zoning appeals may grant a variance upon receiving a report from the planning commission in any particular case where the subdivider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. Procedures for variances and appeals to the city council shall be as established in article VI of this chapter. (Code 1978, § 22.14)

**State law reference**—Variances authorized, Minn. Stat. § 462.358, subd. 6.

#### **Sec. 30-266. Public sites and open spaces.**

(a) Where a proposed park, public building site or open space area shown on the comprehensive plan, park development guide or official map, is located in the whole or in part of a subdivision, such area or areas shall be shown on the preliminary plat. Such area or areas shall also be dedicated to the city by the subdivider if the city council requests such dedication under the provisions of subsection (b) of this section. Where the land proposed for public use exceeds ten percent of the total area to be platted, and the subdivider will not dedicate the additional amount, the city council shall have six months from the date of initial consideration by the city council to proceed and purchase such additional amount. Where a purchase is not initiated within six months, the plat shall be revised to permit another use and the processing of the plat shall continue.

(b) Owners or subdividers, except where the owner or subdivider is the city, shall be required as a prerequisite to approval of a plat or subdivision, to convey to the city, or dedicate to public use for parks, open space or public building site, a minimum of ten percent of the area to be platted or subdivided. Such land must be suitable and acceptable for such use, as determined by the city council. In lieu of the conveyance or dedication of land provided for in this subsection, the owner or subdivider may at the option of the city pay to the city for use in acquisition and development of parks, a cash payment to the city. Such payment shall be in an amount equal to ten percent of the fair market value of the land for residential development and three percent for all other developments. The dedication or cash payment shall also be subject to the following:

- (1) Dedication credit shall not be granted for the construction of recreational facilities unless such facilities and land area are dedicated to and accepted by the city.
- (2) Ponding areas, needed as a part of the overall city storm drainage plan may be dedicated and accepted by the city. However, no credit shall be given for park dedication unless such area meets the criteria for public parks as stated in the guide plan and is approved as such by the city council.

(c) If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision area, except streets, alleys, or easements other than those leading directly to such sites, shall be dedicated at the time of platting of the first addition unless otherwise approved by the city council.

(d) Areas to be dedicated shall be brought to a suitable condition by the subdivider prior to acceptance by the city. All dead trees, trash, debris, junk, unwanted structures or similar undesirable elements shall be removed by the owner at his expense.  
(Code 1978, § 22.12)

**State law reference**—Park dedications, Minn. Stat. § 462.358, subd. 2b.

**Secs. 30-267—30-28990. Reserved.**

#### DIVISION 2. PLATTING\*

##### *Subdivision I. In General*

**Sec. 30-290. Preapplication.**

The subdividers or owners should meet with city officials (engineer and community development director) in order to be made fully aware of all applicable ordinances, policies, regulations, and plans pertinent to the proposed subdivision. Staff will then inform the subdividers of the specific requirements for subdivision approval

**Sec. 30-291. Conditions for Recording-plats.**

Unless approved as a final plat as provided in this division, no subdivision shall be entitled to be recorded in the county recorder's office or have any validity; and the city shall not issue building permits for any structure on a lot in any proposed subdivision. The city council shall not permit any public improvements to be installed unless the preliminary plat is approved.  
(Code 1978, § 22.04)

**Sec. 30-292. Copies of plat.**

~~Copies of all such plats of subdivision under this division, after the same have been submitted and approved as provided in this article, shall be filed and kept by the city clerk among the records of the city.  
(Code 1978, § 22.15)~~

**Sec. 30-2923. Subdivision request fee.**

The fee to accompany a subdivision request shall be as established by resolution.  
(Code 1978, § 29.02(f))

**Secs. 30-2934—30-30940. Reserved.**

##### *Subdivision II. Preliminary Plat*

**Sec. 30-31044. Plat review procedures.**

(a) Before dividing any tract of land ~~into two or more lots or parcels as either a subdivision or a minor subdivision~~ under this division, an owner or subdivider shall, unless a variance is authorized, file with the city planning commission:

- (1) ~~Four~~ Two (2) large scale copies and twelve (12) reduced scale (not less than 11"x17") copies of the preliminary plat, in addition to electronic (pdf, jpeg, tiff) copies of required submittals.
- (2) A title opinion or title insurance policy showing proof of ownership.
- (3) A ~~cash~~ fee as prescribed by resolution. This fee will be used to help defray the expenses of the city in connection with approval or disapproval of the plat and any final plat which may thereafter be submitted.

(4) An assessment certificate from the city ~~finance director~~ ~~clerk~~ showing whether or not there are any outstanding assessments against the property. If there are any outstanding assessments, the subdivider shall either pay them in full prior to seeking final plat approval,

**\*State law reference**—Platting generally, Minn. Stat. § 462.358, subd. 3a.

or request that the assessments be allocated to the lots in the proposed subdivision. If the subdivider wishes to spread the assessments against the lots in the subdivision, they shall be calculated in conformance with the city's assessment policy. The following information must be submitted along with the preliminary plat:

a. A written report from the city engineer ~~for~~ the proposed assessment spread and calculations thereof for each benefitted lot affected by the reassessment, i.e., assessment rate and method of determining benefit for each type of improvement being assessed;

b. The preliminary plat map shall indicate the proposed assessment against each lot in the subdivision that will be affected by the reassessment; and

c. A cost estimate from the city clerk covering the clerical cost of preparing the revised assessment roll and filing the same with the county auditor. The cost of preparing the filing shall be paid to the city prior to the filing of the revised assessment.

(b) The city planning commission shall consider the preliminary plat officially filed after a designated city official has examined it and found that it is in proper form.

(c) After the date of filing, the preliminary plat on file, the city planning commission shall:

(1) Set a public hearing on the preliminary plat, such hearing to be held within 45 days. The city planning commission shall cause notice of the hearing to be published in the official newspaper at least ten days prior to the hearing.

(2) Refer one copy of the preliminary plat to the ~~city council for its examination and one copy to the subdivision review committee for their~~ ~~city engineer for his~~ examination and report. ~~Two copies~~ A copy of the report ~~to the~~ from the subdivision review committee ~~city engineer~~ shall be given to the city planning commission in time for consideration at the next planning commission meeting, provided the ~~city engineer~~ subdivision review committee shall have ~~had~~ not had not less than 15 days to prepare ~~the~~ his report.

(d) The planning commission shall have the preliminary plat on its agenda at its next regular meeting which may serve as the public hearing.

(e) The planning commission shall make a report to the city council on its findings and action.

(f) The city planning commission shall act on the preliminary plat within 90 days of the date on which it was filed with formal request for approval.

(g) If the preliminary plat is not approved by the city planning commission, reasons for such action shall be recorded in the proceedings of the commission and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision.

(h) The city council shall approve or disapprove the preliminary plat within 120 days following the date of filing unless an extension of the review period has been agreed to by the applicant. If the council fails to preliminarily approve or disapprove the application within the 120-day review period, the application shall be deemed preliminarily approved and, upon

demand, the city shall execute a certificate to that effect.  
(Code 1978, § 22.06)

**Sec. 30-311. Minor subdivision plating requirements.**

(a) Application. A complete application for a minor subdivision plat approval must be submitted to the zoning administrator in a form established by said administrator, along with a nonrefundable fee that has been established by the city council. No application will be processed until the application is complete and the required fee has been paid.

(b) Review and report. The zoning administrator shall prepare a staff report that reviews the application in the light of the comprehensive plan, compliance with the standards required by the zoning ordinance for the zoning district(s) the concerned property lies within, and all other applicable standards of this title.

(c) Action by planning commission: The planning commission shall hold a public hearing on the minor subdivision application and, after the close of the public hearing, act to recommend approval or denial of the application for the minor subdivision. The city council will act to approve or deny the minor subdivision. A minor subdivision may not be approved unless it complies with the standards of this title and the zoning ordinance, for the zoning district(s) the concerned property lies within.

(d) Notices. Notice of the public hearing before the planning commission shall be the same as that for a preliminary plat per section 30-310 of this title.

**State law reference**—Plat review procedures, Minn. Stat. § 462.358, subd. 3b.

**Sec. 30-312. Data for preliminary plat.**

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 11<sup>2</sup>/<sub>8</sub> inches by 17<sup>8</sup>/<sub>8</sub> inches. All pertinent subdivision information shall be provided electronically in a format compatible with the city's computer system of record plans indicating all changes in the work, including accurate as-built locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the completed work. All subdivision maps shall be drawn at a scale of one inch equals

100 feet, unless otherwise required by the city council. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

(1) *Identification and description.*

- a. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.
- b. Legal description of property according to the records in the county register of deeds office.
- c. Names and addresses of the owner, subdivider, surveyor and designer of the plat.
- d. Graphic scale.
- e. North point.
- f. Date of preparation.

(2) *Existing conditions.* Existing conditions within 100 feet of boundary of proposed plat to be shown.

- a. Boundary line of proposed subdivision, clearly indicated.
- b. Existing zoning classifications.
- c. Total approximate acreage.
- d. Location, widths and names of all existing or previously platted streets or other public ways, showing type, width and condition of improvements, if any, railroad and utility right-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to distance of 100 feet beyond the tract.



- e. Location and size of existing sewers, water mains, culverts, or other underground facilities. Such data as grades, invert elevations and locations of catchbasins, manholes, and hydrants shall also be shown.
- f. Boundary lines of adjoining unsubdivided or subdivided land, identifying by name and ownership.
- g. Topographic data, including contours at vertical intervals of not more than two feet, except where the horizontal contour interval is 100 feet or more, a one-foot vertical interval shall be shown. Watercourses, marshes, delineated wetlands, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown, unless waived by the planning commission as not necessary to adequately judge the proposed plat.
- h. The surface water features required in Minn. Stat. § 505.02, subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

(3) *Subdivision features.*

- a. Layout of proposed streets, showing right-of-way widths and proposed numbers names of streets. The name of any street heretofore used in the city and its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
- b. Location and width of proposed alleys, pedestrian ways and utility easements.
- c. Typical cross sections of proposed improvements upon streets and alleys, together with an indication as to the method of disposing of the proposed stormwater runoff.
- d. Approximate centerline gradients of proposed streets and alleys.
- e. Location, size and approximate gradient of proposed sewer lines and water mains.
- f. Layout, numbers and preliminary dimensions of lots and blocks.
- g. Minimum front and side street building setback lines, indicating dimensions.
- h. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- i. Stormwater best management practices (BMP's) as required by state and local ordinances.

(4) *Other information.*

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population.
- b. Proposed protective covenants.
- c. Source of water supply.
- d. Provisions for sewage disposal, drainage and flood control.
- e. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- f. Extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
- g. Location of 100-year floodplain areas and floodway districts from existing adopted maps and data.
- h. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- i. Ghost-platting if necessary as required under Section 30-705.

j. For subdivisions not proposed to be serviced by a sanitary sewer utility, a field evaluation report confirming that proposed lots can support a minimum of two soil treatment and dispersal areas that support systems and site conditions as described in Minn. Rules 7080.

k. For subdivisions not proposed to be served by a municipal water utility, proposed well locations shall be shown on the preliminary plat, in a manner consistent with the requirements of Minn. Rules 4725.

(Code 1978, § 22.08)

**Sec. 30-313. Qualification governing approval of preliminary plat.**

(a) After a public hearing under this division the city planning commission may return a conditional report requiring such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the city.

(b) The approval of a preliminary plan by the city planning commission is not final.

(c) Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets and other public officials having jurisdiction, prior to the approval of the final plat by the city.

(d) No plan will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the city engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage.

(e) Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

(Code 1978, § 22.09)

**Secs. 30-314—30-330. Reserved.**

*Subdivision III. Final Plat*

**Sec. 30-331. Procedure.**

(a) The owner or subdivider under this division shall file five two copies and one electronic copy of the final plat not later than 180 days after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the city planning commission. The owner or subdivider shall also submit at this time an up-to-date certified abstract of title or registered property report and such other evidence as the city attorney may require showing title or control in the applicant. The final plat shall have incorporated all changes or modifications required by the city in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider desires to record and develop at the time, provided that such portion conforms with all the requirements of this article.

(b) The city planning commission shall consider the final plat officially filed after a designated city official has examined it and advised the planning commission that it is in proper form.

(c) On or within five days of the date that it places the final plat on file, the city planning

commission shall refer one copy of the final plat to the ~~city council, one copy~~ to the city engineer, and a copy each to the telephone company and public utilities commissions. The abstract of title or registered property report shall be referred to the city attorney for his examination and report. The city attorney's report shall be given to the city council within 30 days. ~~The city engineer shall respond to the planning commission within 15 days of the filing of the final plat and t~~he planning commission shall act on such final plat within 30 days of the date of filing. Upon granting approval of the final plat the city planning commission shall forward its findings and recommendations to the city council for approval.

(d) The council shall certify final plat approval within 60 days after the date of filing of the application for final plat approval with the planning commission provided the applicant has complied with all conditions and requirements upon which the preliminary approval was conditioned. If the council fails to certify final approval and the applicant has complied with all conditions and requirements, the application shall be deemed finally approved and, upon demand, the city shall execute a certificate to that effect.

(e) If the final plat is approved by the city council, the subdivider shall record it with the county recorder within 90 days after the date of approval; otherwise, the approval of the final plat shall be considered void.

(f) The subdivider shall, immediately upon recording, furnish the city with ~~a tracing and prints of the final plat showing~~ evidence of the final plat recording. The city will have a fully executed subdivision agreement recorded, and provide the subdivider with a copy. ~~one for the building official, the assessor, the clerk and the transparency for the city engineer.~~

(g) All plats which are inconsistent with the city shoreland ordinance shall be reviewed by the commissioner of the department of natural resources before approval by the city may be granted. Such review shall require that the proposed plats be received by the commissioner at least ten days before a hearing is called by the city for consideration of approval of a final plat. Copies of all plats within shoreland areas shall be submitted to the commissioner within ten days of final approval by the city. Refer to article VI for shoreland overlay regulations. (Code 1978, § 22.07)

#### **Sec. 30-332. Data for final plat.**

(a) The final plat shall be prepared by a land surveyor who is registered in the state.

(b) Information to be shown shall conform to all state and county requirements and section 30-312(1), (3). (Code 1978, § 22.10)

#### **Secs. 30-333—30-350. Reserved.**

### DIVISION 3. DESIGN STANDARDS

#### **Sec. 30-351. Conformity with the comprehensive plan.**

The proposed subdivision shall conform to the comprehensive plan. The proposed subdivision shall conform to the comprehensive plan, the design standards, and chapter 30 of the City Code. The design standards set forth in this article are minimum requirements. The city may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided.

(Code 1978, § 22.11(a))

#### **Sec. 30-352. Street plan.**

The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and to this article, and shall be considered in their relation to existing and planned streets, to reasonable circulation to traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. In addition:

(1) *Continuation of existing streets.* The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

(2) *Future projection of streets.* Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

(3) *Easements.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.  
(Code 1978, § 22.11(b))

### Sec. 30-353. Streets.

The following provisions apply to streets:

(1) *Widths.* All right-of-way widths and pavement widths (face to face of curb) shall conform to the following minimum dimensions, unless recommended differently by the city engineer, to achieve multimodal and/or traffic calming objectives:

(a) Urban zoned properties:

Major and minor arterials: right-of-way, 10080 feet; roadway, 4448 feet.

Collector streets: right-of-way, 8070 feet; roadway, 44 feet.

Local streets: right-of-way, 6660 feet; roadway 3236 feet.

Marginal access streets: right-of-way, 6650 feet; roadway, 32 feet.

Cul-de-sac: right-of-way, 60 feet radius; roadway, 50 feet radius.

(b) Rural residential zoned properties, excluding those within an urban overlay district:

Rural residential streets: right-of-way, 66 feet, roadway, 28 feet.

Rural collector streets: right-of-way, 100 feet, roadway, 40 feet.

Culs-de-sac: right-of-way, 60 feet radius; roadway, 50 feet radius.

Rural cul-de-sac: right-of-way, 50 feet radius; 35 feet radius.

(2) *Deflections.* ~~When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet. Shall meet Municipal State Aid standards.~~

(3) *Grades.* ~~Shall meet Municipal State Aid standards. All centerline gradients shall be a least 0.5 percent and shall not exceed the following:~~

~~Major and minor arterials, collector streets: Gradient (in percent), four.~~

~~Local streets, marginal access streets: Gradient (in percent), six.~~

(4) *Vertical curves.* ~~Shall meet Municipal State Aid standards. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 30 times the algebraic difference in the percent of grade of the two adjacent slopes.~~

(5) *Street jogs.* Street jogs shall have a centerline offset of 150 feet or more when applied

to local streets or marginal access streets; in all other cases they shall be avoided.

(6) *Local streets.* Local streets shall be so aligned that their use by through traffic will be discouraged.

(7) *Culs-de-sac.* Maximum length culs-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to end of right-of-way.

(8) *Marginal access streets.* Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(9) *Half streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this article; and except where the city council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(10) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the city council.

(11) *Private streets.* Private streets shall not be approved nor shall public improvements be approved for any private street.

(12) *Hardship to owners of adjoining property avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(13) *Traffic calming.* As determined to be necessary by the city engineer, traffic calming measures may be required by the city to control vehicular speed.

(Code 1978, § 22.11(c))

**Cross reference**—Streets, sidewalks and other public places, ch. 58.

### **Sec. 30-354. Alleys.**

The following provisions apply to alleys:

(1) *Locational requirements.* Either a public or private alley shall be provided in a block where necessary to provide efficient means of service and general vehicular traffic. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

(2) *Widths.* All alley right-of-way and pavement widths shall conform to the following minimum standards:

Industrial or commercial: right-of-way, 24 feet; pavement, 20 feet.

Residential (two-way): right-of-way, 20 feet; pavement, 16 feet.

(3) *Grades.* All centerline gradients shall be at least 0.5 percent and shall not exceed six percent.

(Code 1978, § 22.11(d))

**Sec. 30-355. Intersections.**

The following provisions apply to intersections:

(1) *Angle of intersection.* The angle formed by the intersecting of streets shall not be less than 60 degrees with 90 degree intersections preferred.

(2) *Size of intersections.* Intersections of more than four corners shall be prohibited, unless served by a round-a-bout.

(3) *Corner radii.* Roadways of street intersections shall be rounded by a radius of not less than 25 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than ~~20~~<sup>ten</sup> feet. Corners at the entrances to the turnaround portions of culs-de-sac shall be rounded by a radius of not less than ~~20~~<sup>15</sup> feet.  
(Code 1978, § 22.11(e))

**Sec. 30-356. Curb and gutter.**

In areas described within section 30-353(a) Curb and gutter shall be included as a part of the street surface improvement and shall thus be designed for installation along both sides of all roadways in accordance with the standards of the city.  
(Code 1978, § 22.11(f))

**Sec. 30-357. Sidewalks.**

(a) *Location.* Sidewalks may be required by the city council upon recommendation of the planning commission along one or both sides of the right-of-way. The sidewalks shall not be located less than one foot from the property line, nor within six feet of the curb except in commercial and industrial districts.

(b) *Widths.* All sidewalk widths shall conform to at least the following minimum standards:  
Single-family zone: Width, ~~four~~<sup>six</sup>- feet.  
Multiple family zone and public building sites: Width, six feet.  
Commercial zone: Width, ~~six~~<sup>ten</sup> feet.  
Industrial zone: Width, six feet.

(c) *Grades.* Sidewalks shall slope one-quarter inch per foot away from the property line and the profile grade shall not exceed ~~eight percent~~ profile of adjacent street.

(d) Trails. If a trail is designated in the city's Comprehensive Plan in the location of the proposed platted road, it shall be the responsibility of the subdivider to construct the trail in accordance with MNDOT bike trail guidelines, with trail widths approved by city engineer.

(Code 1978, § 22.11(g))

**Cross reference**—Streets, sidewalks and other public places, ch. 58.

**Sec. 30-358. Pedestrian ways.**

In blocks over 900 feet long, pedestrian crosswalks through the blocks, and at least ~~ten~~<sup>twenty</sup> feet wide, may be required by the city council in locations deemed necessary to public health, convenience and necessity.  
(Code 1978, § 22.11(h))

**Sec. 30-359. Water supply.**

Extensions of the public water supply system shall be designed so as to provide public water service to each lot. The design of such extension shall be in accordance with the standards of

the city. If the subdivision is located within a rural residential zoned area, and is not adjacent to properties already served with municipal water, private wells will be considered as an alternative to extension of the public water supply system.

(Code 1978, § 22.11(i))

**Sec. 30-360. Sewage disposal.**

Extensions of the public sanitary sewer system shall be designed so as to provide sewer service to each lot. The design of such extension shall be in accordance with the standards of the city. If the subdivision is located within a rural residential zoned area, and is not adjacent to properties already served with municipal sanitary sewer services, private on-site septic systems will be considered as an alternative to extension of the public sanitary sewer system.

(Code 1978, § 22.11(j))

**Cross reference**—Utilities, ch. 70.

**Sec. 30-361. Drainage.**

A complete and adequate drainage system for the subdivision shall be designed, and shall include a storm sewer system or a system of open ditches, culverts, pipes, BMP treatment facilities and catchbasins, or

both systems. Such system or systems shall be designed in conformity with all applicable standards of the city and so as to meet with their approval.

(Code 1978, § 22.11(k))

**Sec. 30-362. Easements.**

(a) *Provided for utilities.* Easements at least 20~~12~~ feet wide, centered on rear and other lot lines, shall be provided for utilities under this article where necessary and shall be dedicated to the city by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection points easements for pole-line anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 feet.

(b) *Provided for drainage.* Easements shall be provided along each side of the centerline of any watercourse or drainage channel whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers, and they shall be dedicated to the city by appropriate language in the owner's certificate.

(Code 1978, § 22.11(l))

**Sec. 30-363. Street trees.**

Street trees in residential zones shall be planted not less than 25~~40~~ feet apart with a minimum of one per lot. ~~They should preferably be placed three to six feet inside the property line rather than in the boulevard.~~ The minimum size and type of canopy tree to be planted shall conform to the provisions of the applicable ordinances of the city. The placement of trees in the boulevard shall minimize interference with utilities and shall maximize survivability, as directed by the public works department.

(Code 1978, § 22.11(m))

**Cross references**—Streets, sidewalks and other public places, ch. 58; vegetation, ch. 74.

**Sec. 30-364. Street names.**

New streets shall use a numbering system and not a naming system. Names of new streets under this article shall not duplicate existing or platted street names unless it is a continuation of or in alignment with an existing street.

(Code 1978, § 22.11(n))

**Cross reference**—Streets, sidewalks and other public places, ch. 58.

**Sec. 30-365. Blocks.**

(a) *Factors governing dimensions.* Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by article VI of this chapter and to provide for convenient access, circulation control, and safety of street traffic.

(b) *Length.* Block length shall not exceed 1,800 feet.

(c) *Arrangement.* A block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad, major or minor arterial or other peculiar conditions where a single tier of lots would be appropriate.

(Code 1978, § 22.11(o))

**Sec. 30-366. Lots.**

(a) *Location.* All lots shall abut and have the minimum frontage on a publicly dedicated street or a street that has received legal status as such.

(b) *Size.* The lot dimensions in subdivisions designed for single-family detached dwellings shall not be less than the minimum dimensions required to secure the minimum lot area specified in the zoning regulations of the city.

(c) *Butt lots.* Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

(d) *Side lot lines.* Side lines of lots shall be substantially at right angles to the street line.

(e) *Watercourses.* Lots abutting upon a watercourse, drainageway, channel or stream shall have an additional depth or width, as required, to ensure that house sites are not subject to flooding.

(f) *Natural features.* In the subdividing of any land, due regard shall be shown for all natural terrain features, such as tree growth, watercourses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

(g) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(h) *Controlled access or recreational lots.* Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in article VI of this chapter.

(Code 1978, § 22.11(p))

**Sec. 30-367. Land suitability.**

Within a shoreland district, each lot created through subdivision, including planned unit developments authorized under article VI of this chapter, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the city shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(Code 1978, § 22.11(q))



Secs. 30-368—30-390. Reserved.

DIVISION 4. REQUIRED IMPROVEMENTS\*

**Sec. 30-391. Improvements listed and described.**

Prior to the approval of a final plat by the city council, the subdivider shall have agreed, in the manner set forth in section 30-393, to install, in conformity with construction plans approved by the city engineer and in conformity with all applicable standards and ordinances of the city the following improvements on the site:

(1) *Monuments.* Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required.

(2) *Street and alley improvements.*

Grading: The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.

Surfacing: All alleys shall be surfaced with a minimum of ~~six~~three inches of gravel upon approved subbase and 3 ½ inches of bituminous in accordance with MNDOT material specifications. ~~This gravel will consist of crushed or screened material and shall conform to requirements of section 3138, class 5 gravel, state department of highways specifications.~~

All streets shall be surfaced with concrete or bituminous surfacing as approved by the city engineer, complete with ~~concrete curb and gutter. The surfacing shall conform to MHD Specifications for a seven-ton loading. The curb and gutter shall be MHD design B-168. Pavement design shall conform to that currently in use by the city engineer.~~

(3) *Sidewalks and pedestrian ways.* Pedestrian ways where platted shall be installed, ~~but sidewalks are not required unless such walks are deemed necessary by the planning commission, for pedestrian, circulation to schools, shopping, etc.~~

(4) *Drainage.* Shall conform with all state and local standards. ~~A system that will adequately take care of the water runoff within the subdivision shall be provided. If the city council, upon the recommendation of the planning commission, determines that it is feasible for the subdivider to install storm sewers connected to the existing storm sewer system of the city within or adjacent to the subdivision, or an extension of the city system which will be extended to the boundary of the subdivision within 18 months of the filing of the final plat, the subdivider shall install a storm sewer system to provide drainage.~~

(5) *Street trees.* Street trees shall be planted. They shall be accepted by the city if planted in the boulevard, only after one summer season as a live and healthy plant.

(6) *Boulevard sodding.* Boulevard strips shall be sodded. Area outside the boulevard may be seeded, fertilized and mulched.

(7) *Sewer and water facilities,* as described in sections 30-359 & 30-360.

(8) Street lights. Street lighting equipment shall be approved by city engineer.

Street lights are required at:

(a) Intersections.

(b) Other locations specified by the city engineer.

(Code 1978, § 22.13(a))

\***State law reference**—Authority to require improvements, Minn. Stat. § 462.358, subd.

2a.

**Sec. 30-392. Payment for installation of improvements.**

(1) The required improvements to be furnished and installed by the subdivider, which are listed and described in section 30-391 are to be furnished and installed at the sole expense of the subdivider and at no expense to the city; however, in the case of an improvement the cost of which would by general policy of the city council be assessed only in part to the improved property and the remaining cost paid out of some other fund, the council may make provisions for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the city and provided, further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the city council may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of the improvement as will represent the benefit to the property within the subdivision.

(2) Crack Seal Fee. In order to be considered complete and constructed to city standards, all public roads built as part of a land development plan shall receive crackfilling within two to five years after their construction. The city shall collect a fee as part of all land development plans to pay for the city providing this service. Such fee is to be established by city council resolution.

(Code 1978, § 22.13(b))

**Sec. 30-393. Required agreement for proper installation of improvements.**

Prior to installation of any required improvement and prior to approval of the final plat, the subdivider, except where the subdivider is the city, shall enter into a subdivision agreement in writing with the city requiring the subdivider to furnish and construct the improvements at his sole cost and in accordance with plans and specifications and usual contract conditions all approved by the city council, which shall include provisions for supervision of details of construction by the city engineer and grant to the city engineer authority to correlate the work to be done under such contract by any subcontractor authorized to proceed ~~thereunder~~there under and with any other work being done or contracted by the city in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond, irrevocable letter of credit or other such financial guarantee as specified in section 30-394, the amount of the deposit and the penal amount of the bond to be equal to 110 percent of the city engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the city. On request of the subdivider the contract may provide for completion of part of all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit, bond or other guarantee shall be reduced in a sum equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the city council upon recommendation of the city engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision.

(Code 1978, § 22.13(c))

**Sec. 30-394. Financial guarantee.**

The contract provided by section 30-393 shall require the subdivider to make an escrow deposit or in lieu thereof, furnish a performance bond or other such financial guarantee as may be acceptable to the city as follows:

(1) *Escrow deposit.* An escrow deposit shall be made with the city treasurer in a sum equal to 110 percent of the total cost as estimated by the city engineer, including cost of inspection by the city of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat.

(2) *Reimbursement.* The city shall be entitled to reimburse itself out of the deposit for any

cost and expense incurred by the city for completion of the work in case of default of the subdivider under the contract, and for any damages sustained by the city on account of any breach thereof. Upon completion of the work and termination of any liability to the city of the subdivider under the contract the balance remaining in the deposit shall be refunded to the subdivider.

(3) *Performance bond.* In lieu of making an escrow deposit described in subsection (1) of this section, the subdivider may furnish the city with a public contractor's performance bond in form prescribed by statute, with corporate surety, in a penal sum equal to 110 percent of the total cost as estimated by the city engineer, including cost of inspection by the city of all of the improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the city attorney and filed with the city clerk.

(4) *Other financial guarantee.* In lieu of the requirements of subsections (1)—(3) of this section, the subdivider may provide and the city may accept an irrevocable letter of credit or such other financial guarantee equal to 100 percent of the total cost as estimated by the city engineer as is necessary to ensure completion of the project by the city in case of default by a subdivider, subject to the terms and conditions as may be established by the city council.

(Code 1978, § 22.13(d))

#### **Sec. 30-395. Construction plans.**

Construction plans for the required improvements, conforming in all respects with the standards of the city engineer and the ordinance of the city, shall be prepared at the subdivider's expense by a professional engineer who is registered in the state, and the plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the city engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required in section 30-393. The ~~tracings of the original~~ plans approved by the city engineer plus two prints shall be furnished to the city to be filed by the city engineer as a record in the engineering department.

(Code 1978, § 22.13(e))

#### **Sec. 30-396. Inspection.**

All required improvements on the site, that are to be installed under the provisions of this Article, shall be inspected ~~during the course of construction by the city engineer. The subdivider shall be responsible for payment of the total cost of inspection services in an amount equal to one percent of the estimated cost of improvements in accordance with the schedule for material testing and inspections within the subdivision agreement.~~ Improvements shall not have been accepted by the city until such time as the city engineer shall have issued a certificate of compliance.

(Code 1978, § 22.13(f))

#### **Sec. 30-397. Improvements completed prior to approval of final plat.**

Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of section 30-391 only if the city engineer shall certify that he is satisfied that the existing improvements conform to applicable city standards.

(Code 1978, § 22.13(g))

#### **Sec. 30-398. Electronic As-builts.**

The developer shall submit to the city engineering department for review and approval, all proposals to change the original plans regarding the required improvements. The developer shall obtain written approval by the city prior to changes to the plans. The developer shall submit the following:

A. One (1) digital electronic copy in a format compatible with the city's computer system of record plans indicating all changes in the work, including accurate as built locations, dimensions, elevations, grades, slopes and all other pertinent information

concerning the completed work.

Prior to issuance of the city engineer's certificate of compliance under this division, the subdivider shall furnish the city with one complete set of as-built drawings showing the improvement as built or in place.

(Code 1978, § 22.13(h))

**Secs. 30-399—30-420. Reserved.**

DRAFT

## Establishing Park Dedication Requirements

### Introduction

Minn. Stat. Sec. 462.358 subd. 2b and 2c authorizes and governs the park dedication requirement of cities.

Parkland dedication requirements rest on the theory that new development occurring within a community places additional burdens on existing city infrastructure, and in particular, park and recreation facilities. Minn. Stat. 462.358 subd. 2b and 2c, are premised on the assumption that new development (and not existing taxpayers) ought to pay for the additional park and recreation facilities needed to accommodate the demands created by the new development.

### Statutory Authority

The relevant statutory authority for municipal park dedication regulations is as follows:

#### *Subd. 2b. Dedication*

- (a) *The regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas and water facilities, stormwater drainage and holding areas or ponds, and similar utilities and improvements.*
- (b) *In addition, the regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks and recreational facility, as defined and outlined in Section 471.191, playgrounds, trails, wetlands, or open space; provided that (1) the municipality may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval, (2) any cash payments received shall be placed in a special fund by the municipality used only for the purposes for which the money was obtained, and may not be used for ongoing operation or maintenance, (3) in establishing the reasonable portion to be dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and (4) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision. **The basis for calculating the amount to be dedicated or preserved must be established by ordinance or pursuant to the procedures established in section 462.353, subdivision 4a.***

*Subd. 2c. Nexus*

- (a) *There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.*
- (b) *If a municipality is given written notice of a dispute over a proposed fee in lieu of dedication before the municipality's final decision on an application, a municipality must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee in lieu of dedication.*
- (c) *An application may proceed as if the fee had been paid, pending a decision on the appeal of a dispute over a proposed fee in lieu of dedication, if (1) the person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication, (2) prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and (3) the person aggrieved by the fee appeals under Section 462.361, within 60 days of the approval of the application. If such an appeal is not filed by the deadline, or if the person aggrieved by the fee does not prevail on the appeal, then the funds paid into escrow must be transferred to the municipality.*

The statutory requirements can be summarized as follows:

- 1) The parkland dedication requirement and the methodology used to arrive at the requirement must be established by ordinance.
- 2) The city may accept either land or an equivalent amount in cash, based on the fair market value of the land.
- 3) Any cash payments received must be separately accounted for and used only for the purposes for which they were obtained.
- 4) Any cash payments may not be used for ongoing "operation or maintenance."
- 5) The city must "reasonably determine" that the land or cash payment is needed to meet the increased demands of the new subdivision.
- 6) There must be an "essential nexus" between the fees or dedication and purpose sought to be achieved by the fee or dedication, and the fee or dedication must bear a "rough proportionality" to the need created by the proposed subdivision or development.

## Recommendations

In light of the statutory obligations we offer the following recommendations regarding the establishment of parkland dedication requirements.

- 1) Review parkland dedication requirements to make sure there is a logical connection between the amount of the dedication requirement and the purpose for which it is used. For example, there should be a reasonable showing that each new lot that is approved, necessitate X amount of new parkland. (See, Methodology below)
- 2) The city should separately account for parkland dedication fees and make sure they are not used for ongoing park "operation or maintenance."

### *Sample Park Dedication Methodology.*

Step 1 The city should first undertake a parks study to in order to arrive an general idea of what the it would like to see in their community in the way of park, recreation, trails, and open space. That study should look at the question of whether current facilities are sufficient to meet the needs current residents. If there is a deficiency, the city should calculate what additional expenditures would be necessary to meet that city's desired parks plan.

Step 2 The city should calculate the total amount of city park, recreation, and trail and open space, plus any additional amount to meet current, but unmet, park goals. .

Step 3 The city should undertake some evaluation of use of city park, recreation, trail, and open space. The intent to would be to arrive at an estimate of percentage of these facilities exist to serve residential landowners and what percentage exist to serve the needs of commercial development. In arriving at these percentages it is probably helpful to consider such matters as the use of park facilities by businesses and their workers and the use by sports teams that may be sponsored by businesses. From this analysis, the city will arrive at a determination of what percentage of its park needs should be meet by residential development and what percentage should be met by commercial/industrial development.

Step 4 The city then will use the results of step 2 and step 3 to arrive at calculation for parkland acreage per resident or per employee. The following example may be helpful:

Per Capita Residential Share/Per Capita Commercial Share

Existing Park Land and Trail Acreage

300 acres

Residential Share

90% X 300 = 270 Acres

Per Capita Residential Share

$270 \text{ acres} / 15,000 \text{ residents (population)} = .018 \text{ acres per Resident}$

Commercial Share

$10\% \times 300 = 30 \text{ acres}$

Per Capita Commercial Share

$30 \text{ acres} / 1000 \text{ employees in city} = .03 \text{ acres per Employee}$

Step 5. Establish park dedications by ordinance. The amount of land to be dedicated as part of residential subdivision or plat will be equal to the per acre residential share (determined in Step 4) times the number of residents expected in the development or subdivision. To arrive at an amount in lieu of land dedication, take the per acre value of undeveloped land times the amount of land the city could have required to be dedicated.

Step 6. To calculate the amount to be dedicated as part of a commercial development, multiply the per acre commercial share (determined in Step 4) times the number of employees expected in the development. To arrive at a cash payment in lieu of land dedication, take the per acre value of undeveloped commercial land times the amount of land the city could have required to be dedicated.

Step 7. Make provisions in your ordinance to provide that these are the maximum amounts that the city can charge and give the council discretion to vary from these requirements as a result of unique attributes of the development or to account for parks or open space that may already be included the development. (Note, the city is not required to take any of these considerations into account when arriving at the park dedication amount.)



PLANNING COMMISSION

Considerations

**ZONING ORDINANCE AMENDMENT**

1. Will the change affect the character of neighborhoods?
2. Would the change foster economic growth in the community?
3. Would the proposed change be in keeping with the spirit and intent of the ordinance?
4. Would the change be in the best interest of the general public?
5. Would the change be consistent with the Comprehensive Plan?