



PLANNING COMMISSION
Regular Meeting Agenda

Wednesday, June 7, 2017 at 6:30 p.m.

Roseville City Hall Council Chambers, 2660 Civic Center Drive

1. **Call to Order**
2. **Roll Call**
3. **Review of Minutes**
 - a. May 3, 2017, regular meeting minutes
4. **Communications and Recognitions**
 - a. **From the public:** Public comment pertaining to land use issues **not** on this agenda, including the 2040 Comprehensive Plan Update
 - b. **From the Commission or staff:** Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process
5. **Public Hearing**
 - a. **PROJ0042:** Request by the City of Roseville to approve a comprehensive technical update to the requirements and procedures for processing subdivision proposals as regulated in City Code Title 11 (Subdivision) and revision of the lot size standards established in City Code Chapter 1004 (Residential Districts)
6. **Adjourn**

Upcoming Planning Commission Comprehensive Plan Update Meetings: June 28 & July 26

For up to date information on the comprehensive planning process, go to www.cityofroseville.com/CompPlan

Future Meetings: **Planning Commission & Variance Board (tentative):** July 12 & August 2

City Council (tentative): June 19 & July 10, 17, 24

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**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, May 3, 2017 – 6:30 p.m.**

- 1 **1. Call to Order**
2 Chair Murphy called to order the regular meeting of the Planning Commission meeting at
3 approximately 6:30 p.m. and reviewed its role and purpose.
4 Chair Murphy announced one vacancy on the commission, with applications accepted
5 through May 10th and interviews scheduled with the City Council on May 15, 2017.
6 Chair Murphy also announced the third Imagine Roseville meeting occurring tonight at
7 the Ramsey Area High School auditorium, with another session scheduled tomorrow
8 night at the Roseville Skating Center, and encouraged residents to attend.
- 9 **2. Roll Call**
10 At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.
11 **Members Present:** Chair Robert Murphy; and Commissioners Chuck Gitzen, James
12 Daire, Julie Kimble, James Bull, and Pete Sparby
13 **Staff Present:** Community Development Director Kari Collins, City Planner
14 Thomas Paschke and Senior Planner Bryan Lloyd
- 15 **3. Review of Minutes**
16 **a. April 5, 2017 Regular Meeting Minutes**
17 **MOTION**
18 **Member Kimble moved, seconded by Member Daire to approve the April 5,**
19 **2017 meeting minutes as presented.**
20 **Ayes: 6**
21 **Nays: 0**
22 **Motion carried.**
- 23 **4. Communications and Recognitions:**
24 **a. From the Public: Public Comment to land use on issues not on the agenda this**
25 **agenda, including the 2040 Comprehensive Plan Update**
26 None.
27 **b. From the Commission or Staff: Information about assorted business not already**
28 **on this agenda, including a brief update on the 2040 Comprehensive Plan**
29 **Update process.**
30 Mr. Lloyd provided a brief update on the comprehensive plan process and schedule;
31 reviewing public input opportunities and how they fit into the draft decision-making
32 rubric of measurables and guided additional feedback between meetings. Mr. Lloyd
33 anticipated the Commission’s May 24, 2017 meeting to focus on land use planning
34 for the process, specifically redevelopment and some sites that may be the focus of
35 better uses and/or some that may be under-utilized at this time. Before that meeting,
36 Mr. Lloyd advised that the Commission would receive homework to engage in and
37 provide feedback to inform that next discussion on May 24th. Mr. Lloyd advised that
38 ongoing community engagement opportunities and stakeholder interviews would

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 2

39 proceed in June, with economic development aspects of the plan scheduled in July
40 with a quarterly meeting with the Roseville Economic Development Authority
41 (REDA).

42 At the request of Member Sparby, Mr. Lloyd advised that the location and time of
43 stakeholder interviews had yet to be set up; and in some cases would be by phone or
44 at the business of a stakeholder. Mr. Lloyd advised that as the process proceeds,
45 better information of who, what and when will be made public on the website.

46 At the request of Member Daire, Mr. Lloyd clarified that all meetings were open to
47 the public, but whether or not there would be value for commissioners to attend the
48 stakeholder meetings may not be as informative as other community engagement
49 opportunities. Mr. Lloyd advised that he would defer to the consultant as that became
50 more firm.

51 In an effort to retain transparency of the process, Member Sparby asked if a list would
52 be published of everyone considered for stakeholder interviews, the date they were
53 approached, and date of interview or whether they declined or agreed to be
54 interviewed.

55 Mr. Lloyd advised that the comments would all be published, but otherwise he wasn't
56 sure if the intent was to track things in that much detail; and again advised that he
57 would defer to the consultant for a response.

58 Member Murphy emphasized that after Mr. Lloyd meets with the consultant, the
59 Planning Consultant will then be informed of the process moving forward (e.g.
60 rubric).

61 **5. Public Hearing (New)**

62 **a. PLANNING FILE 17-006: Request by Java Capital Partners for**
63 **PRELIMINARY PLAT consideration to split Lot 2, Block 1, Cleveland Club,**
64 **into two separate lots**

65 Chair Murphy opened and continued the public hearing for Planning File 17-006 at
66 approximately 6:40 p.m.

67 City Planner Thomas Paschke summarized the request as detailed in the staff report
68 dated May 3, 2017 (lines 27 – 43). Mr. Paschke explained that the purpose was to
69 split off the Denny's site for separate ownership; and create two lots out of the current
70 single lot. Mr. Paschke advised that there were no minimum standards for lot size that
71 applied with the plat design already approved and under construction on the site
72 under the developer's previous plat submission and approval.

73 The applicant representative was present in the audience, but at the invitation of Chair
74 Murphy, offered no additional comments and there were no questions by the
75 commission to the developer.

76 With no one coming forward to speak for or against this request, Chair Murphy
77 closed the public hearing at approximately 6:43 p.m.

78 **MOTION**

79 **Member Bull moved, seconded by Member Gitzen, to recommend to the City**
80 **Council approval of the PRELIMINARY PLAT for Cleveland Club, Second**

81 **Addition; based any input offered at the public hearing, and on the comments**
82 **and findings as detailed in the staff report dated May 3, 2017 as presented.**

83 **Ayes: 6**

84 **Nays: 0**

85 **Motion carried.**

86 At the request of Chair Murphy, staff advised that this item was tentatively scheduled
87 for the May 22, 2017 City Council meeting.

88 **6. Public Hearings (Continued)**

89 **a. PROJF0042: Request by the City of Roseville to approve a comprehensive**
90 **technical update to the requirements and procedures for processing subdivision**
91 **proposals as regulated in City Code Title 11 (Subdivisions)**

92 Chair Murphy continued the public hearing for Project File 0042 at approximately
93 6:45 p.m. held over from the April 5, 2017 meeting.

94 Community Development Director Kari Collins introduced Leila Bunge, consultant
95 with Michael Lamb of the Kimley-Horn team to guide tonight's discussion of these
96 proposed revisions. Ms. Collins noted that the first portion of proposed subdivision
97 ordinance, as reviewed by the Planning Commission at their last meeting, would be
98 reviewed by the City Council at their May 8, 2017 meeting.

99 Member Gitzen asked staff to provide a draft preliminary clean copy for further
100 review of the actual proposed code at a later meeting; with concurrence by the
101 remainder of the commission.

102 After the May 8th City Council meeting, Ms. Collins advised that City Council
103 comment would also be incorporated into the next iteration and could be sent out to
104 the commission via email for them to provide their feedback to the City Council for
105 anticipated ordinance enactment at the May 22nd City Council meeting to meet the
106 deadline of the moratorium expiring May 31, 2017.

107 Mr. Lloyd noted that the City Council's review had been delayed as there was
108 insufficient time on their last meeting schedule; with the new timeframe for review at
109 the May 8th and 15th meetings, and enactment at the May 22nd meeting.

110 Chair Murphy asked when the commission would receive an update from last night's
111 review of the document (e.g. park dedication fees) by the Parks & Recreation
112 Commission.

113 Mr. Lloyd advised that the meeting minutes and comments were still being assembled
114 by Parks & Recreation Department staff today; but he would insert the more obvious
115 items of their review at that point in tonight's discussion.

116 Attachment C Document Review (continued)

117 At the commission's last review of the document on April 5th, the last item covered
118 was Page 23, Section 148 that would serve as the intended starting point for tonight's
119 review. However, Mr. Lloyd initiated tonight's review by summarizing the revisions
120 made at that April meeting seeking confirmation or additional feedback before
121 proceeding to the later sections.

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 4

122 In his review of the subdivision code earlier today, Mr. Lloyd advised that he could
123 find no reference to “corner lots” anywhere else in the subdivision code and therefore,
124 may not be needed even though it was referenced as a definition in accordance with
125 the updated zoning code.

126 Based on tonight’s Variance Board discussion, Member Kimble asked if there was
127 anywhere else in the subdivision code or other areas of code that addressed corner
128 and reverse corner lots.

129 Mr. Lloyd advised that it was addressed elsewhere in city code, and had been
130 mentioned in the past when the subdivision code had minimum lot size standards; but
131 as of last year’s revisions had been relegated to the zoning code and therefore no
132 longer defined elsewhere.

133 Page 3, Section 23

134 Member Bull noted that in this section and throughout the document wording had
135 been changed from “applicant” to owner (sole, part or joint owner). However, if a
136 company owns a parcel and they’re located elsewhere in the country, perhaps
137 involving a board of directors of shareholders, Member Bull asked how they could
138 have an agent representative applying on their behalf, opining that this language
139 seemed awkward.

140 Mr. Lloyd responded that the City Attorney had advised that the most important
141 element was to make sure the owner was making the application; with common
142 practice for a local agent or developer to carry that application forward on their
143 behalf. Mr. Lloyd noted that the city had to allow for that and that it could be further
144 clarified in application forms accordingly.

145 Member Bull opined that “owner” seemed to have a lot of references; but stated his
146 preference for a definition of “owner” and “registered agent” or a proper name for
147 that role.

148 Member Kimble questioned that suggestion, noting the difference in identifying the
149 ownership of a lot versus someone else processing the application that wouldn’t
150 change that ownership; and opined that the proposed language seemed appropriate
151 from her perspective. Member Kimble noted the common practice for a local
152 representative to present and process an application on behalf of an owner; noting that
153 the owner had to be the applicant even if they delegated the processing to someone
154 else.

155 Mr. Lloyd suggested that the City Attorney’s recommendation probably recognized
156 that very situation.

157 Member Gitzen agreed, noting that the definition was of “owner” not “applicant.”

158 With confirmation by Member Bull, Member Daire asked if Member Bull’s intent
159 was to revise wording to define sole or joint owners or designated representatives.
160 Member Bull noted that references used to be for “applicant” and “developer” but
161 now had been changed enmass to “owner.”

162 Page 4, Section 24

163 Mr. Lloyd noted the change to facility versus right-of-way, with deference to local

164 and/or state traffic enforcement as allowed to define non-motorized or non-vehicular
165 traffic (e.g. bicyclists) but without need to specifically define in the subdivision code.

166 Page 4, Section 29 and Page 7, Section 50

167 Using the Java request as an example, Member Bull addressed consideration of a
168 preliminary plat as an item rather than a process. As another example in line 50,
169 Member Bull noted that it states "...shall submit a preliminary plat..." noting that
170 you don't submit a process, but instead a packet of documents. Member Bull noted
171 the need for consistency.

172 Mr. Lloyd advised that this was described in the Procedures Chapter; and opined that
173 the suggested language provided sufficient context and definition of preliminary plats
174 as a standalone definition that further definition was not needed specific to
175 preliminary plat documents.

176 Member Gitzen suggested leaving the old definition in place, separating preliminary
177 plats from plats; with concurrence by Members Kimble and Bull.

178 Mr. Lloyd clarified that the rationale was to eliminate preliminary plat by recognizing
179 that it was a preliminary version with the plat serving as the final version.

180 Member Bull suggested differentiating pre and final versions of the plat.

181 Member Kimble suggested the commission may be getting too detailed on language
182 specifics.

183 Page 5, Sections 32, 33 and 34

184 Mr. Lloyd and Ms. Bunge addressed the definition of "street" to "public way" to
185 incorporate what was involved without defining in this document and encompassing
186 all types of public ways and facilities.

187 Member Gitzen stated that he was not comfortable with this proposed language; and
188 instead suggested "public passageway, such as...designed for travel by pedestrians or
189 vehicles." Member Gitzen further suggested removing the right-of-way language
190 (Section 33). When thinking of a public or private right-of-way, Member Gitzen
191 opined that most people think of an easement; where in this case it was referring to a
192 physical street, creating confusion when later on in the document rights-of-way area
193 referred to as an easement. Member Gitzen suggested changing language accordingly
194 in Section 32 and removing Section 33 in its entirety.

195 By consensus, Sections 33 and 34 were recommended for removal.

196 Page 8, Section 56, 57

197 Mr. Lloyd advised that application instructions were made more consistent with other
198 plat applications.

199 If the intent is to remove archaic language, Member Daire suggested changing
200 "utilized" to "used" or "using;" with Mr. Lloyd suggesting "...are alternatives to plat
201 procedures."

202 Chair Murphy asked staff to review April meeting minutes to review if "common
203 wall" had been removed or not; however Member Gitzen noted that the City Council
204 in their review could make the decision whether or not to remove it.

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 6

205 Mr. Lloyd concurred, advising that this marked up version had been provided to the
206 City Council for their review and deliberation.

207 Page 9, Section 58

208 As with Section 57, Mr. Lloyd advised that the approval could be by the City
209 Manager as consistent with other zoning applications; with proposed language to
210 strike that involvement in the process and refer to administrative approval by the
211 Community Development Department.

212 In the previous definition, Member Gitzen noted that it asked for a survey for
213 recombinations; with Mr. Lloyd responding that after approval, submission of a
214 survey was required to ensure consistency, while applications only require a sketch
215 plan format.

216 At the request of Member Gitzen, Mr. Lloyd advised that he had discussed a timeline
217 with the City Attorney and his suggestion was to provide one even if city staff was
218 unable to control it at all times. Mr. Lloyd advised that the City Attorney had pointed
219 out that there are times when it could be enforced, such as by withholding a building
220 permit until completion of the process. Mr. Lloyd suggested adding language in, with
221 that timeframe pending, in Sections 57, 58 and 60, establishing a timeline for
222 recording a plat.

223 As an example, Member Kimble referenced a recent alternate plat project she was
224 involved with in the City of St. Paul and their requirement for recording within two
225 years, with a one year extension possible before having to go through the process
226 again.

227 Chair Murphy stated that sounded beyond reasonable from his perspective.

228 Mr. Lloyd clarified that a longer timeline makes sense from his perspective if the
229 Planning Commission and City Council were making decisions intended to be in
230 place for perpetuity; and as time changes things there would be occasions that it
231 would be prudent to have an expiration for approvals.

232 Member Bull stated that he was reluctant to specify anything that might give anyone
233 the idea that that had two years to record a plat.

234 Member Gitzen suggested deferring to the City Attorney for the timeline.

235 Chair Murphy suggested, with consensus of the body, a one year timeline for
236 recording ALL plat, or to seek an extension.

237 Page 9-10, Section 59 (Consolidations)

238 Mr. Lloyd suggested language changes for minor plats when discussing their purpose,
239 with draft language talking about subdivisions or a consolidation of lots. As discussed
240 last time, Mr. Lloyd suggested it would be prudent to regulate lot sizes and with
241 consolidations a platting of underlying lot boundaries that they be addressed
242 accordingly.

243 Member Gitzen noted that you couldn't get rid of underlying lot boundaries.

244 Mr. Lloyd provided an example of consolidating adjoining lots for tax purposes, but
245 if a house was built across those adjacent lots it could create future problems. Mr.
246 Lloyd advised that the intent was to take a more explicit approach to regulate

247 development according to platted versus tax parcels to avoid development on top of
248 parcel lot lines, making consolidations no longer a platting alternative.

249 At the request of Member Gitzen, Mr. Paschke confirmed that in some cases, a
250 property owner was required to replat such lots now.

251 For tracts of land that are under common ownership and involving several platted lots
252 with a few tax parcels, Mr. Lloyd advised that there was a need to make sure those
253 parcels area platted in such a away to remove property ownership boundaries. If
254 development doesn't violate those boundaries, Mr. Lloyd advised that an owner
255 hadn't been required to replat them to-date, but in the future would be required to do
256 so; and opined that reconsolidation of platted lots served as a plat even if a simple plat
257 versus a platting alternative.

258 Mr. Lloyd noted that Item #4 would remain and be further edited based on City
259 Attorney advice, and to eliminate the City Manager involvement as with other areas
260 of the subdivision code.

261 Pages 11-12, Section 61

262 At the request of Chair Murphy specific to park dedication (Item B.V Minor Plats)
263 Mr. Lloyd reviewed proposed language intended to subdivide parcels as noted.

264 As a general question, Member Daire asked if this revised subdivision ordinance
265 would prohibit the creation of flag lots.

266 Mr. Lloyd responded that he thought so, but they were regulated in a later chapter yet
267 to be discussed by the commission; but as a subdivision standard would specifically
268 be prohibited other than on a case-by-case variance review.

269 Page 12, Section 62

270 Specific to Item 2.ii, Mr. Lloyd addressed rational to protect time and resources
271 involved with repetitive inquiries. At the request of Member Sparby, Mr. Lloyd
272 clarified that if an application came forward under changed circumstances, it would
273 be seen as a new application process in the regulatory framework and would not bar
274 an owner from coming forward with an application.

275 Member Sparby stated that he would prefer putting such a bar in the language for the
276 submission process rather than relying on a one year ban.

277 Member Bull agreed with Member Sparby, opining that he didn't like thins that
278 limited the ability of citizens to seek relief if there was a process in place to
279 administer and recognize differences in applications.

280 Chair Murphy stated that he was unsure if he agreed with Member Sparby as long as
281 the Board of Adjustments (City Council) was available for that review, this provision
282 also served to protect the city's staff time and resources with repeat applications.
283 With an appeal process to the Board of Adjustments, Chair Murphy opined that it
284 accomplished the goal and a safety net for citizens to be heard.

285 Member Bull referenced a development proposal that was submitted many different
286 times from 2007 through 2016 substantially the same thing and requiring
287 considerable review time.

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 8

288 Member Sparby suggested lowering the submission application to six months rather
289 than one year, noting that the application’s composition or staff may change and free
290 an applicant to move forward.

291 Specific to submitting substantially the same application, Members Kimble, Bull and
292 Gitzen, along with Chair Murphy agreed with the one year provision; with Member
293 Sparby deferring to his colleagues.

294 Mr. Lloyd advised that the intent was to avoid serial applications when the ultimate
295 goal is turning one lot into two via this subdivision ordinance; thus staff’s
296 recommendation for five years unless submitting the application as a major plat
297 process, but not for minor plats.

298 In Section 63 , Mr. Lloyd again addressed the time limitation.

299 In this section, as well as in Chapter 1102.05 (page 24), Member Gitzen referenced
300 that necessary data for a final plat (major or minor) and Ramsey County
301 requirements; and suggested language as previously noted for a review process at a
302 surveyor’s office.

303 Mr. Lloyd concurred, noting that would be addressed in the next iteration as it was
304 changed to ordinance formatting rather than this side-by-side comparison; and to
305 track changes from a global perspective.

306 Member Gitzen stated that his concern was that an ordinary citizen if not familiar
307 with development projects may not be aware of the filing process.

308 As the global process for preliminary plat review and approval proceeds, Mr. Lloyd
309 suggested deletion of Section 120. However, Mr. Lloyd agreed that the expanded
310 context needed to consider the process and filing with Ramsey County and how the
311 applicant could be informed of that process, probably in the application form itself.

312 Member Gitzen reiterated the need in the subdivision ordinance to inform applicants
313 of the process beyond just filing the final plat; with Member Kimble suggesting an
314 overview of steps to be followed, including timelines and fees either in the
315 application form or subdivision code itself.

316 Mr. Lloyd stated that he envisioned the application materials would describe the
317 process more fully and provide the applicant with a timeline.

318 Member Gitzen asked that staff refer to that process in this subdivision code so
319 applicants understand the process.

320 At the request of Member Kimble, Mr. Lloyd confirmed that staff was running a
321 parallel path in developing application forms and once the new ordinance is in place
322 would inform applications of what was needed.

323 Member Bull asked that staff be consistent in distinguishing the process from the
324 result as it related to the platting process.

325 Page 13, Section 65 (Developer Open House Meeting)

326 Using the recent Minnesota State Fair Interim Use application with many different
327 property owners rather than ownership by the State Fair of those sites, Member Bull
328 noted his concern in using “owner” versus “applicant.”

329 Mr. Paschke reiterated the process involved co-applicants and clarified that the
330 process was different for open houses, with applicants moving forward with an open
331 house without requiring the involvement of the property owner. Mr. Paschke noted
332 that this simply intended as the first touch as to whether or not a project was worth
333 moving forward. Also in the case of the State Fair, Mr. Paschke advised that each
334 property owner provided a letter of support for the State Fair as the applicant.

335 In Section 66, Member Kimble alluded to the developer open house, while Section 65
336 still says that the owner shall hold the open house.

337 Mr. Lloyd duly noted that error and advised it would be changed to be made
338 consistent and would restore it to “applicant.”

339 With Member Bull noting that the next line stated “owner,” and their responsibilities,
340 Member Kimble noted that in some cases, the developer will not close on a property
341 until approvals area received at which time the closing would occur on the land and
342 they would then become the owner.

343 In that circumstance, Member Sparby noted that the applicant needed authority from
344 the owner to move forward with the open house.

345 From a practical standpoint, Mr. Lloyd noted that it would be unwise for an owner to
346 move forward without an agreement in place.

347 In order to ensure that relationship is in place, Member Sparby suggested retaining
348 “applicant” in the new language.

349 Mr. Lloyd advised that the owner would likely be aware of and even involved in the
350 open house process; but from his perspective the distinction was the open house
351 process itself held prior to the city becoming involved in a major way. Mr. Lloyd
352 noted the intent of the open house as a venue for public review of a proposal before
353 an application was made for approvals. If an applicant is seeking approval/denial on a
354 property, Mr. Lloyd opined that it was important for the owner to be explicitly
355 identified.

356 Member Sparby stated that he’d support “owner/applicant.”

357 Member Kimble suggested “applicant and/or owner.”

358 Page 18, Section 83

359 Again, Member Gitzen asked that the applicant be made aware of the process and
360 timeline.

361 Page 19, Sections 84 and 86

362 Member Kimble noted the distinctions in “hardship” and “practical difficulty,” with
363 Mr. Lloyd explaining that they were intentionally different based on State Statute
364 related to land use and zoning and recent revisions to their language from “hardships”
365 to “practical difficulty.” However, Mr. Lloyd advised that State Statutes continue to
366 talk in places about “unusual hardships” making that definition hard to determine in
367 Statute. Mr. Lloyd advised that he had taken this language verbatim from State
368 Statute after his conversation with the City Attorney.

369 Member Gitzen stated that he didn’t think State Statute defined it; and asked staff to
370 confirm that the Statute was still in place or if it had been further amended as they

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 10

371 had been discussing. Member Gitzen opined that “undue hardship” represented a
372 strict definition, but he thought the legislature’s intent was to revise it to “practical
373 difficulties” in both cases. Member Gitzen opined it was worth verifying whether or
374 not the standards of each were totally different if not.

375 In Section 86, in response to Member Sparby, Mr. Lloyd advised that his
376 understanding was that specific grounds for a variance were no applicable to case
377 law; with Member Sparby suggesting that staff further review whether the four
378 factors were considered in case law as factors to consider.

379 Mr. Lloyd clarified that the City Attorney had been supportive of those four factors as
380 viable, specific grounds as long as the city was certain nothing else was being left out
381 of that consideration.

382 Page 21, Sections 88, 89 and through Section 113

383 Again, as previously noted, Mr. Lloyd reiterated that the ordinance formatting would
384 provide a sense of how everything fit together globally and with necessary data for
385 preliminary plats included in the major plat process, noted that this provision was no
386 longer needed.

387 Page 23, Chapter 1102.03, Section 114 (Requirements governing approval of
388 Preliminary plats)

389 While a discussion with city the City Attorney and Public Works staff was indicated,
390 from a global perspective, Mr. Lloyd suggested these items made more sense in
391 Chapter 1102.01 related to processing of any subdivision. However, Mr. Lloyd
392 opined that it made sense to retain Section 115 to apply conditions of approval as
393 noted, with further review to edit out any remaining redundancies.

394 To make an area completely safe, Member Gitzen suggested changing the wording if
395 it remained to a different standard than “adequate drainage.”

396 Mr. Lloyd confirmed that he proposed to move that to Chapter 1102.01.

397 Page 24, Section 120

398 Mr. Lloyd noted removal as it was discussed in the procedures section for final plats.

399 Page 26, Section 134

400 While this may seem like an archaic section, Mr. Lloyd clarified that “streets” are not
401 automatically accepted as a public street until staff ensures they meet city standards
402 and requirements.

403 In talking about developer agreements, Member Gitzen asked how or whether this
404 applied.

405 Mr. Lloyd opined that this applied more broadly, such as public streets obtained
406 through annexation, but for practical purposes, neither he nor the City Attorney could
407 see any reason to retain it.

408 With Member Kimble asking if it could occur as private roads became public, Mr.
409 Lloyd agreed that could be addressed in the development agreement; but under those
410 circumstances, it may be prudent to retain it.

411 Chapter 1102.06, Page 27, Section 137 and Page 29, Section 147 (Required Land
412 Improvements)

413 Mr. Lloyd noted the intent to remove these sections for inclusion in the Public Works
414 design standard manual without further specificity in the subdivision code.

415 **Recess**

416 Chair Murphy recessed the meeting at approximately 8:07 p.m. and reconvened at approximately
417 8:12 p.m.

418 Attachment C Document Review (new)

419 Section 137, Chapter 1102.07 – (Chapter 1102.06 of current code)

420 Page 30, Section 153, Item #7

421 Since there is no definition of “parkways,” Member Kimble asked if that was clear to
422 everyone.

423 Mr. Lloyd advised that this was an error in tracking changes, and advised that the
424 intent was to use “boulevard.”

425 In Section 155, Mr. Lloyd suggested, as previously suggested by the commission, to
426 allow for rain gardens and natural stormwater features if and when they make design-
427 sense rather than requiring turf grass or sod, as long as they stabilized soils and met
428 Public Works design requirements.

429 Member Daire asked if an abutting property owner on a street was allowed to plant
430 decorative grasses or blooming boulevards.

431 Mr. Lloyd responded that there was no codified position on that, and if and when
432 property owners are interested in these front yard and/or public right-of-way areas,
433 they could work with the Public Works Department to seek their approval of their
434 intended plantings, as this was their domain.

435 Page 31, Sections 153 (page 30) and 157

436 Member Gitzen opined that these sections appeared to be the same and questioned
437 whether both were needed.

438 Mr. Lloyd responded that Section 153 was under the category of street improvements,
439 but offered to talk more with the Public Works Department as to whether the
440 reference should be “parkway” indicating a grass area between driving lanes (e.g.
441 Wheelock and Lexington Parkways).

442 If so, Member noted the need for a definition for “parkway.”

443 In Section 157, discussion ensued about the intent and definition of a “boulevard” as
444 a non-paved part of a right-of-way (except for driveways, pathways or walkways) and
445 therefore was distinct or if it needed to be distinguished or removed.

446 Member Kimble suggested this be given further consideration.

447 In Section 160 related to public utilities, Member Gitzen suggested this section was
448 more applicable to the Public Works Department than the Planning Commission.

449 On the flip side, Chair Murphy noted that this may still include a requirement for
450 public comment at the commission or City Council level even if the Public Works
451 Department served as the presenter based on their technical skills to make a
452 recommendation to the commission.

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 12

453 Member Gitzen opined that the Planning Commission wouldn't need to review it;
454 with Member Sparby recommended language such as, "...suggested after study by
455 the Public Works Department and recommendation by the Planning Commission;"
456 agreeing that study seemed out of the commission's jurisdiction. Mr. Lloyd noted that
457 a public hearing could be held at the City Council meeting, with the consensus of the
458 body being for the Public Works Department to provide a report to the Planning
459 Commission for recommendation to the City Council.

460 In Section 156, Mr. Lloyd noted the recommended changes were from the Public
461 Works Department for a "licensed" rather than a "registered" professional engineer.

462 Page 35, Line 161

463 At the request of Chair Murphy, Mr. Lloyd reviewed the rationale for leaving this
464 door open for occupancy with the potential for homes being completed prior to final
465 paving of a street, with possibly only the first lift applied.

466 Page 36, Chapter 1103 (Design Standards)

467 After minimal discussion, the consensus of the body was to remove Chapters 1103.01
468 (Street Plan) and 1103.02 (Streets) and refer to the Public Works design standards
469 manual.

470 Mr. Lloyd noted there were some areas with distinction despite the chapter name of
471 "streets," and the application of physical facilities and rights-of-way widths required
472 for functional classifications in residential subdivisions or commercial plats, that may
473 provide relevant information for someone layout out a plat.

474 However, Member Gitzen noted that curvatures, horizontal street lines and other
475 items were design standards.

476 With further discussion, Mr. Lloyd advised that the Public Works Department had
477 supported moving physical facility requirements into their design standards, but
478 information guiding layout of a plat document they had felt some value in preserving
479 it here. However, Mr. Lloyd advised that he would further consult with them for the
480 next iteration of the code.

481 Members Gitzen and Kimble noted the preference to have information in only one
482 place to avoid redundancies as well as inconsistencies.

483 Mr. Lloyd agreed, but noted the need for balancing where that most current
484 information should be located and suggested it may be helpful to have those
485 parameters listed here without going into too much detail.

486 Member Gitzen suggested having them in one place or the other, but if included in
487 both documents, they needed to match; but stated his preference for references in
488 code to the manual.

489 Member Kimble suggested the categories could remain in the subdivision code by
490 reference guiding people to the Public Works design manual.

491 Chair Murphy advised staff to make the City Council aware of their strong
492 recommendation without significant review of Chapters 1102.01 and 1102.02 was for
493 the subdivision code to recognize the categories while referring to the Public Works
494 design manual to avoid duplication or errors.

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Page 38, Sections 194 – 197

Mr. Lloyd advised that he needed to revisit street widths with the Public Works staff, but thought it was helpful to leave street widths in the subdivision code.

In reflecting on his experience as a transportation planner with the City of Minneapolis, Member Daire noted the relationship with street width, snow accumulation and placement of mailboxes. As he had shared with Community Development Director Collins earlier for her in turn sharing his comments with the Public Works Department, Member Daire suggested some consideration should be given parking control with vehicle and street access, especially with the advent of more on-street bike lanes and what standards should apply for them. Member Daire noted the correlation with various street widths and types when considering their location to ensure the safety of cyclists. Since this is an area of considerable concern for him, Member Daire suggested city street width standards be raised; including how to deal with three lane streets and turn lanes to keep traffic moving smoothly as well as bike lanes. Therefore, Member Daire advised that his suggestion had been for the Public Works Department to consider more specificity in its design standards.

Since this is the way of the future, Member Kimble offered her agreement, noting that it wasn't addressed now (e.g. Ramsey County roadways) and noted a number of items in the current subdivision code that are not yet addressed in Public Works design standards at this point.

In summary, Chair Murphy directed staff to migrate as appropriate.

Page 39

Member Gitzen suggested these also be included in Public Works design standards.

Page 40, Chapter 1103-04 (Easements), Section 209

Member Gitzen suggested revised language to read.” Easements at least a total of 10’ wide along the front and side, and corner lot lines as well as centered on rear and side lot lines.”

At the request of Member Gitzen, Mr. Lloyd advised that he would consult with the Public Works Department whether a statement was still needed about reflection or anchor points.

In Section 210, Member Gitzen suggested rewording “drainage easements” to allow stormwater easements on platted land.

Page 41, Chapter 1103.05 (Block Standards), Section 213

With Roseville being a fully-developed community, Mr. Lloyd advised that the Public Works Department’s suggestion was to remove the upper boundary and use the more realistic 900’ long block as the upper boundary.

In Section 215, Member Gitzen questioned how and what was being designated or what plan was referenced.

Page 42, Section 226

At the request of Member Daire, Mr. Lloyd noted this was referring to private streets and their physical requirements the same as that of a public street in case they should eventually become public versus private.

**Regular Planning Commission Meeting
Minutes – Wednesday, May 3, 2017
Page 14**

537 As discussion ensued, staff was directed to clarify that any references to 20’ width for
538 private streets should be corrected to ensure they were a minimum of 24’ to
539 accommodate emergency vehicles.

540 Page 43, Section 229

541 Member Gitzen noted that side lot lines were “perpendicular” to front lot lines.

542 Page 43, Section 233

543 As previously noted, flag lots are no longer allowed unless considered on a case-by-
544 case basis under a variance.

545 In Section 235, Member Daire sought clarification of the definition for “major
546 thoroughfares.”

547 Mr. Lloyd noted this was a topic from the Variance Board meeting, and addressing
548 single-family homes versus parking lots and circulation for turnarounds, especially
549 related to county roadways; and current requirements for a turnaround area to avoid
550 backing out directly into the roadway. Mr. Lloyd advised that the definition of “major
551 thoroughfare” is yet to be determined.

552 At the request of Member Gitzen as to whether or not the comprehensive plan defined
553 types of streets, Mr. Lloyd clarified that as it applied in the past, it was specific to
554 county roadways, but advised that he would continue to work with the Public Works
555 staff to determine the appropriate level tied to functional classifications for definition
556 or description in some other way.

557 Page 44, Section 237

558 Mr. Lloyd advised that shoreland lots were not referenced in Chapter 1017 of the
559 shoreland zoning code.

560 Page 45, Chapter 1103.07 (Park Dedication), Section 242

561 Noting reference to “city” at its discretion, Member Sparby asked if this should be
562 defined as the “City Council” instead; with Mr. Lloyd clarifying that ultimately it did
563 mean the City Council upon recommendation by the Parks & Recreation
564 Commission, but ultimately a decision for the City Council. Mr. Lloyd advised that
565 the only reason “city” was used rather than specifying the “City Council,” was that
566 other participants were involved in the process.

567 Member Sparby stated his preference for more specificity to indicate the City Council
568 rather than suggesting city staff made that determination.

569 Pages 45-46, Section 243

570 Mr. Lloyd asked that the commission disregard italicized text intended for last night’s
571 Parks & Recreation Commission discussion.

572 At the request of Member Daire, Mr. Lloyd clarified that the trigger involved the net
573 increase in development sites and land area of at least one acre or more. Mr. Lloyd
574 further clarified the current process versus the proposed process for minor plat
575 processes that now would require a public hearing before the City Council took action
576 on a park dedication. With concerns raised by Member Daire on impacts to
577 homeowners attempting to subdivide their property and being subject to a park
578 dedication fee, Mr. Lloyd put the conditions of approval in context in a practical
579 sense of most of those situations falling below the threshold of one acre that would

580 trigger this provision. On the flip side, Mr. Lloyd noted that a minor plat process
581 could be used in a large commercial plat if no new infrastructure or rezoning was
582 required, with such a sizable development potential then exempted from park
583 dedication requirements if following Member Daire’s logic.

584 Referencing last night’s Parks & Recreation Commission meeting, Chair Murphy
585 asked how the Planning Commission could be aware of the results of their meeting
586 specific to the subdivision code and whether or not the Planning Commission agreed
587 with their recommendations short of individual comments to the City Council.

588 Ms. Collins advised that staff could provide that feedback to the Planning
589 Commission via email as soon as it became available, at which time if there was
590 anything drastic, individual commissioners could advise staff accordingly. While
591 recognizing the timing conflicts, Ms. Collins noted that the meetings are archived on
592 the city website for optional viewing by the commission as well.

593 Noting that meeting minutes were not posted on the website until approved, Chair
594 Murphy expressed interest in getting something similar to meeting minutes from last
595 nights Parks & Recreation Commission meeting for review as soon as possible in
596 order to review them and provide comment to the City Council.

597 Mr. Lloyd advised that he anticipated having a distilled version at a minimum
598 included in the next iteration of the draft subdivision code.

599 Chair Murphy asked that, upon receipt of that information by individual Planning
600 Commissioners, they communicate their feedback directly to Community
601 Development Department for forwarding to or directly to the City Council.

602 In Section 244, Mr. Lloyd briefly summarized the bulk of his conversations with
603 Parks & Recreation staff earlier today related land area or fees in lieu of park
604 dedication. Whatever the results, Mr. Lloyd opined that it was important that the
605 subdivision code still reference land for dedication and advised that it would not be
606 removed in new language, but still tie land dedication with cash dedication as
607 approved in the city’s fee schedule annually.

608 In Section 245, Item C, at the request of Member Kimble, Mr. Lloyd advised that
609 State Statute dictated a nexus or connection between what was being required as park
610 land or fee dedications and what it was intended for, previously at 7% and now
611 increased to 10%.

612 Page 47, Section 247

613 Should this section survive, Chair Murphy noted an error in still referencing the HRA
614 rather than the EDA.

615 Member Kimble opined that it seemed that Roseville didn’t want to encourage
616 development, especially in the City Council not supporting waiving park dedication
617 fees or any permit fees for affordable housing projects that typically have huge
618 funding gaps.

619 Ms. Collins advised that in 2016, the EDA had adopted a policy, with their
620 determination that the only fee they’d consider waiving would be Sewer Access
621 Charges (SAC) credits, but had stated loud and clear that that waiving any other fees
622 would not be considered under their policy.

Regular Planning Commission Meeting

Minutes – Wednesday, May 3, 2017

Page 16

623 Given that strong agreement by the City Council, Mr. Lloyd advised that the language
624 was being removed from the revised subdivision code.

625 General Discussion

626 At the request of Chair Murphy, Mr. Lloyd reviewed the next steps and inclusion of
627 Parks & Recreation Commission comments on park dedication and other pertinent
628 areas; reconciling Public Works standards and any potential conflicts on a staff level;
629 City Attorney recommendations; and tonight’s comments of the Planning
630 Commission in the next iteration into a regular text version of the subdivision code to
631 see how provisions now flow.

632 Member Daire advised Mr. Lloyd that he found reference to “private streets” on page
633 13 of Attachment D, Item 10; with Mr. Lloyd advising that he would make sure this
634 was not an oversight in the Public Works design standards. Mr. Lloyd assured
635 Member Daire that a minimum street width of 24’ for private streets was considered
636 standard, and was supported by the Fire Marshal too.

637 Discussion ensued as to whether the Planning Commission was prepared to make a
638 recommendation to the City Council tonight on a revised subdivision code given the
639 tight timeframe; and whether or not to conclude the public hearing tonight.

640 Ms. Collins recommended recommendation for approval contingent on further City
641 Attorney review and review by the Public Works Department for redundancies or
642 inconsistencies and additional feedback from the Parks & Recreation Commission.
643 Ms. Collins advised that another option would be to schedule a special Planning
644 Commission meeting to meet the May 31, 2017 moratorium deadline.

645 Chair Murphy stated that he was not comfortable recommending approval to the City
646 Council of a document the Planning Commission had yet to see or review in its
647 entirety. Chair Murphy recognized the goal, but questioned if that would create
648 significant problems if that goal wasn’t met.

649 Further discussion ensued related to timing, including receipt of City Council
650 feedback in addition to those others noted.

651 Member Bull opined that the Commission had to have time to perform their role
652 before making a recommendation.

653 Member Daire noted the considerable time spent on this project, expressing his
654 interest in seeing it through.

655 If another session was needed, Ms. Collins asked individual commissioners to submit
656 their comments to staff before the meeting to allow time for a more judicious review
657 by staff.

658 While that usually worked, Member Bull opined that sometimes those individual
659 suggestions were interpreted by staff into text but didn’t necessarily reflect what had
660 been recommended.

661 Ms. Collins suggested comment sections from individual commissioners so the
662 suggestions wouldn’t be incorporated into text until they received a collective review
663 and consensus.

664 Chair Murphy suggested waiting to discuss this until all written items were available
665 and then project a timeframe from there.

666 Ms. Collins noted that the City Council would want the commission to feel
667 comfortable with their recommendation.

668 Chair Murphy opined that he didn't see the train going off the track if the moratorium
669 was suspended on May 31st before the Planning Commission made their
670 recommendation to the City Council in early June if delayed to their next regular
671 commission meeting.

672 **MOTION**

673 **Member Daire moved, seconded by Chair Murphy, to continue the public**
674 **hearing until the next scheduled regular Planning Commission meeting of June**
675 **5, 2017.**

676 **Ayes: 6**

677 **Nays: 0**

678 **Motion carried.**

679 Chair Murphy thanked Mr. Lloyd and Ms. Bunge for facilitating tonight's discussion.

680 **7. Adjourn**

681 **MOTION**

682 **Member Gitzen moved, seconded by Member Murphy, to adjourn the meeting at**
683 **approximately 9:40 p.m.**

684 **Ayes: 6**

685 **Nays: 0**

686 **Motion carried.**

**REQUEST FOR PLANNING COMMISSION ACTION
SUBDIVISION CODE REWRITE**

Agenda Date: 6/7/2017
Agenda Item: 5a

Item Description: Request by the City of Roseville to approve a comprehensive technical update to the requirements and procedures for processing subdivision proposals as regulated in City Code Title 11 (Subdivision) and revision of the lot size standards established in City Code Chapter 1004 (Residential Districts) (**PROJ-0042**)

1 **INTRODUCTION**

2 Since March, the Planning Commission and City Council have been reviewing and
3 commenting on iterations of updated subdivision code content, including an annotated outline
4 of general suggestions, and a detailed side-by-side presentation of existing-and-proposed
5 language. Those documents have made it relatively easy to identify and discuss proposed
6 changes to the subdivision code, but they were less helpful for understanding the overall
7 structure of the updated code.

8 The current document presented for final review is a consolidation of the previous iterations of
9 the side-by-side presentations as well as the feedback received from the Planning Commission,
10 Parks and Recreation Commission (pertaining to the section regarding Park Dedication), and
11 the City Council. The draft subdivision code is included with this RPCA as Attachment A.
12 Please note that the draft does not include any *track changes* typography because attempting to
13 reflect suggested changes from three different bodies over five separate review sessions would
14 result in a *track changes* document that is very difficult to comprehend in some places.
15 Changes that are recommended during the public hearing, however, will be tracked in the
16 document that is brought to the City Council for final action.

17 Minutes of the Planning Commission's discussions of the side-by-side drafts on April 5 and
18 May 3 are included with this report as Attachments B and C, respectively. The memo from
19 Parks and Recreation Director, Lonnie Brokke, summarizing the comments of the May 2 Parks
20 and Recreation Commission meeting are included as Attachment D. And minutes of the City
21 Council's May 8 and May 15 discussions of the side-by-side drafts (updated to include the
22 Planning Commission's comments) are included as Attachments E and F, respectively.

23 **PLANNING DIVISION COMMENTS**

24 As mentioned in previous meetings, many of the proposed amendments to the subdivision code
25 involve modernizing outdated language, auditing definitions to include what is necessary and
26 delete what is not, and removing technical requirements that are better regulated elsewhere.
27 Similarly, much of what the existing code establishes for application submission requirements
28 and review processes would be updated and relocated to the application forms themselves,
29 rather than leaving them as codified regulations. Based on the feedback received during the
30 June 7 public hearing regarding the proposed process amendments, Planning Division staff will
31 draft updated application forms, which would become exhibits for City Council review of the
32 proposed subdivision code update.

33 The most significant proposed application-review-process change pertains to the minor
34 subdivision. Feedback offered by the Planning Commission and City Council in March
35 coalesced around two positions on simple subdivisions: applications should provide full

36 surveys, grading plans, storm water plans, and the like, in contrast to the sketch-level plans
37 required by the current code; and they should have generally the same review process as they
38 currently have. This combination of rich application data and a direct path to City Council
39 action is essentially an abridged plat application and review process; correspondingly, this is
40 reflected in the proposed draft as the replacement of the minor subdivision process with a
41 “minor plat” process. The minor plat would be for all applications that:

- 42 • Result in three or fewer parcels,
- 43 • Doesn’t qualify for park dedication,
- 44 • Don’t need any new streets, sewers, or other new public infrastructure,
- 45 • Don’t require any variances to zoning or subdivision requirements, and
- 46 • Don’t involve any changes to comprehensive plan or zoning designations.

47 To make room for the proposed minor plat process, the draft subdivision code renames the
48 familiar process for plats as the “major plat,” which remains the standard process for all
49 proposals that:

- 50 • Result in four or more parcels for new development,
- 51 • Require an open house meeting prior to application for approval,
- 52 • Might need new streets, sewers, or other new public infrastructure,
- 53 • Might require variances to zoning or subdivision requirements, and
- 54 • Might involve changes to comprehensive plan or zoning designations.

55 More significant subdivision proposals would require the same process of public review,
56 Planning Commission recommendation, and City Council approval as Roseville is used to, and
57 simpler applications would still have a relatively direct path to final action, but would include
58 more robust information for review at the outset.

59 The Parks and Recreation Commission reviewed the proposed revision to the park dedication
60 regulations at its meeting of May 2, 2017. Generally, amendments to the park dedication
61 regulations pertain to adding a preamble linking park dedication to the City’s goals as
62 expressed in places like the Comprehensive Plan, Parks and Recreation System Master Plan,
63 and the pathway plans, clarifying the thresholds where park dedication is required, and cleaning
64 up outdated information.

65 Feedback from the Parks and Recreation Commission and City Council led to elimination of
66 proposed language incorporate the set of occasions when the City would seek dedications of
67 land to include locations that could increase the connectivity of pathways open spaces
68 identified in the community’s plans, as authorized by State Statute. While the feedback from
69 these bodies also communicated the preference to eliminate proposed references to Roseville’s
70 Parks and Recreation System Master Plan and the Pathways Master Plan (which is in the Parks
71 and Recreation chapter of the Comprehensive Plan), such references have been left in the
72 proposed draft at the advice of the City Attorney.

73 The City Council’s review of the park dedication section of the subdivision code also included
74 changing the amount of land to be dedicated in non-residential subdivisions to 10% of the
75 subject property’s land area to equal the cash fee for such subdivisions established in the 2017
76 Fee Schedule. This suggested change has not been incorporated into the current draft, however,

77 because the discussion that yielded the suggestion also made clear that the Parks and
78 Recreation Commission and Department staff need to reevaluate or recalibrate how the land
79 dedication requirements align with the required fees. Therefore, any change that might be made
80 to the land dedication requirements in advance of that reevaluation would be arbitrary, and
81 Planning Division staff will be ready to bring forward an amendment to the land dedication
82 figure(s) when and if that becomes necessary. Information from the League of Minnesota Cities
83 about subdivisions, generally, and park dedication, in particular, is included as Attachment G;
84 the appendix at the end of the League's memo provides an example of how the Parks and
85 Recreation Commission's reevaluation of park dedication requirements might proceed.

86 A parameter from the "lot standards" section of the subdivision code requiring lots for single-
87 family homes to have a real lot line at least 30 feet long is proposed to be removed from the
88 subdivision code (as other lot size standards have been) and relocated in the zoning code. This
89 change is reflected in Attachment A.

90 **PUBLIC COMMENT**

91 At the time this report was prepared, Planning Division staff has not received any
92 communications from the public beyond an email received prior to the March 1 review of the
93 annotated outline. That email has not been reproduced for inclusion with this report, but it
94 remains part of the public record.

95 **RECOMMENDED ACTION**

96 **By motion, recommend approval of the proposed subdivision code update,** based on the
97 comments and findings of this report and the input offered at the public hearing.

98 **ALTERNATIVE ACTIONS**

99 **Pass a motion to table the item for action on July 12, 2017.**

100 **By motion, recommend denial of the proposal.**

101

102 Prepared by: Senior Planner Bryan Lloyd
103 651-792-7073
104 bryan.lloyd@cityofroseville.com



Attachments: A: Draft code updates
B: Excerpt of April 5 Planning
Commission minutes
C: Excerpt of May 3 Planning
Commission draft minutes

D: Lonnie Brokke memo
E: Excerpt of May 8 City Council minutes
F: Excerpt of May 15 City Council draft
minutes
G: Information Memo from League of
Minnesota Cities

Title 11 - Subdivisions

CHAPTER 1101: GENERAL PROVISIONS

1101.01: Purpose and Jurisdiction

1101.02: Definitions

1101.01: Purpose and Jurisdiction

- A. Purpose: Each new subdivision accepted by the City becomes a permanent unit in the basic physical structure of the community and is one component of the City as a whole, as guided by the comprehensive plan. All subdivisions of land lying within the incorporated limits of the City shall in all respects fully comply with the regulations set forth in this Title.
- B. Jurisdiction: Roseville has the authority to make certain regulations and requirements for the subdivision of land within the City pursuant to the enabling legislation contained in Minnesota Statutes chapters 412, 429, 462, 471, 505, and 508, which the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

1101.02: Definitions

For the purpose of this Title, certain words and terms are defined as follows.

Boulevard: The property between the back of a curb (or the edge of the street, if there is no curb) and the adjacent right-of-way line

Easement: The grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity

Emergency Vehicle: Any vehicle that is used for the preservation of the health, safety, and welfare of the residents, property owners, visitors, workers, and property of Roseville

Lot: A tract of land of record, designated by metes and bounds, land survey, minor land division, or plat, which is on file at the office of Ramsey County Recorder or Registrar of Titles

Median: The property between the backs of curbs of separated travel lanes

Owner: Owner is the plural as well as the singular, and where appropriate shall include a natural person, partnership, association, public or quasi-public corporation, private corporation, other lawful business entity, or a combination of any of the same

Parcel: See "Lot"

Pathway: A public or private trail, footpath, pedestrian path, bike lane, or similar facility, across a block or providing access within a block to be used by pedestrians, or cyclists, or both

Plat: A drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth in this Title

Right-Of-Way (R.O.W.): Land dedicated to the public or preserved for public use as roadways, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds, and similar utilities and improvements

Roadway: A paved public or private street, avenue, highway, road, boulevard, lane, or similar facility, which affords primary access to abutting properties

Street: See “Roadway”

Subdivision: A described tract of land which is to be or has been divided into two or more lots, any of which resultant lots is less than five acres in area, for the transfer of ownership, or building development, or if a new street is involved, any division of a parcel of land. The term includes resubdivision and where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

CHAPTER 1102: PROCEDURES

1102.01: Plats

1102.02: Variances

1102.03: Acceptance of Streets

1102.04: Required Land Improvements

1102.05: Arrangements for Improvements

1102.01: Plats:

Any subdivision of land shall adhere to the platting procedures established herein.

A. Requirements Governing Approval of a Subdivision

1. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic locations, or similar conditions.
2. Conditions of Approval: For all subdivisions, the City may require such changes or revisions as the City deems necessary for the health, safety, general welfare, and convenience of the City to be incorporated into the final plat. For Major Plats, the Planning Commission may also recommend to the City Council such changes or revisions.
3. Flooding: No subdivision will be approved for a site that is subject to periodic flooding, or which contains inadequate drainage facilities, unless the owner agrees to make improvements which meet the City’s storm water and drainage requirements.
4. Building Permit: No building permit shall be issued for the construction of any building, structure or improvement to the land or any lot within a subdivision which has been approved for platting until all requirements of this Title have been complied with fully.
5. Occupancy Permit: No occupancy permit shall be granted for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property and roadways providing access to the subject lot or lots have been constructed or are in the course of construction.

B. Platting Alternatives

1. The following processes are alternatives to the plat procedures established in this Chapter.
 - a. Common Wall Duplex Subdivision: This type of platting alternative shall be limited to a common wall duplex minor subdivision of a parcel in any zoning district which allows duplexes, along a common wall of the structure and common lot line of the

principle structure where the structure meets all required setbacks except the common wall property line.

- b. **Recombination:** This type of platting alternative transfers a parcel of land from one lot of record to an abutting lot. The proposed recombination shall not cause any portion of the existing lots, or improvements thereon, to be in violation of this Title or Title 10 (Zoning) of this Code.
 - c. **Corrections:** Approval of a corrective subdivision may be requested by an owner with a survey or description of a parcel or lot that has been found to be inadequate to describe the actual boundaries. This type of subdivision creates no new lots or streets. The proposed corrective subdivision may be approved by the City Manager upon recommendation of the Community Development Department. The proposed parcels shall not cause any portion of the existing lots, parcels, or existing buildings to be in violation of this regulation or the zoning code. A certificate of survey illustrating the corrected boundaries shall be required on all parcels.
2. **Applications:** The owner of property on which a platting alternative is proposed shall file an application for approval of the subdivision by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed and acted upon by the Development Review Committee, as established in Section 1002.06 of this Code.
 3. **Validation and Expiration:** A platting alternative approval shall be validated by the applicant through the filing of the approved subdivision at Ramsey County within one year of the date of the approval. Notwithstanding this time limitation, extensions of the time allowed for validation of the approval may be granted; extension requests shall be submitted in writing to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the approval. A platting alternative approval shall automatically expire if the approval is not validated as described herein.

C. Minor Plat

1. **Purpose:** The Minor Plat process may be utilized when all of the following criteria are present. All other subdivision proposals that do not fall within the regulations listed herein shall be submitted for the review by the Planning Commission and the approval of the City Council in accordance with the Major Plat process established in this Chapter.
 - a. The proposal subdivides or consolidates existing lots of record resulting in three or fewer lots.
 - b. The subject property is adequately served by public utilities and right-of-way, and no further utility or right-of-way is necessary.
 - c. The anticipated development on the lot or lots resulting from the proposed consolidation or subdivision is supported by the comprehensive land use plan designation applicable to the subject property.
 - d. The existing or anticipated development on the lot or lots resulting from the proposed consolidation or subdivision conforms, or is made to conform, to the zoning regulations applicable to the subject property.

- e. The proposed subdivision does not qualify for park dedication under the requirements established in Section 1103.07 of this Title.
2. Applications: The owner of property on which a Minor Plat is proposed shall file an application for approval of the plat by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a boundary survey, topographic survey, proposed grading, storm water management plan, and tree preservation plan. Complete applications shall be reviewed in a public hearing before, and acted upon by, the City Council according to the process set forth in Chapter 108 of this Code. Applications for Minor Plat approval shall not be accepted if:
 - a. A proposed minor plat has been denied, and an application requests approval of substantially the same subdivision on the same property within one year of the date of said denial.
 - b. A proposed Minor Plat represents the further subdivision of a lot which, itself, is the result of any subdivision approved within five years preceding said application.
3. Validation and Expiration: A Minor Plat approval shall be validated by the owner through the filing of the approved plat at Ramsey County within one year of the date of the approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the Minor Plat approval if requested in writing; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Minor Plat approval. A Minor Plat approval shall automatically expire if the approval is not validated as described herein.

D. Major Plat

1. Purpose: The Major Plat process shall be utilized when any of the following criteria are present:
 - a. The proposal subdivides or consolidates existing lots of record resulting in four or more lots.
 - b. The subject property is not adequately served by public utilities or right-of-way, and further utility or street right-of-way is necessary.
 - c. The anticipated development on the lot or lots resulting from the proposed consolidation or subdivision would require an amendment to the comprehensive land use plan designation applicable to the subject property.
 - d. The existing or anticipated development on the lot or lots resulting from the proposed consolidation or subdivision would require an amendment to the zoning designation applicable to the subject property.
 - e. The proposed subdivision qualifies for park dedication under the requirements established in Section 1103.07 of this Title.
2. Developer Open House Meeting
 - a. Purpose: Prior to submitting an application for a preliminary plat of 4 or more lots/parcels, an applicant/owner shall hold an open house meeting with property

- owners and renters in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
- b. Applicant/Owner Responsibility: The owner shall be responsible for the following items:
 - i. Completed Open House Form (application)
 - ii. Payment of fee and escrow
 - iii. Provision of applicable information regarding the project/request
 - iv. Determined the open house location, date, and time
 - v. Required submittal of open house summary upon conclusion of meeting
 - c. General: Applicant/Owner shall refer to the Open House Meeting Policy that is a component of the Open House Form (application) or contact the Community Development Department for additional information regarding the process.
3. Applications for Preliminary Approval: The owner of property on which a Major Plat is proposed shall file an application for preliminary approval of the plat by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a boundary survey, topographic survey, proposed grading, storm water management plan, and tree preservation plan. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108 of this Code, except that City Council action shall occur within 120 days of the submission of a completed application.
4. Validation and Expiration of Preliminary Approval: Preliminary approval of a Major Plat shall be validated by the owner through application for final approval of the plat of the proposed subdivision within six months of the date of said preliminary approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the preliminary approval if requested in writing; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the preliminary approval. Preliminary approval of a Major Plat shall automatically expire if the approval is not validated as described herein.
5. Application for Final Approval
- a. Applications: The owner of property on which final approval of a plat is requested shall file an application by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Required supporting documentation may include, but is not limited to, a Development Agreement as described in Section 1102.05 of this Chapter. The City Council shall act upon an application for final approval of a plat within 60 days of the submission of a completed application.

- b. Required Changes Incorporated: The final plat shall have incorporated all changes or modifications required by the City Council and shall otherwise be substantially the same as the preliminary plat.
- 6. Validation and Expiration of Final Approval: Final approval of a Major Plat shall be validated by the owner by filing the approved plat at the office of the Ramsey County Recorder within one year of the date of said final approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the final approval if requested in writing; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the final approval. Final approval of a Major Plat shall automatically expire if the approval is not validated as described herein.
- 7. Refusal to Approve: The refusal of preliminary or final approval of a plat shall be set forth in the proceedings of the City Council and reported to the owner. If approval of a proposed plat is so denied, an application for approval of substantially the same subdivision on the same property shall not be accepted within one year of the date of said denial.

1102:02: Variances

- A. Purpose: Regulations pertaining to the process of subdividing land and to the characteristics of lots created by subdivisions are established in Title 11 (Subdivisions) and Title 10 (Zoning) of this Code. There are occasions, however, where it may be appropriate to vary the regulations as they apply to specific properties where an unusual hardship on the land exists, as defined by Minnesota Statute 462.358 Subd. 6.
- B. Applications: The owner of property on which a subdivision variance is proposed shall file an application for approval of the variance by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing according to the process set forth in Chapter 108 of this Code. If a proposed subdivision variance is denied, an application for substantially the same variance on the same property shall not be accepted within one year of the date of the denial.
- C. Approval: The City may impose conditions in the granting of subdivision variances. A condition must be directly related to, and must bear a rough proportionality to, the impact created by the variance. In order to approve a requested subdivision variance, the Planning Commission may recommend, and the City Council shall adopt, findings pertaining to the following specific grounds:
 - 1. The proposal is consistent with the Comprehensive Plan.
 - 2. The proposal is in harmony with the purposes and intent of the zoning and subdivision ordinances.
 - 3. An unusual hardship on the land exists.
 - 4. The variance, if granted, will not alter the essential character of the locality.

1102.03: Acceptance of Roadways

- A. Approval of Plat or Annexation into City Not Considered Acceptance: If any plat or subdivision contains public roadways which are dedicated as such, whether located within the corporate limits of the City or outside the corporate limits or contains existing streets outside of said corporate limits, the approval of the plat by the City Council or the subsequent annexation of the property to the City shall not constitute an acceptance by the City of such roadways, nor the improvements constructed or installed in such subdivision, irrespective of any act or acts by an officer, agent or employee of the City with respect to such streets or improvements.
- B. Acceptance by Resolution of City Council: The acceptance of such roadways shall be made only by the approval of a resolution by the City Council after there has been filed, with the City Manager, a certificate by the Public Works Director. The certificate shall indicate that all improvements required to be constructed or installed in or upon such roadways in connection with the approval of the plat of subdivision by the City Council have been fully completed and approved by the Public Works Director, or a cash deposit or bond is on file to ensure the installation of such required improvements. However, if it appears to the City Council that a public local improvement will be constructed in any such roadway within a reasonable foreseeable time, the City Council, upon the recommendation of the Public Works Director may, by resolution, temporarily accept such roadway for maintenance by the City, and defer the completion of the roadway by the owner until such local improvement has been constructed.

1102.04: Required Improvements

No final approval of a plat shall be granted by the City Council without first receiving a report signed by the Public Works Director certifying that the following improvements described in the owner's preliminary plans and specifications meet the minimum requirements of all ordinances in the City, and that they comply with the requirements of the Public Works Design Standards manual;

- A. Sewers
 - 1. Sanitary Sewers: Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available.
 - 2. Storm Sewers: Storm sewers shall be constructed to serve all properties in the subdivision where a connection to the City storm sewer system is available or where detailed plans and specifications for storm sewers to serve the subdivision are available. Where drainage swales are necessary, the soil therein shall be stabilized in accordance with applicable standards.
 - 3. Development Area Grading and Drainage Plan: The developer shall submit a grading and drainage plan for the entire area of anticipated development within the plat, indicating the elevation of proposed houses, surrounding ground, and the direction of flow. The developer shall not deviate from this plan without first obtaining written acceptance from the Public Works Director of such changes.

- B. Water Supply: Where a connection to the City water system is presently available, water distribution facilities including pipe fittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision.
- C. Right-Of-Way Grading: The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved.
- D. Roadway Improvements
 - 1. All roadways shall be paved, with curb and gutter, in conformance with standards for the applicable functional classification
 - 2. Pathways shall be constructed in accordance with the Pathways Master Plan and the applicable standards of the Public Works Department along the width of a development site abutting any roadway of functional classification Collector or greater.
 - 3. Storm water inlets and necessary culverts shall be provided within the roadway improvement at points specified by the Public Works Department.
 - 4. All unpaved portions of boulevards and medians within the dedicated right-of-way area shall be graded and the soil therein stabilized in accordance with applicable standards.
- F. Public Utilities
 - 1. All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines and services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Transformer boxes shall be located so as not to be hazardous to the public.
 - 2. The City Council may waive the requirements of underground services as set forth in subsections 1 above if, after study and recommendation by the Planning Commission, the City Council establishes that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions make underground installation unreasonable or impractical. (Ord. 598, 5-26- 69)

1102.05: Arrangements for Improvements

- A. Development Agreement: Prior to the acceptance of the final plat, the owner shall enter into a development agreement with the City.
 - 1. In conjunction with this contract, the owner shall deposit with the Public Works Director either a cash deposit or a corporate surety performance bond, approved as to form by the City Attorney, in an amount equal to one and one-half (1 1/2) times the Public Works Director's estimated cost of said improvements. This bond shall also have a clause which guarantees said improvements for a period of one year after acceptance by the City of said improvements. In lieu of this clause, a separate one year maintenance bond approved as to form by the City Attorney, shall be submitted to the Public Works Director upon acceptance of said improvements by the City Council. Upon receipt of this maintenance bond the performance bond may be released.

- 2. Where park dedication is required pursuant to Section 1103.06 of this Title, the development agreement will identify the amount of land, or cash contribution, or combination of land and cash contribution determined necessary to satisfy the park dedication requirement. The development agreement will also specify the time and manner such required dedication is to be made.
- B. Improvements: All such improvements shall be made in accordance with the plans and specifications prepared by a Minnesota licensed professional engineer and approved by the Public Works Director and in accordance with applicable City standards and requirements.
- C. Bond: The owner shall deposit with the Public Works Director cash or an approved indemnity bond to cover all expenses incurred by the City for engineering, legal fees and other incidental expenses in connection with the making of said improvements listed in Section 1102.04. In the event of a cash deposit, any balance remaining shall be refunded to the owner or owner after payment of all costs and expenses to the City have been paid.
- D. Street Access to Improved Lots Required: It is not the intent of this Section to require the owner to develop the entire plat at the same time making all the required improvements, but building permits will not be granted except as to lots having access to streets on which the required improvements have been made or arranged for by cash deposit or bond as herein provided.

CHAPTER 1103: DESIGN STANDARDS

1103.01: Transportation Plan

1103.02: Rights-of-Way

1103.021: Minimum Roadway Standards

1103.03: Easements

1103.04: Block Standards

1103.05: Lot Standards

1103.06: Park Dedication

1103.01: Transportation Plan

New roadways and related pathways shall comply to a master street plan that is based on the City’s Comprehensive Plan and Pathways Master Plan to promote a safe, efficient, sustainable, and connected network for all users and modes.

1103.02: Rights of Way

- A. Width: All rights-of-way shall conform to the following minimum dimensions corresponding to the functional classifications of the roadways therein.

Principal Arterial: as determined by the applicable jurisdiction governing the roadway

Minor Arterial: as determined by the applicable jurisdiction governing the roadway

Collector: 66 feet

Local: 60 feet

Marginal Access: 50 feet

- B. Horizontal Lines: Where horizontal right-of-way lines within a block deflect from each other at any one point more than 10° there shall be a connecting curve. Minimum center line horizontal curvatures shall conform to the following minimum dimensions corresponding to the functional classifications of the roadways therein.

Principal Arterial: as determined by the applicable jurisdiction governing the roadway

Minor Arterial: as determined by the applicable jurisdiction governing the roadway

Collector: 300 feet

Local: 150 feet

Marginal Access: 150 feet

- C. Tangents: Tangents at least 50 feet long shall be introduced between reverse curves on Collector rights-of-way.

- D. Center Line Gradients: All center line gradients shall be at least 0.5% and shall not exceed the following gradients corresponding to the functional classifications of the roadways therein.

Principal Arterial: as determined by the applicable jurisdiction governing the roadway

Minor Arterial: as determined by the applicable jurisdiction governing the roadway

Collector: 4%

Local: 6%

Marginal Access: 6%

- E. Jogs: Right-of-way jogs with center line offsets of less than 125 feet shall be prohibited.

- F. Cul-De-Sacs: If there is not a looped road system provided and a proposed right-of-way is greater than 200 feet in length, an approved turnaround shall be constructed.

1. Length: Cul-de-sacs shall be a maximum length of 500 feet, measured along the center line from the intersection of origin to the end of right-of-way.

2. Standard Design: The standard cul-de-sac shall have a terminus of nearly circular shape with a standard diameter of 120 feet.

- G. Roadway Standards: While not strictly pertinent to rights-of-way, per se, the following minimum dimensional standards shall apply to all existing City and private roadways when newly constructed or reconstructed. All local residential roadways shall be constructed in conformance with the Public Works Design Standards manual. In cases where the specified width is impractical, the City Council may reduce this dimension, as outlined in the City street width policy. However, for purposes of emergency vehicle access, no roadway shall be constructed to a width less than 24 feet.

1. Parking Prohibition by Roadway Width: For roadways with functional classification of Collector or greater, on-street parking shall be reviewed by the Public Works Department. For Local and Marginal Access roadways, "No Parking" signs shall be installed in accordance to the following:

≥ 32 feet Parking permitted on both sides of the street (no signs needed).

- ≥ 26 feet and < 32 feet No parking on one side of the street (signs on one side).
- ≥ 24 feet and < 26 feet No parking on both sides of the street (signs on both sides).

1103.03: Easements

- A. Easements at least a total of 10 feet wide, centered on interior lot lines, and abutting rights-of-way or roadway easements, shall be provided for drainage and utilities where necessary.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, drainage and utility easements shall be provided that conform substantially with the lines of such water courses, together with such further width, or construction, or both as will be adequate for the storm water drainage of the area.
- C. All drainage easements shall be so identified on the plat and soils therein shall be graded and stabilized in accordance with applicable standards.
- D. Pathways: Pathway easements shall be at least twenty (20) feet wide

1103.04: Block Standards

- A. Blocks over nine hundred (900) feet long shall require pathway easements at their approximate centers. The use of additional pathway easements connecting to schools, parks, or other destinations may be required by the City Council.
- B. Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision, the neighborhood, and City, and must consider lot planning, traffic flow, and public open space areas.
- C. Blocks intended for commercial, institutional and industrial use must be designated as such and the plat must show adequate off-street areas to provide for parking, loading docks, and such other facilities that may be required to accommodate motor vehicles.
- D. Where a subdivision abuts a railroad or limited access highway right-of-way, a Marginal Access right-of-way may be required to provide access to abutting properties and appropriate screening of the highway or railway.

1103.05: Lot Standards

- A. The minimum lot dimensions in all subdivisions shall be those of the applicable zoning standards as established in Title 10 of this Code, or of the intended zoning district if the subdivision is in conjunction with a zoning change, in addition to any requirements herein defined.
- B. Additional Standards for Lots for Single-Family Detached Residences: The shapes of new lots shall be appropriate for their location and suitable for residential development. Lots with simple, regular shapes are considered most appropriate and suitable for residential development.
 - 1. Lots which are appropriate for their location and suitable for residential development often have:
 - a. Side lot lines that are approximately perpendicular or radial to the front lot line(s) of the parcel(s) being subdivided, or

- b. Side lot lines that are approximately parallel to the side lot line(s) of the parcel(s) being subdivided, or
 - c. Side lot lines that are both approximately perpendicular or radial to the front lot lines(s) and approximately parallel to the side lot line(s) of the parcel(s) being subdivided.
2. It is acknowledged; however, that property boundaries represent the limits of property ownership, and existing boundaries that have complex or unusual alignments are not easily changed. Subdivisions of such irregularly-shaped parcels may be considered, but the shapes of proposed new lots might be found to be too irregular, and consequently, applications can be denied for failing to conform adequately to the purposes for which simple, regular parcel shapes are considered most appropriate and suitable for residential development.
 3. Flag lots, which abut a street with a relatively narrow strip of land that fails to conform to the minimum required lot width (i.e., the “flag pole”) that passes beside a neighboring parcel and have the bulk of land area (i.e., the “flag”) located behind that neighboring parcel, are not permitted.
 4. Through Lots: Where lots abut rights-of-way at the front and back, vehicular and pedestrian access to the lots shall be gained from the roadway of lower functional classification.
 5. Where new principal structures are constructed on lots contiguous to roadways with functional classification of Minor Arterial or greater, driveways servicing such lots shall be designed and constructed to provide a vehicle turnaround facility within the lot.
 6. Where new single-family residential lots are created on a new street, the driveway cut for the new lot must be placed within the new street.

1103.06: Park Dedication

- A. Authority: Minnesota Statutes 462.358, subdivisions 2b and 2c permits the City to require dedication of park land, or cash in lieu of land, as part of the subdivision process in order to fulfill its plans for recreational facilities and open spaces. The City, at its discretion, will determine whether park dedication is required in the form of land, cash contribution, or a combination of cash and land. To properly use this authority, the City will base its determination on existing development, the need created by the proposed development, and the plans and policies of the City including, but not limited to, those embodied by the Parks and Recreation System Master Plan, Pathways Master Plan, and Comprehensive Plan.
- B. Condition to Approval: Park dedication will be required as a condition to the approval of any subdivision of land involving more than one acre and resulting in a net increase of development sites. The Parks and Recreation Commission shall recommend, in accordance with Statute and after consulting the approved plans and policies noted herein, either a portion of land to be dedicated to the public, or in lieu thereof, a cash deposit given to the City to be used for park purposes, or a combination of land and cash deposit.
- C. Park Dedication Amount: The portion of land to be dedicated in all residentially zoned areas shall be 10% and 5% in all other areas. Park dedication fees shall be reviewed and

determined annually by City Council resolution and established in the fee schedule in Chapter 314 of this Code, and the fee shall be paid as part of the Development Agreement required in Section 1102.07 of this Title.

- D. Utility Dedications Not Qualified: Land dedicated for required street right-of-way or utilities, including drainage, does not qualify as park dedication.

Title 10 - Zoning

CHAPTER 1004: RESIDENTIAL DISTRICTS

1004.08: Low-Density Residential-1 (LDR-1) District

B. Dimensional Standards

Table 1004-3	LDR-1
Minimum Lot Area	
Interior	11,000 square feet
Corner	12,500 square feet
Minimum Lot Width	
Interior	85 feet
Corner	100 feet
<u>Minimum Rear Lot Line Length</u>	<u>30 feet</u>
Minimum Lot Depth	
Interior	110 feet
Corner	100 feet
Maximum Building Height	30 feet
Minimum Front Yard Building Setback	30 feet ^{a, b}
Minimum Side Yard Building Setbacks	
Interior	5 feet
Corner	10 feet ^c
Reverse Corner	Equal to existing front yard of adj. lot but not greater than 30 feet
Minimum Rear Yard Building Setback	30 feet

- a See Section 1004.04, Existing Setbacks.
- b Covered entries and porches sheltering (but not enclosing) front doors are encouraged and may extend into the required front yard to a setback of 22 feet from the front property line.
- c The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the Public Works Director that the right-of-way is likely to remain undeveloped.

1 c. **PROJF0042: Request by the City of Roseville to approve a comprehensive**
2 **technical update to the requirements and procedures for processing**
3 **subdivision proposals as regulated in City Code Title 11 (Subdivisions)**

4 Chair Murphy opened the public hearing for Project File 0042 at 8:36 p.m.

5 Mr. Lloyd briefly summarized proposed revisions as detailed in the staff report
6 based on City Council direction. Mr. Lloyd advised that this would mostly impact
7 how minor subdivisions were handled from the sketch plan to a formal survey and
8 legal description currently without a hearing before the Planning Commission and
9 handled at the City Council level. Mr. Lloyd advised that the City Council was
10 interested in having that more detailed information available at the front end of
11 the process for the public and commission to consider, currently identified as a
12 simple plat. Mr. Lloyd advised that the remaining process for subdivision
13 proposals and related new public infrastructure for more than three new lots
14 would generally continue as per the current process.

15 Mr. Lloyd advised that the other component involved park dedication
16 requirements with the current version largely remaining intact, with the only
17 proposed change referring to state statute for what that park dedication fees could
18 be used for beyond land (e.g. pathway connections, wetland dedications, etc.) and
19 clearly incorporated into language and the trigger point for park dedication and
20 creation of new lots of more than one acre.

21 Mr. Lloyd advised that further refinements to language were included in this
22 revision to ensure accuracy without confusion when interpreted.

23 At the request of Chair Murphy, Mr. Lloyd addressed the current moratorium in
24 place through the end of May, noting that it was procedurally important that the
25 new subdivision code be in place by then.

26 Vice Chair Bull questioned if the park dedication fee would apply to three or four
27 parcels when considering a minor subdivision of three or fewer parcels.

28 Mr. Lloyd provided the distinction, agreeing that it needed further clarity, for
29 purposes of which subdivision application was appropriate; and the number of
30 lots that resulted. For the purpose of calculating a park dedication in the example
31 used by Vice Chair Bull, Mr. Lloyd advised that the fee would be considered for
32 the three new developable sites.

33 Vice Chair Bull suggested a wording change to clarify it, suggesting that instead
34 of “creating” it state “results in three fewer or more...”

35 At the request of Member Kimble, Mr. Lloyd confirmed that a moratorium was in
36 place right now for any residential minor subdivision, even though Title 11 covers
37 both residential and commercial.

38 In the City Council meeting minutes (Attachment B), Member Kimble referenced
39 their discussion moving away from a sketch plan to a more definitive one (e.g.
40 word survey). However, Member Kimble noted that there area a lot of different
41 types, some of which are costly, and therefore stated her confusion as to the
42 intended requirements for some residential lots if and when a survey was required

43 or how they were defined in other areas of code to clarify what was being asked
44 for.

45 Mr. Lloyd advised that they were not defined elsewhere, and thanked Member
46 Kimble for that good observation for future reference and revision. Generally
47 speaking, Mr. Lloyd advised that the information being sought was to have
48 definitive distances along property boundaries versus approximations. Mr. Lloyd
49 advised that the City Council was interesting in having available site topography,
50 2' contours and other details not currently seen for a minor subdivision process
51 and now incorporated into application materials to checklist (e.g. survey
52 information, tree preservation, etc.) rather than as currently detailed in the
53 subdivision code itself applicable to a plat application.

54 Member Gitzen opined that it was reasonable to seek boundary and topography
55 surveys; but suggested including the specific criteria being sought. Member
56 Gitzen noted that those surveys provided the most detail needed, but needed
57 further clarification.

58 Member Kimble noted the discussion at a past meeting about not defining
59 everything in code, but rather doing so on the application itself to allow for more
60 period changes. However, Member Kimble agreed with the importance of clarity,
61 noting that if something was missed in the application checklist, it required an
62 extra cost to the property owner in order to remobilize the surveyor.

63 At the request of Member Gitzen, Mr. Lloyd confirmed that this document was
64 similar to that presented to the commission before, with the added discussion and
65 comments of the commission at that time, but in general the same document.

66 Member Daire, referencing Attachment C showing the existing subdivision
67 ordinance and proposed sections and language, also referenced Attachment D
68 showing the draft public works design standards. Member Daire asked that when
69 this process was completed, both documents would be consistent (e.g. street
70 widths).

71 Mr. Lloyd advised that the proposed draft manual was crafted in conjunction with
72 the subdivision ordinance as proposed for revision. However, Mr. Lloyd clarified
73 that the draft manual was still under review for consistency and as to whether it
74 met citywide goals.

75 **Mr. Lloyd Introduced Michael Lamb and Lelia Bunge, consultants with the**
76 **Kimley-Horn team, contracted to guide the city through these proposed**
77 **revisions.**

78 Mr. Lamb advised that the team had been working collaboratively with city staff
79 based on their institutional memory with several rounds of comments from the
80 Commission and City Council incorporated in this latest draft (Attachment C).
81 While there aren't a lot of big changes, Mr. Lamb noted that there were lots of
82 minor revisions, including formatting; along with the those noted by Mr. Lloyd in
83 the public works design standards manual and park dedication language
84 components, as directed by the City Council.

85 With Chair Murphy noting that collector streets no longer appeared in the
86 definition section, but remained in language later on in the document, Mr. Lamb
87 advised that the attempt was made to clarify and clean-up language referring to
88 streets, pathways, pedestrian ways, collector streets, etc. and representing
89 different facilities allowing movement in the community. Therefore, Mr. Lamb
90 advised that the simplified term “street” was used as a catch-all definition,
91 including collector streets.

92 **Attachment C Document Review**

93 Page 1

94 Member Gitzen noted that Section 6.B removed referenced to state statute 471
95 related to rights, duties and sought rationale in doing so. Ms. Bunge responded
96 that it had been replaced by another. However, Member Gitzen noted that the
97 ordinance referenced it elsewhere. Ms. Collins responded that when this is
98 codified, the dates for revision would be shown and built from.

99 Page 2/3

100 In Section 10, Vice Chair Bull noted that “boulevard” remained. Mr. Lamb
101 advised that a boulevard didn’t necessarily define a street or way, but was
102 considered a defining part of a street or landscape area; while a right-of-way was
103 considered a distinction between a facility allowing movement.

104 Member Daire sought the definition of “butt lot” mentioned later but not defined.

105 Mr. Lloyd referenced this (Item 220, page 33) as similar to a flag lot and defined
106 by its relationship to other lots.

107 Mr. Lamb noted that it could also be another reference for a corner lot; with Mr.
108 Lloyd expounding further that it might be a first lot on a block adjacent to the
109 corner.

110 Mr. Lamb noted that this provided a good example of using outdated language to
111 say a corner lot to make it more clear for general readers of the ordinance.

112 In Section 19, for definitions and as a general comment, Member Gitzen
113 suggested correcting language when referring to the “office of the county register
114 of deeds” that it be consistent and accurately identified as the “recorder and
115 register of title” or correct verbiage used as applicable.

116 In Section 23, Member Gitzen noted pathways were suggested as a physical
117 feature, but when talking about striping, they were defined as rights-of-way.

118 Mr. Lamb noted additional edits on definitions could be made; but advised that
119 the city’s current zoning code had been referenced for these newer definitions.
120 However, Mr. Lamb advised that he didn’t look further to city-approved policies
121 (e.g. Pathway Master Plan) for their definitions.

122 Member Gitzen advised that he couldn’t find a definition in the Pathway Master
123 Plan; with Mr. Lamb suggested it may require a hybrid definition needing fine-
124 tuning for pathways, trails, paths, or striped shoulders that were distinct from
125 shoulders.

126 Member Gitzen concurred that they didn't seem compatible at this time.

127 Vice Chair Bull noted that he found no reference to bikeways even though they
128 were a big consideration for residents. By consensus, Mr. Lamb was directed to
129 include that reference in future iterations and definitions.

130 At the request of Member Gitzen, Mr. Lamb confirmed that the comprehensive
131 plan included levels of bike facilities (e.g. on- or off-road) and suggested he defer
132 to that definition.

133 In Section 24, Member Gitzen noted that the definition of "pedestrian" referred to
134 the 2017 code. Mr. Lamb advised that this had been pulled from the Pathway
135 Master Plan, and was intended to be referenced once this update had been
136 codified. However, Mr. Lamb agreed that it needed to be specifically referenced
137 as should all such references.

138 Further discussion ensued in definitions for "young child," emergency vehicles"
139 and related inferences used as general definitions and not applying more
140 specifically.

141 Specific to defining "emergency vehicles," Chair Murphy suggested using the
142 existing definition in state law as an accepted definition (also referenced on page
143 31). If the state definition was acceptable, Chair Murphy suggested referencing it
144 without defining it as long as the intent was then when not defined in code, there
145 was an obvious place to find the intended meaning for the general public (e.g.
146 carts patrolling Roseville parks).

147 In reviewing any city-approved code, Mr. Lamb noted the many words begging
148 for definition; but based on his understanding of the blanket direction from the
149 City Council, the inclination was that the fewer definitions the better.

150 Member Gitzen stated his understanding of that intent; however, he opined that
151 there needed to be some definition available somewhere; whether referred to in
152 another document or in some other way. Otherwise, Member Gitzen questioned
153 how anyone could be clear on what was being talked about.

154 Mr. Lamb suggested referring that concern back to the City Attorney for his input,
155 since he had done some preliminary review of this update.

156 Mr. Lloyd concurred, advising that he had spoken with the City Attorney earlier
157 today to hear his first reactions; and noted that he would call this to his attention
158 as well.

159 As a general observation, Member Sparby stated that he wasn't comfortable
160 removing language without a clear reference provided elsewhere. While it may be
161 fine to remove "emergency vehicles," if they were included in the language of the
162 document, Member Sparby opined that there needed to be an informed decision
163 made for what should be retained versus a blanket removal that resulted in gaps.
164 If there was an identification of this referenced in the document, Member Sparby
165 opined that it would be beneficial to the process. While agreeing with the process
166 to streamline the document and remove some items no longer needed, Member

167 Sparby noted the difficulty in assessing whether all definitions should be
168 removed.

169 From his experience, Chair Murphy referred to the definition in state statute of
170 “emergency vehicles” as an example, deferring to the City Attorney’s final
171 guidance as to how and where definitions are removed and where defined
172 elsewhere in ordinance. While sharing the goal of Member Sparby, Chair Murphy
173 also shared the goal of getting ride of spurious definitions.

174 Mr. Lamb advised that the City Attorney would be provided with concerns
175 expressed by the commission from a redundancy and review standpoint, and to
176 advise of any legal requirements currently being missed that needed further
177 consideration.

178 Member Kimble suggested “streets” be used as an example and in the attempt to
179 provide an overall definition, whether removing individual items were
180 complicating the actual definition

181 Mr. Lamb noted that things such as “collector streets” were defined in the
182 comprehensive plan; but agreed that if so desired, the definitions could be
183 returned to this documents. However, Mr. Lamb stated his preference to consult
184 with the City Attorney for his opinion.

185 Member Kimble admitted that it got complicated; and while supportive of
186 cleaning up the ordinance, she also noted the difficulty that may ensue for clarity
187 purposes of those less frequent users if thing are not clearly defined.

188 Mr. Lamb noted that this brought up the public works design standards manual
189 and another discussion to elaborate the terms and definitions in that document and
190 application requirements. Mr. Lamb noted this represented additional areas where
191 those terms could be clearly defined.

192 In Section 22, Vice Chair Bull noted the definition of “owner,” but no going to
193 the extent of “tenant by the entirety.”

194 Member Kimble noted the different definitions for ownership that could be
195 pertinent to this subdivision ordinance; and the need for consistency among
196 documents, such as the zoning code where this definition was found.

197 Page 4/5

198 Vice Chair Bull noted that “final plat” ended up with a different definition than in
199 the past, but questioned “preliminary plats.”

200 In an effort to further simply things, Mr. Lloyd responded that the overall goal
201 was if someone was looking for a specific term for “plat” rather than “final plat”
202 in a different place, if so addressed as “pre-plat,” “plat,” and “final plat,” they
203 could immediately see the difference in them. However, while recognizing the
204 rationale in relocating the definitions, Mr. Lloyd admitted that the mark had been
205 missed in refining it.

206 In Section 26, Member Gitzen noted the need for standard verbiage as per his
207 previous comment, but also clearly defining “Ramsey County” rather than simply
208 “county.”

209 Member Sparby supported Member Gitzen’s suggestion for consistency
210 throughout the document.

211 In Section 32, Member Gitzen asked if the intent was to define “sidewalk” as an
212 improved surface; and suggested it may be more germane to provide more clarity.

213 Vice Chair Bull agreed, opining that a front yard didn’t necessarily resemble a
214 sidewalk.

215 In general, Member Gitzen noted that some other documents talked about “public
216 ways” generally, moving away from streets; and asked if staff or Mr. Lamb had
217 any thoughts on that.

218 Mr. Lamb agreed that was the general direction desired.

219 In conjunction with Member Kimble’s previous comment, Mr. Lloyd suggested it
220 may be more appropriate in this document to talk more generally about “public
221 ways” since the functional definitions area addressed in traffic engineering
222 references.

223 Page 6/7

224 In Section 48, Member Gitzen noted the need for rewording it to indicate “review
225 by the Planning Commission and approval by the City Council” to recognize the
226 statutory approval process.

227 In Section 51, Member Kimble stated that she didn’t understand the common wall
228 subdivision and that it would now be approved administratively by the City
229 Manager rather than a specific City Council action. Member Kimble opined that
230 some smaller actions are different than what had previously been in the
231 subdivision section.

232 Mr. Lloyd agreed that this one in particular was and was specific to the
233 recombination process of two adjacent parcels, where one party was interested in
234 acquiring part or all of the area of the adjacent parcel and shifting or re-aligning
235 the boundary between two parcels, while not creating anything new. Mr. Lloyd
236 clarified that this was different than a lot split.

237 Member Kimble stated that her rationale was that, even though they may be
238 considered minor actions, from her experience as a Roseville resident, it seemed
239 that those smaller actions may be more important to a residential
240 neighborhood with an empty lot or an area adjacent to established homes and
241 therefore very important to those living in the immediate area. Member Kimble
242 opined that the more eyes on a land use situation the better, since it could really
243 impact home ownership in the city. While trusting staff, Member Kimble opined
244 that this was something that could become a big issue for residents and therefore
245 even though small, it would be nice to follow the same process.

246 Mr. Lloyd clarified that this process is in today’s code for recombinations and
247 achieves what Member Kimble was seeking. If the desire was to move down that
248 path for City Council approval of recombinations, Mr. Lloyd advised that at this
249 point it would require City Council approval without a public hearing and no
250 notification of property owners. The rationale in staff suggesting this change is
251 that if there was no mandated requirement for property owner notification it
252 would open up space on the City Council’s agenda, while if indicated could also
253 be discussed at that time as well.

254 Member Kimble recognized that code and setback requirements would still e met,
255 but reiterated how impactful such a land use change could be to adjacent property
256 owners and/or a neighborhood.

257 Chair Murphy noted that such a request required both parcel owners to submit the
258 application; and recognized Member Murphy’s concern that there may be third
259 party or larger neighborhood interest as well.

260 In Section 51, Member Gitzen asked if many of those common wall duplex and
261 recombination consolidations occurred in Roseville.

262 Mr. Lloyd advised that there were few, but staff had received several inquiries
263 where a duplex property with two side-by-side residential units were connected
264 and now ownership of the property was being sought with a new property
265 boundary and shared wall. Mr. Lloyd advised that there were significant building
266 code hurdles to overcome to allow separation of such units.

267 Specific to Section 54, Member Gitzen asked if the City Attorney was amenable
268 to correcting a legal description but not that of a neighbor; and questioned if it
269 would be best to removal the required recording of documents after submittal
270 requirements, but after the action. Member Gitzen suggested consistent language
271 that documents be recorded within a certain timeframe or actions would become
272 null and void. While the process remained for recording, Member Gitzen noted it
273 was an action outside the city’s role, but suggested a response from the City
274 Attorney.

275 In Section 53.3, Mr. Lloyd addressed the current subdivision code related to tax
276 parcel boundaries and how they coincided with platted lots and tax billing.

277 Page 8

278 In Section 54, Member Sparby noted the need to address recording time to 60
279 days rather than “reasonable” time, emphasizing the need to retain a definitive
280 timeline.

281 In Section 55, Member Bull reiterated his past comments about revising language
282 for three or fewer lots.

283 In Section 56, Member Gitzen reiterated his past comments about the
284 recommendation and approval process.

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Page 9

In section 57, Mr. Lloyd noted the need for consistency with Planning Commission review.

Page 11

In Section 65, Vice Chair Bull opined that it should refer to design standards in compliance with this code. Mr. Lloyd responded that it may be broader than this code and subject to other applicable standards (e.g. lot size parameters regulated in zoning code).

Specific to Section 68, it was noted that the language should be consistent here and throughout the document to refer to “Community Development Department” rather than Planning Division or staff.

Discussion ensued on Section 70 regarding the approval period of 60 days and 120 days based on state statute.

Page 13

In Section 78, Chair Murphy suggested referring to the Variance Board rather than the Planning Commission.

Mr. Lloyd advised that he was still discussing that with the City Attorney; with current code referring to the Variance Board and without conflict to-date. However, Mr. Lloyd noted that conflicts that may occur with decisions on a variance part by one body and the subdivision application at the City Council level that could put the city in a difficult spot. Therefore, Mr. Lloyd advised that consideration was being given to bringing that variance element into the City Council’s authority as a single action or by the Planning Commission and City Council as appropriate depending on the subdivision request.

In Section 77, Member Gitzen noted the definition of variance in Chapter 1004.90, and variations elsewhere, suggesting the need for consistency.

Mr. Lloyd noted that there were distinctions with practical difficulties in zoning and subdivision variances for unusual hardships.

Member Gitzen used the City of Afton as an example where they considered no hardships and therefore no granting of variances. Since “hardship” was subjective, Member Gitzen suggested some consistency between the two.

Referencing his conversations earlier today with the City Attorney, Mr. Lloyd noted subdivision statute language discussing variances needing specific grounds for approval. While there wasn’t much definition provided as to that that meant, Mr. Lloyd opined that it seemed that the conditional use aspect of the zoning code provided for conditions applicable to each. Mr. Lloyd suggested the same conditions could be applied here with parameters set to meet for a variance or identification of that criteria.

Member Gitzen agreed that would be cleaner.

In Section 78, Member Gitzen noted the error in notification area at 350’ when it should be 500’.

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Page 14

At the request of Member Kimble, Mr. Lloyd confirmed that all of the items shown in Sections 81-92 would be included on the application form. Based on tonight’s feedback, and subsequent to approval, Mr. Lloyd advised that he would develop a draft of application materials to demonstrate what was being carried forward.

Page 17

In Sections 110 and 111, Vice Chair Bull noted the need for data for a final plat as well as a minor subdivision.

Mr. Lloyd confirmed that, advising that it was still being fleshed out and what each of those applications would need to meet the data overall needs.

Page 20/21

In Section 131, Member Gitzen asked if the language related to connection to the sanitary sewer system was still needed, or if there were actually any spots where connection to the city’s water supply (Section 135) would not be required.

In referencing the previous discussions with the Lake McCarrons redevelopment site (former armory site), Mr. Lamb suggested that it may be possible if utilities were extended.

Mr. Lloyd stated that it was worth evaluating whether or not this section was intended in earlier versions for areas of the community with private systems still in place.

Mr. Lamb noted the need to strike “...where connected to...”.

In Section 133, Member Gitzen suggested striking language “...plans submitted to the FHA...”.

Page 22

In Section 141.4, Member Gitzen noted the consistency issue with pathways and whether or not they were rights-of-way or physical features.

In Section 139.2.4, as a general comment, Member Kimble noted for applicable requirements for public works, if someone picked up this ordinance, how would they proceed. Member Kimble asked if actual references would be in place or if an applicant or someone reading the document would have to search for those requirements elsewhere. Member Kimble noted how intimidating that could be for those unfamiliar with the process.

Ms. Collins advised that the initial intent was to reference the design standards manual. However, after considering the changes that could evolve with that document over time, including its title, Ms. Collins advised that it had been decided to keep things more general for specific design standards and requiring an applicant to seek out that discussion with staff so they can have relevant documents available.

In discussions with the City Attorney earlier today, Mr. Lloyd advised that there may be a point to not have a reference to it at all, since the document may change

367 or be replaced; but as of today, the City Attorney was thinking it was better to
368 have it referenced by title versus just a general reference.

369 In Section 141, Vice Chair Bull asked if “sidewalks” or “pathways” should be
370 used.

371 Mr. Lamb advised that in congested traffic areas, as per city code for commercial
372 districts, there was reference to sidewalks, but pathways as defined in this
373 document could mean sidewalks, trails or different facilities beyond a sidewalk.
374 With Member Kimble noting that “sidewalk” was not defined and “pathway”
375 definitions didn’t include sidewalks at all; Mr. Lamb noted this was another
376 consistency issue and thanked her for pointing it out, addressing subjective versus
377 definitive language.

378 In Section 144, Vice Chair Bull suggested changing from “all parkways” to “all
379 boulevards.

380 Mr. Lamb responded that the old definitions of parkway had been removed; and
381 in general referred to the understanding of a boulevard as a planted area of a right-
382 of-way; but agreed more work was needed in equating sidewalks located in
383 boulevards.

384 In Sections 144 and 148, Member Gitzen noted the need for consistence with off-
385 street improvements and those that are or are not allowed in a right-of-way (e.g.
386 rain gardens). If they area allowed, Member Gitzen noted the need to talk about
387 them somewhere; whether encouraged or allowed.

388 In Section 156, Vice Chair Bull noted the reference to tree preservation; with Mr.
389 Lamb responding that it came up in the annotated outline (Section 1101.03).

390 Mr. Lloyd clarified that this would also be addressed in application materials if
391 subdividing and creating a new development and related requirements as defined
392 in zoning code, but not specifically referenced in subdivision code.

393 **MOTION**

394 **At approximately 10:00 p.m., Member Murphy moved, seconded by Member**
395 **Bull to extend the meeting curfew as detailed in the Uniform Commission**
396 **Code.**

397 Discussion ensued regarding whether to continue this to the next commission
398 meeting; timing to get this before the City Council; with commissioners
399 preferring more time before making a recommendation to the City Council; and
400 staff’s suggestion for individual commissioners to provide staff with additional
401 feedback for grammatical or technical corrections; while focusing remaining
402 discussion time on larger policy discussions and subsequent recommendations,
403 with each of the areas of suggested change tracked for the benefit of the City
404 Council.

405 Ms. Collins clarified that the public works design standards manual was provided
406 for reference and would not be reviewed by the commission.

407 Chair Murphy withdrew his motion to extend the meeting.

408

MOTION

409

Member Murphy moved, seconded by Member Sparby to TABLE discussion to the first Planning Commission meeting in May.

410

411

Ayes: 6

412

Nays: 0

413

Motion carried.

414

1 **a. PROJF0042: Request by the City of Roseville to approve a comprehensive**
 2 **technical update to the requirements and procedures for processing subdivision**
 3 **proposals as regulated in City Code Title 11 (Subdivisions)**

4 Chair Murphy continued the public hearing for Project File 0042 at approximately
 5 6:45 p.m. held over from the April 5, 2017 meeting.

6 Community Development Director Kari Collins introduced Leila Bunge, consultant
 7 with Michael Lamb of the Kimley-Horn team to guide tonight’s discussion of these
 8 proposed revisions. Ms. Collins noted that the first portion of proposed subdivision
 9 ordinance, as reviewed by the Planning Commission at their last meeting, would be
 10 reviewed by the City Council at their May 8, 2017 meeting.

11 Member Gitzen asked staff to provide a draft preliminary clean copy for further
 12 review of the actual proposed code at a later meeting; with concurrence by the
 13 remainder of the commission.

14 After the May 8th City Council meeting, Ms. Collins advised that City Council
 15 comment would also be incorporated into the next iteration and could be sent out to
 16 the commission via email for them to provide their feedback to the City Council for
 17 anticipated ordinance enactment at the May 22nd City Council meeting to meet the
 18 deadline of the moratorium expiring May 31, 2017.

19 Mr. Lloyd noted that the City Council’s review had been delayed as there was
 20 insufficient time on their last meeting schedule; with the new timeframe for review at
 21 the May 8th and 15th meetings, and enactment at the May 22nd meeting.

22 Chair Murphy asked when the commission would receive an update from last night’s
 23 review of the document (e.g. park dedication fees) by the Parks & Recreation
 24 Commission.

25 Mr. Lloyd advised that the meeting minutes and comments were still being assembled
 26 by Parks & Recreation Department staff today; but he would insert the more obvious
 27 items of their review at that point in tonight’s discussion.

28 Attachment C Document Review (continued)

29 At the commission’s last review of the document on April 5th, the last item covered
 30 was Page 23, Section 148 that would serve as the intended starting point for tonight’s
 31 review. However, Mr. Lloyd initiated tonight’s review by summarizing the revisions
 32 made at that April meeting seeking confirmation or additional feedback before
 33 proceeding to the later sections.

34 In his review of the subdivision code earlier today, Mr. Lloyd advised that he could
 35 find no reference to “corner lots” anywhere else in the subdivision code and therefore,
 36 may not be needed even though it was referenced as a definition in accordance with
 37 the updated zoning code.

38 Based on tonight’s Variance Board discussion, Member Kimble asked if there was
 39 anywhere else in the subdivision code or other areas of code that addressed corner
 40 and reverse corner lots.

41 Mr. Lloyd advised that it was addressed elsewhere in city code, and had been
 42 mentioned in the past when the subdivision code had minimum lot size standards; but
 43 as of last year’s revisions had been relegated to the zoning code and therefore no
 44 longer defined elsewhere.

Page 3, Section 23

Member Bull noted that in this section and throughout the document wording had been changed from “applicant” to owner (sole, part or joint owner). However, if a company owns a parcel and they’re located elsewhere in the country, perhaps involving a board of directors of shareholders, Member Bull asked how they could have an agent representative applying on their behalf, opining that this language seemed awkward.

Mr. Lloyd responded that the City Attorney had advised that the most important element was to make sure the owner was making the application; with common practice for a local agent or developer to carry that application forward on their behalf. Mr. Lloyd noted that the city had to allow for that and that it could be further clarified in application forms accordingly.

Member Bull opined that “owner” seemed to have a lot of references; but stated his preference for a definition of “owner” and “registered agent” or a proper name for that role.

Member Kimble questioned that suggestion, noting the difference in identifying the ownership of a lot versus someone else processing the application that wouldn’t change that ownership; and opined that the proposed language seemed appropriate from her perspective. Member Kimble noted the common practice for a local representative to present and process an application on behalf of an owner; noting that the owner had to be the applicant even if they delegated the processing to someone else.

Mr. Lloyd suggested that the City Attorney’s recommendation probably recognized that very situation.

Member Gitzen agreed, noting that the definition was of “owner” not “applicant.”

With confirmation by Member Bull, Member Daire asked if Member Bull’s intent was to revise wording to define sole or joint owners or designated representatives. Member Bull noted that references used to be for “applicant” and “developer” but now had been changed enmass to “owner.”

Page 4, Section 24

Mr. Lloyd noted the change to facility versus right-of-way, with deference to local and/or state traffic enforcement as allowed to define non-motorized or non-vehicular traffic (e.g. bicyclists) but without need to specifically define in the subdivision code.

Page 4. Section 29 and Page 7, Section 50

Using the Java request as an example, Member Bull addressed consideration of a preliminary plat as an item rather than a process. As another example in line 50, Member Bull noted that it states “...shall submit a preliminary plat...” noting that you don’t submit a process, but instead a packet of documents. Member Bull noted the need for consistency.

Mr. Lloyd advised that this was described in the Procedures Chapter; and opined that the suggested language provided sufficient context and definition of preliminary plats as a standalone definition that further definition was not needed specific to preliminary plat documents.

Member Gitzen suggested leaving the old definition in place, separating preliminary plats from plats; with concurrence by Members Kimble and Bull.

90 Mr. Lloyd clarified that the rationale was to eliminate preliminary plat by recognizing
91 that it was a preliminary version with the plat serving as the final version.

92 Member Bull suggested differentiating pre and final versions of the plat.

93 Member Kimble suggested the commission may be getting too detailed on language
94 specifics.

95 Page 5, Sections 32, 33 and 34

96 Mr. Lloyd and Ms. Bunge addressed the definition of “street” to “public way” to
97 incorporate what was involved without defining in this document and encompassing
98 all types of public ways and facilities.

99 Member Gitzen stated that he was not comfortable with this proposed language; and
100 instead suggested “public passageway, such as...designed for travel by pedestrians or
101 vehicles.” Member Gitzen further suggested removing the right-of-way language
102 (Section 33). When thinking of a public or private right-of-way, Member Gitzen
103 opined that most people think of an easement; where in this case it was referring to a
104 physical street, creating confusion when later on in the document rights-of-way area
105 referred to as an easement. Member Gitzen suggested changing language accordingly
106 in Section 32 and removing Section 33 in its entirety.

107 By consensus, Sections 33 and 34 were recommended for removal.

108 Page 8, Section 56, 57

109 Mr. Lloyd advised that application instructions were made more consistent with other
110 plat applications.

111 If the intent is to remove archaic language, Member Daire suggested changing
112 “utilized” to “used” or “using;” with Mr. Lloyd suggesting “...are alternatives to plat
113 procedures.”

114 Chair Murphy asked staff to review April meeting minutes to review if “common
115 wall” had been removed or not; however Member Gitzen noted that the City Council
116 in their review could make the decision whether or not to remove it.

117 Mr. Lloyd concurred, advising that this marked up version had been provided to the
118 City Council for their review and deliberation.

119 Page 9, Section 58

120 As with Section 57, Mr. Lloyd advised that the approval could be by the City
121 Manager as consistent with other zoning applications; with proposed language to
122 strike that involvement in the process and refer to administrative approval by the
123 Community Development Department.

124 In the previous definition, Member Gitzen noted that it asked for a survey for
125 recombinations; with Mr. Lloyd responding that after approval, submission of a
126 survey was required to ensure consistency, while applications only require a sketch
127 plan format.

128 At the request of Member Gitzen, Mr. Lloyd advised that he had discussed a timeline
129 with the City Attorney and his suggestion was to provide one even if city staff was
130 unable to control it at all times. Mr. Lloyd advised that the City Attorney had pointed
131 out that there are times when it could be enforced, such as by withholding a building
132 permit until completion of the process. Mr. Lloyd suggested adding language in, with

133 that timeframe pending, in Sections 57, 58 and 60, establishing a timeline for
 134 recording a plat.

135 As an example, Member Kimble referenced a recent alternate plat project she was
 136 involved with in the City of St. Paul and their requirement for recording within two
 137 years, with a one year extension possible before having to go through the process
 138 again.

139 Chair Murphy stated that sounded beyond reasonable from his perspective.

140 Mr. Lloyd clarified that a longer timeline makes sense from his perspective if the
 141 Planning Commission and City Council were making decisions intended to be in
 142 place for perpetuity; and as time changes things there would be occasions that it
 143 would be prudent to have an expiration for approvals.

144 Member Bull stated that he was reluctant to specify anything that might give anyone
 145 the idea that that had two years to record a plat.

146 Member Gitzen suggested deferring to the City Attorney for the timeline.

147 Chair Murphy suggested, with consensus of the body, a one year timeline for
 148 recording ALL plat, or to seek an extension.

149 Page 9-10, Section 59 (Consolidations)

150 Mr. Lloyd suggested language changes for minor plats when discussing their purpose,
 151 with draft language talking about subdivisions or a consolidation of lots. As discussed
 152 last time, Mr. Lloyd suggested it would be prudent to regulate lot sizes and with
 153 consolidations a platting of underlying lot boundaries that they be addressed
 154 accordingly.

155 Member Gitzen noted that you couldn't get rid of underlying lot boundaries.

156 Mr. Lloyd provided an example of consolidating adjoining lots for tax purposes, but
 157 if a house was built across those adjacent lots it could create future problems. Mr.
 158 Lloyd advised that the intent was to take a more explicit approach to regulate
 159 development according to platted versus tax parcels to avoid development on top of
 160 parcel lot lines, making consolidations no longer a platting alternative.

161 At the request of Member Gitzen, Mr. Paschke confirmed that in some cases, a
 162 property owner was required to replat such lots now.

163 For tracts of land that are under common ownership and involving several platted lots
 164 with a few tax parcels, Mr. Lloyd advised that there was a need to make sure those
 165 parcels area platted in such a away to remove property ownership boundaries. If
 166 development doesn't violate those boundaries, Mr. Lloyd advised that an owner
 167 hadn't been required to replat them to-date, but in the future would be required to do
 168 so; and opined that reconsolidation of platted lots served as a plat even if a simple plat
 169 versus a platting alternative.

170 Mr. Lloyd noted that Item #4 would remain and be further edited based on City
 171 Attorney advice, and to eliminate the City Manager involvement as with other areas
 172 of the subdivision code.

173 Pages 11-12, Section 61

174 At the request of Chair Murphy specific to park dedication (Item B.V Minor Plats)
 175 Mr. Lloyd reviewed proposed language intended to subdivide parcels as noted.

176 As a general question, Member Daire asked if this revised subdivision ordinance
177 would prohibit the creation of flag lots.

178 Mr. Lloyd responded that he thought so, but they were regulated in a later chapter yet
179 to be discussed by the commission; but as a subdivision standard would specifically
180 be prohibited other than on a case-by-case variance review.

181 Page 12, Section 62

182 Specific to Item 2.ii, Mr. Lloyd addressed rational to protect time and resources
183 involved with repetitive inquiries. At the request of Member Sparby, Mr. Lloyd
184 clarified that if an application came forward under changed circumstances, it would
185 be seen as a new application process in the regulatory framework and would not bar
186 an owner from coming forward with an application.

187 Member Sparby stated that he would prefer putting such a bar in the language for the
188 submission process rather than relying on a one year ban.

189 Member Bull agreed with Member Sparby, opining that he didn't like thins that
190 limited the ability of citizens to seek relief if there was a process in place to
191 administer and recognize differences in applications.

192 Chair Murphy stated that he was unsure if he agreed with Member Sparby as long as
193 the Board of Adjustments (City Council) was available for that review, this provision
194 also served to protect the city's staff time and resources with repeat applications.
195 With an appeal process to the Board of Adjustments, Chair Murphy opined that it
196 accomplished the goal and a safety net for citizens to be heard.

197 Member Bull referenced a development proposal that was submitted many different
198 times from 2007 through 2016 substantially the same thing and requiring
199 considerable review time.

200 Member Sparby suggested lowering the submission application to six months rather
201 than one year, noting that the application's composition or staff may change and free
202 an applicant to move forward.

203 Specific to submitting substantially the same application, Members Kimble, Bull and
204 Gitzen, along with Chair Murphy agreed with the one year provision; with Member
205 Sparby deferring to his colleagues.

206 Mr. Lloyd advised that the intent was to avoid serial applications when the ultimate
207 goal is turning one lot into two via this subdivision ordinance; thus staff's
208 recommendation for five years unless submitting the application as a major plat
209 process, but not for minor plats.

210 In Section 63 , Mr. Lloyd again addressed the time limitation.

211 In this section, as well as in Chapter 1102.05 (page 24), Member Gitzen referenced
212 that necessary data for a final plat (major or minor) and Ramsey County
213 requirements; and suggested language as previously noted for a review process at a
214 surveyor's office.

215 Mr. Lloyd concurred, noting that would be addressed in the next iteration as it was
216 changed to ordinance formatting rather than this side-by-side comparison; and to
217 track changes from a global perspective.

218 Member Gitzen stated that his concern was that an ordinary citizen if not familiar
219 with development projects may not be aware of the filing process.

220 As the global process for preliminary plat review and approval proceeds, Mr. Lloyd
221 suggested deletion of Section 120. However, Mr. Lloyd agreed that the expanded
222 context needed to consider the process and filing with Ramsey County and how the
223 applicant could be informed of that process, probably in the application form itself.

224 Member Gitzen reiterated the need in the subdivision ordinance to inform applicants
225 of the process beyond just filing the final plat; with Member Kimble suggesting an
226 overview of steps to be followed, including timelines and fees either in the
227 application form or subdivision code itself.

228 Mr. Lloyd stated that he envisioned the application materials would describe the
229 process more fully and provide the applicant with a timeline.

230 Member Gitzen asked that staff refer to that process in this subdivision code so
231 applicants understand the process.

232 At the request of Member Kimble, Mr. Lloyd confirmed that staff was running a
233 parallel path in developing application forms and once the new ordinance is in place
234 would inform applications of what was needed.

235 Member Bull asked that staff be consistent in distinguishing the process from the
236 result as it related to the platting process.

237 Page 13, Section 65 (Developer Open House Meeting)

238 Using the recent Minnesota State Fair Interim Use application with many different
239 property owners rather than ownership by the State Fair of those sites, Member Bull
240 noted his concern in using “owner” versus “applicant.”

241 Mr. Paschke reiterated the process involved co-applicants and clarified that the
242 process was different for open houses, with applicants moving forward with an open
243 house without requiring the involvement of the property owner. Mr. Paschke noted
244 that this simply intended as the first touch as to whether or not a project was worth
245 moving forward. Also in the case of the State Fair, Mr. Paschke advised that each
246 property owner provided a letter of support for the State Fair as the applicant.

247 In Section 66, Member Kimble alluded to the developer open house, while Section 65
248 still says that the owner shall hold the open house.

249 Mr. Lloyd duly noted that error and advised it would be changed to be made
250 consistent and would restore it to “applicant.”

251 With Member Bull noting that the next line stated “owner,” and their responsibilities,
252 Member Kimble noted that in some cases, the developer will not close on a property
253 until approvals area received at which time the closing would occur on the land and
254 they would then become the owner.

255 In that circumstance, Member Sparby noted that the applicant needed authority from
256 the owner to move forward with the open house.

257 From a practical standpoint, Mr. Lloyd noted that it would be unwise for an owner to
258 move forward without an agreement in place.

259 In order to ensure that relationship is in place, Member Sparby suggested retaining
260 “applicant” in the new language.

261 Mr. Lloyd advised that the owner would likely be aware of and even involved in the
262 open house process; but from his perspective the distinction was the open house
263 process itself held prior to the city becoming involved in a major way. Mr. Lloyd
264 noted the intent of the open house as a venue for public review of a proposal before
265 an application was made for approvals. If an applicant is seeking approval/denial on a
266 property, Mr. Lloyd opined that it was important for the owner to be explicitly
267 identified.

268 Member Sparby stated that he'd support "owner/applicant."

269 Member Kimble suggested "applicant and/or owner."

270 Page 18, Section 83

271 Again, Member Gitzen asked that the applicant be made aware of the process and
272 timeline.

273 Page 19, Sections 84 and 86

274 Member Kimble noted the distinctions in "hardship" and "practical difficulty," with
275 Mr. Lloyd explaining that they were intentionally different based on State Statute
276 related to land use and zoning and recent revisions to their language from "hardships"
277 to "practical difficulty." However, Mr. Lloyd advised that State Statutes continue to
278 talk in places about "unusual hardships" making that definition hard to determine in
279 Statute. Mr. Lloyd advised that he had taken this language verbatim from State
280 Statute after his conversation with the City Attorney.

281 Member Gitzen stated that he didn't think State Statute defined it; and asked staff to
282 confirm that the Statute was still in place or if it had been further amended as they
283 had been discussing. Member Gitzen opined that "undue hardship" represented a
284 strict definition, but he thought the legislature's intent was to revise it to "practical
285 difficulties" in both cases. Member Gitzen opined it was worth verifying whether or
286 not the standards of each were totally different if not.

287 In Section 86, in response to Member Sparby, Mr. Lloyd advised that his
288 understanding was that specific grounds for a variance were no applicable to case
289 law; with Member Sparby suggesting that staff further review whether the four
290 factors were considered in case law as factors to consider.

291 Mr. Lloyd clarified that the City Attorney had been supportive of those four factors as
292 viable, specific grounds as long as the city was certain nothing else was being left out
293 of that consideration.

294 Page 21, Sections 88, 89 and through Section 113

295 Again, as previously noted, Mr. Lloyd reiterated that the ordinance formatting would
296 provide a sense of how everything fit together globally and with necessary data for
297 preliminary plats included in the major plat process, noted that this provision was no
298 longer needed.

299 Page 23, Chapter 1102.03, Section 114 (Requirements governing approval of
300 Preliminary plats)

301 While a discussion with city the City Attorney and Public Works staff was indicated,
302 from a global perspective, Mr. Lloyd suggested these items made more sense in
303 Chapter 1102.01 related to processing of any subdivision. However, Mr. Lloyd
304 opined that it made sense to retain Section 115 to apply conditions of approval as
305 noted, with further review to edit out any remaining redundancies.

306 To make an area completely safe, Member Gitzen suggested changing the wording if
307 it remained to a different standard than “adequate drainage.”

308 Mr. Lloyd confirmed that he proposed to move that to Chapter 1102.01.

309 Page 24, Section 120

310 Mr. Lloyd noted removal as it was discussed in the procedures section for final plats.

311 Page 26, Section 134

312 While this may seem like an archaic section, Mr. Lloyd clarified that “streets” are not
313 automatically accepted as a public street until staff ensures they meet city standards
314 and requirements.

315 In talking about developer agreements, Member Gitzen asked how or whether this
316 applied.

317 Mr. Lloyd opined that this applied more broadly, such as public streets obtained
318 through annexation, but for practical purposes, neither he nor the City Attorney could
319 see any reason to retain it.

320 With Member Kimble asking if it could occur as private roads became public, Mr.
321 Lloyd agreed that could be addressed in the development agreement; but under those
322 circumstances, it may be prudent to retain it.

323 Chapter 1102.06, Page 27, Section 137 and Page 29, Section 147 (Required Land
324 Improvements)

325 Mr. Lloyd noted the intent to remove these sections for inclusion in the Public Works
326 design standard manual without further specificity in the subdivision code.

327 **Recess**

328 Chair Murphy recessed the meeting at approximately 8:07 p.m. and reconvened at approximately
329 8:12 p.m.

330 Attachment C Document Review (new)

331 Section 137, Chapter 1102.07 – (Chapter 1102.06 of current code)

332 Page 30, Section 153, Item #7

333 Since there is no definition of “parkways,” Member Kimble asked if that was clear to
334 everyone.

335 Mr. Lloyd advised that this was an error in tracking changes, and advised that the
336 intent was to use “boulevard.”

337 In Section 155, Mr. Lloyd suggested, as previously suggested by the commission, to
338 allow for rain gardens and natural stormwater features if and when they make design-
339 sense rather than requiring turf grass or sod, as long as they stabilized soils and met
340 Public Works design requirements.

341 Member Daire asked if an abutting property owner on a street was allowed to plant
342 decorative grasses or blooming boulevards.

343 Mr. Lloyd responded that there was no codified position on that, and if and when
344 property owners are interested in these front yard and/or public right-of-way areas,
345 they could work with the Public Works Department to seek their approval of their
346 intended plantings, as this was their domain.

Page 31, Sections 153 (page 30) and 157

Member Gitzen opined that these sections appeared to be the same and questioned whether both were needed.

Mr. Lloyd responded that Section 153 was under the category of street improvements, but offered to talk more with the Public Works Department as to whether the reference should be “parkway” indicating a grass area between driving lanes (e.g. Wheelock and Lexington Parkways).

If so, Member noted the need for a definition for “parkway.

In Section 157, discussion ensued about the intent and definition of a “boulevard” as a non-paved part of a right-of-way (except for driveways, pathways or walkways) and therefore was distinct or if it needed to be distinguished or removed.

Member Kimble suggested this be given further consideration.

In Section 160 related to public utilities, Member Gitzen suggested this section was more applicable to the Public Works Department than the Planning Commission.

On the flip side, Chair Murphy noted that this may still include a requirement for public comment at the commission or City Council level even if the Public Works Department served as the presenter based on their technical skills to make a recommendation to the commission.

Member Gitzen opined that the Planning Commission wouldn’t need to review it; with Member Sparby recommended language such as, “...suggested after study by the Public Works Department and recommendation by the Planning Commission;” agreeing that study seemed out of the commission’s jurisdiction. Mr. Lloyd noted that a public hearing could be held at the City Council meeting, with the consensus of the body being for the Public Works Department to provide a report to the Planning Commission for recommendation to the City Council.

In Section 156, Mr. Lloyd noted the recommended changes were from the Public Works Department for a “licensed” rather than a “registered” professional engineer.

Page 35, Line 161

At the request of Chair Murphy, Mr. Lloyd reviewed the rationale for leaving this door open for occupancy with the potential for homes being completed prior to final paving of a street, with possibly only the first lift applied.

Page 36, Chapter 1103 (Design Standards)

After minimal discussion, the consensus of the body was to remove Chapters 1103.01 (Street Plan) and 1103.02 (Streets) and refer to the Public Works design standards manual.

Mr. Lloyd noted there were some areas with distinction despite the chapter name of “streets,” and the application of physical facilities and rights-of way widths required for functional classifications in residential subdivisions or commercial plats, that may provide relevant information for someone layout out a plat.

However, Member Gitzen noted that curvatures, horizontal street lines and other items were design standards.

With further discussion, Mr. Lloyd advised that the Public Works Department had supported moving physical facility requirements into their design standards, but

390 information guiding layout of a plat document they had felt some value in preserving
 391 it here. However, Mr. Lloyd advised that he would further consult with them for the
 392 next iteration of the code.

393 Members Gitzen and Kimble noted the preference to have information in only one
 394 place to avoid redundancies as well as inconsistencies.

395 Mr. Lloyd agreed, but noted the need for balancing where that most current
 396 information should be located and suggested it may be helpful to have those
 397 parameters listed here without going into too much detail.

398 Member Gitzen suggested having them in one place or the other, but if included in
 399 both documents, they needed to match; but stated his preference for references in
 400 code to the manual.

401 Member Kimble suggested the categories could remain in the subdivision code by
 402 reference guiding people to the Public Works design manual.

403 Chair Murphy advised staff to make the City Council aware of their strong
 404 recommendation without significant review of Chapters 1102.01 and 1102.02 was for
 405 the subdivision code to recognize the categories while referring to the Public Works
 406 design manual to avoid duplication or errors.

407 Page 38, Sections 194 – 197

408 Mr. Lloyd advised that he needed to revisit street widths with the Public Works staff,
 409 but thought it was helpful to leave street widths in the subdivision code.

410 In reflecting on his experience as a transportation planner with the City of
 411 Minneapolis, Member Daire noted the relationship with street width, snow
 412 accumulation and placement of mailboxes. As he had shared with Community
 413 Development Director Collins earlier for her in turn sharing his comments with the
 414 Public Works Department, Member Daire suggested some consideration should be
 415 given parking control with vehicle and street access, especially with the advent of
 416 more on-street bike lanes and what standards should apply for them. Member Daire
 417 noted the correlation with various street widths and types when considering their
 418 location to ensure the safety of cyclists. Since this is an area of considerable concern
 419 for him, Member Daire suggested city street width standards be raised; including how
 420 to deal with three lane streets and turn lanes to keep traffic moving smoothly as well
 421 as bike lanes. Therefore, Member Daire advised that his suggestion had been for the
 422 Public Works Department to consider more specificity in its design standards.

423 Since this is the way of the future, Member Kimble offered her agreement, noting that
 424 it wasn't addressed now (e.g. Ramsey County roadways) and noted a number of items
 425 in the current subdivision code that are not yet addressed in Public Works design
 426 standards at this point.

427 In summary, Chair Murphy directed staff to migrate as appropriate.

428 Page 39

429 Member Gitzen suggested these also be included in Public Works design standards.

430 Page 40, Chapter 1103-04 (Easements), Section 209

431 Member Gitzen suggested revised language to read.” Easements at least a total of 10’
 432 wide along the front and side, and corner lot lines as well as centered on rear and side
 433 lot lines.”

434 At the request of Member Gitzen, Mr. Lloyd advised that he would consult with the
435 Public Works Department whether a statement was still needed about reflection or
436 anchor points.

437 In Section 210, Member Gitzen suggested rewording “drainage easements” to allow
438 stormwater easements on platted land.

439 Page 41, Chapter 1103.05 (Block Standards), Section 213

440 With Roseville being a fully-developed community, Mr. Lloyd advised that the
441 Public Works Department’s suggestion was to remove the upper boundary and use
442 the more realistic 900’ long block as the upper boundary.

443 In Section 215, Member Gitzen questioned how and what was being designated or
444 what plan was referenced.

445 Page 42, Section 226

446 At the request of Member Daire, Mr. Lloyd noted this was referring to private streets
447 and their physical requirements the same as that of a public street in case they should
448 eventually become public versus private.

449 As discussion ensued, staff was directed to clarify that any references to 20’ width for
450 private streets should be corrected to ensure they were a minimum of 24’ to
451 accommodate emergency vehicles.

452 Page 43, Section 229

453 Member Gitzen noted that side lot lines were “perpendicular” to front lot lines.

454 Page 43, Section 233

455 As previously noted, flag lots are no longer allowed unless considered on a case-by-
456 case basis under a variance.

457 In Section 235, Member Daire sought clarification of the definition for “major
458 thoroughfares.”

459 Mr. Lloyd noted this was a topic from the Variance Board meeting, and addressing
460 single-family homes versus parking lots and circulation for turnarounds, especially
461 related to county roadways; and current requirements for a turnaround area to avoid
462 backing out directly into the roadway. Mr. Lloyd advised that the definition of “major
463 thoroughfare” is yet to be determined.

464 At the request of Member Gitzen as to whether or not the comprehensive plan defined
465 types of streets, Mr. Lloyd clarified that as it applied in the past, it was specific to
466 county roadways, but advised that he would continue to work with the Public Works
467 staff to determine the appropriate level tied to functional classifications for definition
468 or description in some other way.

469 Page 44, Section 237

470 Mr. Lloyd advised that shoreland lots were not referenced in Chapter 1017 of the
471 shoreland zoning code.

472 Page 45, Chapter 1103.07 (Park Dedication), Section 242

473 Noting reference to “city” at its discretion, Member Sparby asked if this should be
474 defined as the “City Council” instead; with Mr. Lloyd clarifying that ultimately it did
475 mean the City Council upon recommendation by the Parks & Recreation
476 Commission, but ultimately a decision for the City Council. Mr. Lloyd advised that

477 the only reason “city” was used rather than specifying the “City Council,” was that
 478 other participants were involved in the process.

479 Member Sparby stated his preference for more specificity to indicate the City Council
 480 rather than suggesting city staff made that determination.

481 Pages 45-46, Section 243

482 Mr. Lloyd asked that the commission disregard italicized text intended for last night’s
 483 Parks & Recreation Commission discussion.

484 At the request of Member Daire, Mr. Lloyd clarified that the trigger involved the net
 485 increase in development sites and land area of at least one acre or more. Mr. Lloyd
 486 further clarified the current process versus the proposed process for minor plat
 487 processes that now would require a public hearing before the City Council took action
 488 on a park dedication. With concerns raised by Member Daire on impacts to
 489 homeowners attempting to subdivide their property and being subject to a park
 490 dedication fee, Mr. Lloyd put the conditions of approval in context in a practical
 491 sense of most of those situations falling below the threshold of one acre that would
 492 trigger this provision. On the flip side, Mr. Lloyd noted that a minor plat process
 493 could be used in a large commercial plat if no new infrastructure or rezoning was
 494 required, with such a sizable development potential then exempted from park
 495 dedication requirements if following Member Daire’s logic.

496 Referencing last night’s Parks & Recreation Commission meeting, Chair Murphy
 497 asked how the Planning Commission could be aware of the results of their meeting
 498 specific to the subdivision code and whether or not the Planning Commission agreed
 499 with their recommendations short of individual comments to the City Council.

500 Ms. Collins advised that staff could provide that feedback to the Planning
 501 Commission via email as soon as it became available, at which time if there was
 502 anything drastic, individual commissioners could advise staff accordingly. While
 503 recognizing the timing conflicts, Ms. Collins noted that the meetings are archived on
 504 the city website for optional viewing by the commission as well.

505 Noting that meeting minutes were not posted on the website until approved, Chair
 506 Murphy expressed interest in getting something similar to meeting minutes from last
 507 nights Parks & Recreation Commission meeting for review as soon as possible in
 508 order to review them and provide comment to the City Council.

509 Mr. Lloyd advised that he anticipated having a distilled version at a minimum
 510 included in the next iteration of the draft subdivision code.

511 Chair Murphy asked that, upon receipt of that information by individual Planning
 512 Commissioners, they communicate their feedback directly to Community
 513 Development Department for forwarding to or directly to the City Council.

514 In Section 244, Mr. Lloyd briefly summarized the bulk of his conversations with
 515 Parks & Recreation staff earlier today related land area or fees in lieu of park
 516 dedication. Whatever the results, Mr. Lloyd opined that it was important that the
 517 subdivision code still reference land for dedication and advised that it would not be
 518 removed in new language, but still tie land dedication with cash dedication as
 519 approved in the city’s fee schedule annually.

520 In Section 245, Item C, at the request of Member Kimble, Mr. Lloyd advised that
 521 State Statute dictated a nexus or connection between what was being required as park

522 land or fee dedications and what it was intended for, previously at 7% and now
523 increased to 10%.

524 Page 47, Section 247

525 Should this section survive, Chair Murphy noted an error in still referencing the HRA
526 rather than the EDA.

527 Member Kimble opined that it seemed that Roseville didn't want to encourage
528 development, especially in the City Council not supporting waiving park dedication
529 fees or any permit fees for affordable housing projects that typically have huge
530 funding gaps.

531 Ms. Collins advised that in 2016, the EDA had adopted a policy, with their
532 determination that the only fee they'd consider waiving would be Sewer Access
533 Charges (SAC) credits, but had stated loud and clear that that waiving any other fees
534 would not be considered under their policy.

535 Given that strong agreement by the City Council, Mr. Lloyd advised that the language
536 was being removed from the revised subdivision code.

537 General Discussion

538 At the request of Chair Murphy, Mr. Lloyd reviewed the next steps and inclusion of
539 Parks & Recreation Commission comments on park dedication and other pertinent
540 areas; reconciling Public Works standards and any potential conflicts on a staff level;
541 City Attorney recommendations; and tonight's comments of the Planning
542 Commission in the next iteration into a regular text version of the subdivision code to
543 see how provisions now flow.

544 Member Daire advised Mr. Lloyd that he found reference to "private streets" on page
545 13 of Attachment D, Item 10; with Mr. Lloyd advising that he would make sure this
546 was not an oversight in the Public Works design standards. Mr. Lloyd assured
547 Member Daire that a minimum street width of 24' for private streets was considered
548 standard, and was supported by the Fire Marshal too.

549 Discussion ensued as to whether the Planning Commission was prepared to make a
550 recommendation to the City Council tonight on a revised subdivision code given the
551 tight timeframe; and whether or not to conclude the public hearing tonight.

552 Ms. Collins recommended recommendation for approval contingent on further City
553 Attorney review and review by the Public Works Department for redundancies or
554 inconsistencies and additional feedback from the Parks & Recreation Commission.
555 Ms. Collins advised that another option would be to schedule a special Planning
556 Commission meeting to meet the May 31, 2017 moratorium deadline.

557 Chair Murphy stated that he was not comfortable recommending approval to the City
558 Council of a document the Planning Commission had yet to see or review in its
559 entirety. Chair Murphy recognized the goal, but questioned if that would create
560 significant problems if that goal wasn't met.

561 Further discussion ensued related to timing, including receipt of City Council
562 feedback in addition to those others noted.

563 Member Bull opined that the Commission had to have time to perform their role
564 before making a recommendation.

565 Member Daire noted the considerable time spent on this project, expressing his
566 interest in seeing it through.

567 If another session was needed, Ms. Collins asked individual commissioners to submit
568 their comments to staff before the meeting to allow time for a more judicious review
569 by staff.

570 While that usually worked, Member Bull opined that sometimes those individual
571 suggestions were interpreted by staff into text but didn't necessarily reflect what had
572 been recommended.

573 Ms. Collins suggested comment sections from individual commissioners so the
574 suggestions wouldn't be incorporated into text until they received a collective review
575 and consensus.

576 Chair Murphy suggested waiting to discuss this until all written items were available
577 and then project a timeframe from there.

578 Ms. Collins noted that the City Council would want the commission to feel
579 comfortable with their recommendation.

580 Chair Murphy opined that he didn't see the train going off the track if the moratorium
581 was suspended on May 31st before the Planning Commission made their
582 recommendation to the City Council in early June if delayed to their next regular
583 commission meeting.

584 **MOTION**

585 **Member Daire moved, seconded by Chair Murphy, to continue the public**
586 **hearing until the next scheduled regular Planning Commission meeting of June**
587 **5, 2017.**

588 **Ayes: 6**

589 **Nays: 0**

590 **Motion carried.**

591



TO: Bryan Lloyd, Senior Planner
Kari Collins, Community Development Director
Pat Trudgeon, City Manager
Roseville City Council
FROM: Lonnie Brokke, Director of Parks and Recreation
SUBJECT: Park Dedication Ordinance 1103.07
DATE: May 9, 2017
CC: Parks and Recreation Commission Recommendations

The Parks and Recreation Commission met one time to review and discuss a consultant proposal for revisions to the Subdivision Code 1103.07 - Park Dedication.

The following is a summary of recommendations from their May 2, 2017 Parks and Recreation Commission meeting:

- Keep the Park Dedication Ordinance simple, clear and concise
- Do not use language that creates potential for negotiation
- Limit the opportunity for potential conflicts and competition for funds (funds are limited and unpredictable)
- Limit Park Dedication to land for parkland purposes only, cash or combination (not to expand to trails, pathways,) for use within park boundaries only
- Add back the Land Dedication amount of 5% and 10% (this should be very specific)
- Important that all Park Dedication issues are referred to the Parks and Recreation Commission

Below is a red lined version of their suggestions:

Purpose: Minnesota Statutes 462.358, subdivisions 2b and 2c regarding park dedication offers the opportunity to improve and create ~~connections to a system of~~ open spaces and parks, ~~and pathways~~ as part of the subdivision process. The City, at its discretion, will determine whether park dedication is required in the form of land, cash contribution, or a combination of cash and land. This decision will be based on ~~existing and proposed development and on~~ the goals, plans, and policies of the City including, ~~but not limited to,~~ those embodied by the Parks and Recreation System Master Plan ~~Pathways Master Plan,~~ and ~~the~~ Comprehensive Plan.

Condition to Approval: Park dedication will be required as a condition to the approval of any subdivision of land resulting in a net increase of development sites comprising more than one acre of land. The Parks and Recreation Commission shall recommend, in accordance with Statute and after consulting the approved plans and policies noted herein, either a portion of land to be dedicated to the public for park purposes, or in lieu thereof, a cash deposit given to the City to be used for park purposes, or a combination of land and cash deposit. ~~If a tract of land to be divided encompasses all or part of a site designated as a planned park, recreational facility, playground, trail, wetland, or open space dedicated for public use in the Comprehensive Plan, Pathways Master Plan, Parks and Recreation System Master Plan, or other relevant City plan, the commission may recommend the applicant to dedicate land in the locations and dimensions indicated on said plan or map to fulfil all or part of the park dedication requirement.~~

Park Dedication Fees: The land portion to be dedicated in all residentially zoned areas shall be 10% and 5% in all other areas. Park dedication fees shall be reviewed and determined annually by City Council resolution and established in the fee schedule in Chapter 314 of this Code.

Utility Dedications Not Qualified: Land dedicated for required street right-of-way or utilities, including drainage, does not qualify as park dedication.

Payment in lieu of dedication: In all zones in the city where park dedication of land is deemed inappropriate by the City, the owner and the City shall agree to have the owner deposit ~~a~~ the required sum of money at the time of the subdivision to satisfy the Park Dedication requirement in lieu of a dedication of land as part of the Development Agreement required in Section 1102.07 of this Title.

Overall, the Parks and Recreation Commission supports trail and pathway development and maintenance as a separate and distinct area.

The Parks and Recreation Commission definitely wants to be further involved in and make recommendations to any further renditions.

1 **f. Review and Provide Comment on the First Two Chapters of a Comprehensive**
 2 **Technical Update to the Requirements and Procedures for Processing Subdi-**
 3 **vision Proposals as Regulated in City Code, Title 11 (Subdivisions)**
 4 **(PROJ0042)**

5 As detailed in the RCA dated April 24, 2017 (tabled to tonight’s meeting), Senior
 6 Planner Bryan Lloyd reviewed the process in this first iteration of a side-by-side
 7 comparison of current subdivision code and preparation revisions. In the review of
 8 the first two chapters, Mr. Lloyd noted that consultant and staff comments and sug-
 9 gested revisions, as well as Planning Commission discussions of the first two chap-
 10 ters were reflected in this draft for City Council review and comment. Except in
 11 those areas highlighted, Mr. Lloyd advised that the majority of the revisions repre-
 12 sent replacement or removal of outdated language, definitions needed or no long
 13 relevant, and other updates as indicated. Mr. Lloyd also noted that while the more
 14 important details remain in the subdivision code, staff was recommending reloca-
 15 tion of more technical (e.g. street types and specifications) in documents outside
 16 city code for easier and more periodic updating. Mr. Lloyd advised that this was in
 17 response to the City Council’s interest in a more streamlined process but greater
 18 depth of detail similar to the preliminary plat application process, and thus ap-
 19 proached similarly.

20
 21 With the Planning Commission just having completed their review of the remaining
 22 chapters, a second look at the first two chapters at their May 3, 2017 meeting, and
 23 meeting minutes pending, Mr. Lloyd advised that a more formalized version and
 24 those minutes would be available for the City Council at their next review, May 15,
 25 2017.

26
 27 As to the proposed formatting and drafting of a new subdivision code, Mr. Lloyd
 28 advised that the intent was that, since platting alternatives are more concentrated in
 29 the last chapter of the current subdivision code, they would now be encompassed
 30 in a process-focused chapter. Therefore, Mr. Lloyd advised that revisions from the
 31 fourth chapter and final chapter of current code were not located in another portion
 32 of code that the City Council would see tonight unless found unnecessary to retain.
 33 While there remain three chapters yet to review, Mr. Lloyd advised that all content
 34 of current code would and could be accounted for in the new proposed code in some
 35 way.

36
 37 **Consultant Mike Lamb and Leila Bunge, Kimley-Horn**

38 Mr. Lamb clarified that closer tracking would be accomplished in the next draft as
 39 Chapter 1104 procedure language is brought into Chapter 1102, and reducing the
 40 subdivision code from four to three chapters to make it more streamlined. Mr.
 41 Lamb suggested the City Council proceed with their review page by page, address-
 42 ing each accordingly.

43 RCA Exhibit C

44 1101: General Provisions

45 Mr. Lamb noted that while the Planning Commission continued their interest in
 46 discussing each definition, he suggested that the City Council review only those
 47 with which they had questions or comments. Mr. Lamb noted that there were few
 48 additions, with the majority eliminated or consolidated.

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Page 1 (Purpose and Jurisdiction)

In Section 6, Mayor Roe noted that Minnesota State Statute Chapter 471 was highlighted but 462 was the actual addition.

Mr. Lamb agreed that was an error, and confirmed that Chapter 471 had been in previous subdivision code, and Chapter 462 was now added.

Page 2

In Section 11, Councilmember McGehee asked if a diagram or something less cumbersome than the description for a “corner lot” could be used.

Mayor Roe agreed that illustrations are helpful.

Mr. Lloyd advised that, per the latest Planning Commission discussion, they were recommending that no definition of “corner lot” was necessary.

Mr. Lamb agreed that graphic representations were an excellent suggestion, often proving helpful and expressed his willingness to consider them in other areas of the subdivision code, even though he had intended to exclude “corner lots” from the revised subdivision ordinance.

Councilmember Willmus noted the reference to “corner lots” and “interior lots;” with Mr. Lloyd advising that they were now in other areas of city code, but not in the revised subdivision code.

Page 3

Mayor Roe noted a number of places in the subdivision code that referenced “parcel,” (e.g. Section 20) and while there was a definition for “lot,” there was not one included for “parcel.” Mayor Roe suggested one be included or one for “parcel of record;” and that either the same term be used throughout the document or referred to individually in the definitions.

Page 4

In Section 25, Mayor Roe requested correction in the definition of “pedestrian” for language “on foot,” rather than “afoot.”

Page 5

In Section 38, Mayor Roe asked why a subdivision was identified as less than five acres in area.

Mr. Lamb agreed that was a good question; whether it was related to function or maximum lot size.

Mayor Roe questioned why this was, and if it would preclude meeting the needs of a particular subdivision, and suggested it may be carried over from original code and asked for further research; duly noted by Mr. Lloyd and Mr. Lamb.

Mr. Lloyd responded that in his review of State Statute earlier today, it addressed size parameters, but agreed it didn't match this language.

Page 7, Chapter 1102: Plat Procedures

Page 8

In Section 57, Councilmember Etten asked that staff talk about common wall duplex subdivisions.

Mr. Lloyd advised that he only remembered two times it came up during his tenure, but reviewed potential division of common wall duplexes into two separate parcels with the common wall dividing the building and parcel. Mr. Lloyd advised that the suggestion was to make this currently handled administrative process consistent with other administrative processes for approval by the Community Development Department rather than the City Manager. Even though the Planning Commission recommended removal of this provision from the subdivision process due to the small scale of requests in which an application or process is necessary, Mr. Lloyd noted that it could come up from time to time such as with a duplex becoming a townhome with separate ownership.

At the request of Councilmember Laliberte, Mr. Lloyd stated staff's recommendation to allow the provision in the revised draft, depending on City Council direction.

It was the consensus of the City Council to keep this provision in the revised subdivision code.

Page 9

In Section 58, Councilmember McGehee questioned the rationale for no public hearing required for a recombination.

Mr. Lloyd clarified that this was not new to city code, but in discussions with the Planning Commission, it had been their thought that if there was no process required for public notification or discussion of an application, not much was to be gained as a City Council consideration for action. Mr. Lloyd advised that the process could change if preferred by the City Council and notification requirements met accordingly, since those people affected may not even know an application had been made in the first place.

Councilmember McGehee stated that she preferred a public hearing for recombinations, especially if they create a much larger lot that could be used for a different use than the original parcel; and at a minimum opined that the community or neighborhood should be informed.

Councilmember Willmus stated the opposite perspective, and questioned if a hearing was needed. Councilmember Willmus stated that he saw recombinations as a homeowner purchasing a lot or portion of a lot next door to increase the size of their lot. Councilmember Willmus opined that some protections were in place if a recombination was to subdivide and create multiple lots of four or more, at which

145 time it would come back before the City Council, as well as if there is a potential
146 change to zoning after a recombination. Therefore, Councilmember Willmus ques-
147 tioned the need for a formal public hearing.

148
149 Mayor Roe stated his preference to think it through more, noting that some admin-
150 istrative actions of the Community Development Department provide that notice is
151 required. Therefore, Mayor Roe suggested such notice could still be required in the
152 case of a recombination even if there was no formal public hearing held before the
153 Planning Commission or City Council, and still allow an opportunity for citizens to
154 be aware of it.

155
156 Councilmember McGehee agreed with the comments of Councilmember Willmus,
157 stating that she had initially thought that multiple lots could be acquired and re-
158 divided with building removed, with notice provided before that was all done and
159 money invested with those having an interest made aware of it beforehand.

160
161 Mr. Lloyd clarified that a recombination process was of much smaller scale than
162 Councilmember McGehee was addressing; similar to one seen last year by the City
163 Council where two adjacent homeowners made application to change the make-up
164 of their adjoining lots for the addition of an unattached garage on one of those lots.
165 For subdivisions that change the overall make-up of a series of lots, Mr. Lloyd ad-
166 vised it was similar to a plat application instead.

167
168 Mayor Roe noted that with a recombination, the total outcome of the process was
169 that you started and ultimately ended with two lots, and were simply shifting lot
170 lines. Without objection, Mayor Roe asked that consideration be given to providing
171 notice to neighbors similar to that done for other administrative actions by the Com-
172 munity Development Department.

173
174 Page 10

175 In Line 60, Mayor Roe noted the comment for the Planning Commission's recom-
176 mendation to add a deadline once approved but staff's comment that it would be
177 difficult to enforce; and sought clarification.

178
179 Mr. Lloyd explained the timeline involved, making it difficult for applicants to meet
180 if a resident was carrying it forward on their own and not immediately familiar with
181 the process itself; and if not completed, subsequently difficult for staff to enforce.
182 If not enforceable, Mr. Lloyd questioned if it was worthwhile imposing it to begin
183 with. However, since the Planning Commission discussion, Mr. Lloyd referenced
184 discussions with the City Attorney who recommended that it was still appropriate
185 to have a timeline, and enforce it by withholding a building permit to ensure the
186 process is completed. Therefore, Mr. Lloyd advised that staff's recommendation,
187 based on the City Attorney's advice, would be to add a reasonable timeline for
188 recording of any of these applications. However, Mr. Lloyd opined that one year
189 may be more than enough, but two months seemed not enough time.

190
191 Councilmember Willmus opined that any timeline called out should mirror that in
192 place at the county level.

193 Mr. Lloyd advised that he would research those timelines for city approved items.
194

195
196 Mayor Roe suggested a six-month timeline as a reasonable compromise providing
197 the process is clear for applicants and anyone involved.
198

199 Page 11

200 In Section 61 (Minor Plat), Mr. Lloyd advised that the idea was essentially for a
201 Minor Subdivision process with a greater level of detail at the front end of applica-
202 tions, and required filing of the plat documents at the end of the process.
203

204 Councilmember McGehee stated her interest in providing public notice of a project
205 with a map or picture of the area; and addressing the layout, drainage and tree
206 preservation in this area as well as with other areas of code where applicable. Coun-
207 cilmember McGehee referenced the Oak Acres project as a case in point, where the
208 results had been clear-cutting with no drainage plan; opining something was miss-
209 ing in the city's current process.
210

211 Mr. Lamb noted that this was intended to be addressed in Chapter 1103; with con-
212 currence by Mr. Lloyd in the standards and layout provisions. If the City Council
213 agrees that this process seems reasonable to pursue, Mr. Lloyd recommended that
214 staff then begin drafting application forms and a process providing specific require-
215 ments for the detail required versus having it codified in the subdivision ordinance
216 itself.
217

218 Mayor Roe suggested that the broader question for the City Council is how much
219 to take out of requirements shown in the subdivision code and moved to the appli-
220 cation form. Mayor Roe stated that he was uncomfortable with virtually everything
221 removed from the code and moved to the application form since part of the City
222 Council's legislative power was for these basic things. Especially with the minor
223 subdivisions coming forward over the last few years, Mayor Roe noted the lack of
224 specific information that created problems. Since the City Council has voiced their
225 collective and individual concerns with that, Mayor Roe asked for discussion (e.g.
226 page 12, applications) and whether the preference was for a basic list of require-
227 ments that carry through from this preliminary plat and other processes without
228 lengthy details for every aspect of each requirement.
229

230 Councilmember Etten concurred with the comments of Mayor Roe and Coun-
231 cilmember McGehee, and while trusting staff, stated his preference that the require-
232 ments are described in this subdivision code in some way to clearly set forth the
233 expectations of the City Council of those requirements.
234

235 Councilmember Laliberte agreed, stated that she wasn't comfortable with all of
236 those requirements coming out of this code to the application form; opining that
237 minimum requirements should remain in the subdivision code.
238

239 Councilmember McGehee stated her preference that the City Attorney provide
240 some level of confidence that the City Council has sufficient enforcement authority

241 through its City Code to exercise its legislative authority in approving or denying
242 things that could become problematic and having an opportunity to have adequate
243 finding for Council action.

244
245 Page 12

246 In Section 62, Item 2.ii, Mayor Roe noted the important language that something
247 couldn't be applied for multiple times; and suggested even further clarified lan-
248 guage such as approved "and recorded" within five years.

249
250 Mr. Lloyd clarified that Subpart 2.i stated that, and Subpart 2.ii was intended for
251 five acre pieces of land to ensure that they couldn't be divided multiple times to
252 subvert the major plat process.

253
254 Mayor Roe duly noted that clarification, agreeing that his proposed language may
255 not be necessary, but suggested it be considered as food for thought.

256
257 Councilmember McGehee suggested the need to make sure things were properly
258 recorded to ensure there were no unrecorded outstanding approvals.

259
260 Mr. Lloyd advised that those things were easier to catch as they showed up on
261 Ramsey County parcel maps used by staff. However, Mr. Lloyd advised that they
262 were harder to catch if, for example, something was approved this year with record-
263 ing of the documents required within a few months, but not done for several years,
264 but instead done immediately before coming to the city with a new application and
265 now yet making it through the process for easy tracking.

266
267 Mayor Roe opined that if they were recorded, they should still be available for the
268 city.

269
270 In Section 63, Councilmember McGehee noted the one year reference for approval
271 as an example she'd previously addressed.

272
273 Page 13

274 In Sections 65 through 71 (Developer Open House Meeting), while not brought up
275 until Item 72 (Preliminary Plat Process), Councilmember Etten suggested those
276 sections may better fit between Sections 72 through 83 on page 17. Councilmember
277 Etten opined it would catch the eye of the developer as part of that process.

278
279 Mr. Lloyd hesitated in his response based on his perspective of how those provi-
280 sions fit into the broader or global picture. While it's helpful in this initial review
281 to see a side-by-side presentation of today's code and that proposed, Mr. Lloyd
282 advised that when the format is changed for the new iteration, some of those sec-
283 tions will come to light; at which time he'd prefer that the City Council see if it
284 made more sense than as suggested by Councilmember Etten. Mr. Lloyd advised
285 that one reason to have it out front was because it didn't apply to all plats (e.g.
286 several commercial plots into one), and while not every application will include it
287 as part of the process, he would consider its placement.

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Councilmember Etten questioned if Mr. Lloyd was looking for a separate definition; with Mr. Lloyd responding that yes, the process would be outlined and then an applicant, in consultation with staff, could determine if they met the parameters.

Councilmember Etten suggested points of reference for people to look to as developers review a particular segment of code; agreeing to consider whether it made more sense upfront or as a reference point.

With the combination of Chapter 1102 with Chapter 1004, Mr. Lamb noted that the next iteration would look different.

Councilmember McGehee sought clarification from staff on which portion of the open house process staff had taken back from the developer based on practical use. Mayor Roe noted that the open house process itself had been updated recently, and this process would parallel it.

City Planner Paschke clarified that the only part of the open house process staff had taken back from the developer was drafting the invitations, with the developer still responsible for holding the open house.

Page 15

In Section 72, Councilmember McGehee suggested requiring drainage as one of the criteria; with Mayor Roe clarifying that this was simply an abbreviated list of basic requirements.

Page 18

In Section 83.F, Mayor Roe asked staff to make sure the validation timeframe language was consistent.

Page 19 (Variances)

Mr. Lamb noted this had been relocated from Chapter 1104.

Councilmember McGehee questioned why Minnesota Statute Chapter 462 language had been removed as related to “undue hardships.”

Mr. Lloyd clarified that the term in the current subdivision code is “unusual hardship” which represented a different standard from “undue hardship” used in zoning code and now referred to based on revised language in State Statute as “practical difficulty.”

Page 20

In Section 87, Mr. Lloyd noted one provision in State Statute was that a variance was only approved when specific grounds had been identified. Mr. Lloyd advised that the proposed subdivision code language had been specifically taken from current zoning code, and asked the City Council if they seemed adequate on their own or if more items than the proposed four items shown were needed.

336 Councilmember McGehee reiterated her suggestion to include something related to
337 drainage in this section.

338
339 Mayor Roe clarified that this is intended as findings and grounds to grant a variance.
340

341 Mr. Lloyd provided an example of a large residential parcel subdivided in a way to
342 create two conforming sized lots, but with the existing improvement over the al-
343 lowable impervious coverage, which may affect drainage in some way. Mr. Lloyd
344 advised that would be what the applicant was seeking a variance to; and a specific
345 item for City Council review at that time.
346

347 To get at Councilmember McGehee's point, Councilmember Willmus asked under
348 what obligation the city was required to issue a variance or what specific language
349 the city could impose. Councilmember Willmus stated that he wasn't sure the city
350 was required to provide a variance in the first place.
351

352 In response, City Attorney Gaughan advised that an applicant for a subdivision
353 must adhere to standards unless there was a hardship, and at the City Council's
354 discretion they could then grant a variance. In working with staff on this provision,
355 Mr. Gaughan suggested that specificity was good in terms of conditions proceeding
356 a variance approval. Mr. Gaughan clarified that this wasn't intended as a tug of
357 war whether or not a variance should be granted, but if a particular item was of
358 particular importance to the city for subdivisions, as per Councilmember McGe-
359 hee's point, he suggested that it would be appropriate to include those items as the
360 basis for approval or denial. For example, Mr. Gaughan suggested that including
361 specific reference to city standards, including water issues and drainage if that was
362 one of the city's priorities; and therefore, recommended that the city consider spe-
363 cific references in variance provision or at least reference adherence to land perfor-
364 mance standards.
365

366 Mr. Lloyd reminded the City Council that they would see this again for action and
367 suggested that between now and then, opportunity would be available for the City
368 Council to consider what provisions would work well in this section.
369

370 If a variance was granted to a particular provision of the subdivision code, Mayor
371 Roe noted that the city could still be approving the subdivision and adhering to
372 requirements with the exception of that one thing. Mayor Roe opined that the City
373 Council's catch in that process was that ultimately it would still be approving the
374 subdivision other than the requirement to which the variance was granted.
375

376 City Attorney Gaughan asked that the City Council think about what it believes is
377 appropriate for an unusual hardship that they may want to include.
378

379 Mayor Roe questioned if that could be known until practical use under the revised
380 subdivision code.
381

382 At the request of Mr. Lamb, the consensus of the City Council was that they were
383 seeking for more specificity beyond the currently listed four points and more spe-
384 cific than those references.

385
386 Councilmember Etten asked if this specificity would create adverse impacts on
387 neighboring properties that could open up new issues.

388
389 City Attorney Gaughan responded that similar to Item 4, about not altering the es-
390 sential character of the locality, suggested that “adverse impacts on surrounding
391 lots” may be a good starting point for an Item #5.

392
393 Mr. Lamb suggested those adverse impacts may be applicable in more specificity
394 to Item #4; with Councilmembers Etten and McGehee disagreeing, opining that #4
395 was different than “adverse affects;” duly noted by Mr. Lamb.

396
397 Mayor Roe suggested an adverse affect could be stormwater, but not limited to that
398 only.

399
400 Page 28

401 In Section 141, Item 2 (Storm sewers), Councilmember McGehee questioned if
402 there were areas in Roseville still having private storm sewers, with Public Works
403 Director Marc Culver confirming that there were.

404
405 Page 29

406 Councilmember Etten asked for an explanation of staff’s comment about the Public
407 Works Department confirming if this section should be in the subdivision code or
408 the Public Works Design Standards manual.

409
410 Mr. Lloyd noted that this had been part of earlier discussions today with Public
411 Works staff. While these provisions are currently included in this draft of the sub-
412 division code, Mr. Lloyd advised that greater specificity (Section 147 – e.g. stand-
413 ard of pavement construction) seemed more applicable in the Design Standards
414 manual. As with the need to balance information that should be included in the
415 subdivision code or on the particular plat application, Mr. Lloyd suggested lan-
416 guage in code that referenced city standards, with deeper detail provided in the
417 manual itself and as industry standards changed periodically.

418
419 In Section 29, questioned if those specific references in Item 3 (concrete curbs and
420 gutters) were what Mr. Lloyd was referring to as moving to applicable requirements
421 of the Public Works design document; with confirmation of that by Mr. Lloyd.

422
423 Councilmember McGehee questioned if the manual had been completed and was
424 available.

425
426 Mayor Roe suggested that it would eventually become a public document.
427

428 Public Works Director Marc Culver advised that the manual was still a work in
429 progress; with initial reviews done by the Public Works, Environment and Trans-
430 portation Commission (PWETC) and Planning Commission. Mr. Culver advised
431 that the City Council would see it as an attachment to the subdivision code at up-
432 coming meetings prior to their final approval of the code. While close to comple-
433 tion, Mr. Culver advised that it was still in draft form until completion of this sub-
434 division code rewrite to determine what information goes where.

435
436 In general and based on previous discussions with Environmental Specialist Ryan
437 Johnson related to storm water efforts and green streets, Councilmember McGehee
438 opined that the city should rethink its current practice requiring sodding behind
439 curbs when installed allowing all the runoff going into the gutters. Since sod
440 doesn't end up working for boulevards most of the time, Councilmember McGehee
441 suggested that "sod" be removed as a requirement allowing for small swales to be
442 installed behind curbs where applicable.

443
444 Mr. Culver referenced Section 153, Item 7 as a location of the term "sodding;" with
445 Mr. Culver duly noting Councilmember McGehee's request for more flexibility in
446 actual practice with flexibility to allow rain gardens, etc, with some already in-
447 stalled behind curb areas.

448
449 Page 30 - 31

450 Councilmember McGehee noted references (Section 157 as an example) that could
451 provide for more flexibility and more subtle than a rain garden.

452
453 Councilmember Willmus agreed with Councilmember McGehee's point and area
454 of concern; and suggested removal of the term "sodded."

455
456 Mr. Culver duly noted the requests, and suggested referencing "stabilized" rather
457 than "sodded."

458
459 Mayor Roe noted that the city had a requirement for lot coverage that it needed to
460 be finished in accordance with that section of code and not just black dirt.

461
462 Mr. Lamb duly noted this discussion.

463
464 Councilmember McGehee also noted the need to look at tree preservation in the
465 context of the subdivision code, which had proven difficult to address to-date.

466
467 General Comments

468 Community Development Director Kari Collins reviewed timing for the remainder
469 of this review as previously addressed by Mr. Lloyd; with part two of the review
470 scheduled for next week's Council meeting. Ms. Collins noted that the initial plan
471 was to have the City Council adopt the revised subdivision code by the end of May.
472 However, Ms. Collins advised that the Planning Commission had tabled the public
473 hearing until their June meeting for one more look at the document before making
474 their recommendation to the City Council. Ms. Collins stated that the City Council
475 would be proud of the thorough job the Commission was doing; but clarified that

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the schedule would not meet the expiration of the moratorium. Ms. Collins advised that staff was monitoring any applications that may come in between that expiration and enactment of this new code.

Some discussion was held as to extending the moratorium, with staff and Mayor Roe confirming that the city would not be able to meet the statutory requirements for an extension at this point.

1 e. **Review and Provide Comment on the Last Chapter of a Comprehensive Technical Update to the Requirements and Procedures for Processing Subdivision Proposals as Regulated in City Code, Title 11 (Subdivisions) (PROJ-0042)**

2 Senior Planner Bryan Lloyd provided a brief summary of tonight’s requested discussion as a precursor to continuation of this subdivision review from the previous
3 City Council meeting.
4

5 Councilmember McGehee opined that the City Council should give careful consideration to several areas (e.g. street section) and attempt to make this code easier to
6 understand by including diagrams showing rights-of-way and curbs as simple illustrations rather than eliminating that detail from city code and also removing the
7 ability for the general public beyond designers and planners to fully understand city code.
8

9 Councilmember Willmus asked at what point the Public Works Department would ensure that the Design Standards Manual was completed and available for use.
10

11 Mr. Lloyd advised that the manual was being continually updated as changes or new recommendations were received from the Planning Commission and City
12 Council and evaluated collaboratively throughout this entire review process.
13

14 Councilmember McGehee opined that it was disheartening to reference the manual without it yet being available.
15

16 RCA Exhibit C (continued)

17 Page 1, Section 182 (Chapter 1103.01: Street Plan)

18 Councilmember McGehee stated her preference for including current language back into proposed language to provide a broad statement of intent for this section.
19

20 Mayor Roe sought feedback from staff as to their rationale in revised versus current language.
21

22 Mr. Lloyd advised that a considerable number of those elements (e.g. reasonable traffic circulation, new streets and their context, etc.) were addressed in the Transportation Plan as part of the overall Comprehensive Plan Update; with the idea to more succinctly summarize them and let those goals guide this as well.
23

24 While that may be all well and good, Councilmember McGehee stated that there was nothing left in the subdivision code to allow enforcement of findings when needed.
25

26 Mayor Roe stated that he tended to concur with Councilmember McGehee that more specificity may not be a bad thing.
27

28 Councilmember Etten agreed that more specificity may be indicated, but sought confirmation of staff’s acknowledgement that a lot of this is brought up in the comprehensive plan.
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Mayor Roe noted that with the comprehensive plan update still in process, there was no guarantee what would end up in the revised transportation plan.

Laliberte agreed, noting that it hadn't been revisited in a while, and by simply referencing those documents that could be in need of an update, she wasn't sure there was a process in place to make sure they're relevant at all times they were being relied upon.

When speaking of the Pathway Master Plan, Councilmember Willmus sought clarification as to which variation was being referenced, noting that the most recent plan from his recollection had some rather interesting dynamics when last discussed.

Mayor Roe questioned if that document had actually been adopted by the City Council, opining that the original 2008 Pathway Master Plan remained in effect.

Mr. Lloyd confirmed that, noting that it was included in the transportation plan process for updating at this time.

Councilmember Etten opined that this section wasn't easy to understand in the current language while the new language seemed to do so; and suggested that the language of the current code in its entirety wasn't necessary to carry over, but some of the items could be included to make the revised language more clear.

Mayor Roe suggested a hybrid, and used examples to include from current code, and without objection, staff was so directed.

Pages 1 – 4, Sections 184 – 202 (1103.02: Streets)

In these various sections, Mr. Lloyd advised that the effort was being sought to make this more consistently address rights-of-way from the street.

Mayor Roe agreed with that intent, noting that what was being platted for subdivisions was for rights-of-way and not streets.

Councilmember McGehee suggested including something in the definition section to ensure that anyone reading city code could easily determine what a particular street was.

Mayor Roe noted that there are some industry known terms, and therefore wasn't sure how they needed to be defined in city code, even in the definition chapter.

Mr. Lloyd advised that the rationale in leaning toward more technical terms is to avoid any confusion, since many state and county roads or at least segments of them had been turned back to the city and therefore.

Public Works Director Marc Culver responded that each of those street definitions were clearly defined in the transportation plan; and in an effort to be efficient and

not duplicate definitions in numerous places, staff had chosen well-known definitions in the plan, as indicated in Mayor Roe's comments.

Councilmember McGehee agreed to their use in the manual, provided illustrations were included.

Mr. Culver agreed that the Public Works Design Standards Manual could be enhanced with illustrations as much as possible.

Councilmember Laliberte asked Mr. Culver the expected process for adoption of that manual as part of this subdivision code revision by the City Council or if it would simply be amended and revised by staff. Councilmember Laliberte noted the continued reference to and emphasize on a document that may not have the same approval process for this and future City Councils.

From his perspective, Mr. Culver advised that the intent was to remove the specifics from city code to allow for more easy revision from the formal city code ordinance adoption. Mr. Culver clarified that this was not to say if there were more relevant items of concern, they would not come back to the City Council for review and action; but at a minimum, any proposed changes would be filtered through the Public Works, Environment and Transportation Commission (PWETC). Mr. Culver noted that some of the elements were often of such miniscule detail (e.g. pipe materials and/or sizes) that they had little to do with a developer's perspective of a new development beyond the actual cost for them. Mr. Culver advised that many of those standards are already used that are not currently in the existing subdivision code.

Mayor Roe suggested that the City Council was seeking assurance that from a general perspective applicable things be taken into account in the subdivision code and clearly stated. However, Mayor Roe noted that those specifics as to how they're put in place or best management practices or specifications in doing so made more sense in the design manual with the code itself stating what was not wanted to occur and addressed more generally with the finer points made in the manual. As a council member, Mayor Roe stated that he didn't necessarily need to approve the design manual and periodic minor revisions to it.

Councilmember Laliberte agreed with Mayor Roe's comments, but clarified that she wanted to ensure that so much was not being removed from city code that it bypassed an expected process.

Mayor Roe referenced this discussion to clarify that.

Councilmember Willmus opined that as for the design manual, most things were already included (e.g. road specifications as to types of grades and asphalt types, compaction testing, etc.) and what he considered applicable for the manual, while the higher level aesthetic view of a street something he'd seek to remain in city code.

144 Mr. Culver reviewed several examples on pages 2-3, including several sections be-
145 ing deleted (e.g. Section 195 – 197) that were found redundant with other language
146 or no belonging in city code if and when they were a design standard element. Mr.
147 Culver clarified that, once this was more finalized based on feedback from the Plan-
148 ning Commission and City Council and weekly review by the Planning and Public
149 Works Departments cooperatively, the subdivision code and design manual would
150 both be updated and once more solidified. At that point, Mr. Culver advised that
151 the design manual would be brought forward to the City Council not necessarily
152 for their formal action, but for information purposes.

153
154 Councilmember McGehee agreed that the more of this went into the design manual
155 the better from a technical perspective.

156
157 Mr. Culver advised that staff would anticipate and continue to lead developers of a
158 subdivision to review both the city code and design manual as part of their applica-
159 tion; with staff intent on balancing both between technicalities versus general in-
160 formation. In that aspect, Mr. Culver opined that tonight’s City Council direction
161 was helpful beyond staff’s perspective of what was too detailed for city code and
162 should be moved to the manual and visetice versa.

163
164 City Attorney Gaughan suggested that another way to think in terms of balance was
165 that this was a subdivision code involving divisions of land, with the necessary
166 elements of city code intended to address geometric configurations of those lots
167 from a subdivision application, where the radius of a turnaround may be applicable
168 in city code, as an example, while the actual composition of that turnaround was
169 more technical and should be addressed in the design manual.

170
171 Mr. Culver concurred, noting that the concept was being considered as to at what
172 point the city felt strongly enough that it would require a variance rather than simply
173 negotiating with staff on certain aspects, with those items clearly identified as re-
174 quirements in city code and not up for negotiation.

175
176 Councilmember McGehee questioned how meaningful functional classifications
177 would be if not illustrated sufficiently. but if If something was is mandatory, how-
178 ever, whether highly technical or not, shouldn’t it be included in city code-?

179
180 Councilmember Etten opined that it would become more meaningful at the point
181 when the developer hires an engineer to plat it out. While the City Council won’t
182 build the road, Councilmember Etten opined that city code required teeth for a pro-
183 cess in place for any variances. While recognizing tonight’s discussion, Coun-
184 cilmember Etten spoke in support of staff’s intent to leave specifics out of city code
185 for that purpose.

186
187 Councilmember Willmus stated his complete agreement of what Public Works Di-
188 rector Culver was speaking to for those things when provided for in ordinance no
189 longer subject to administrative negotiation, but considered a standard and expect-
190 ation of what a developer brought forward on site plans, surveys, and/or plats.

191 Councilmember Willmus agreed that those auxiliary items provided for in the man-
192 ual that didn't rise to that level and including some discretion, were more appropri-
193 ate to the design manual versus those required as mandates in city code.

194
195 Councilmember Laliberte expressed appreciation for this discussion and clarifica-
196 tions by staff and City Attorney Gaughan.

197
198 Specific to alleys (Section 200) no longer being permitted, Councilmember Etten
199 asked if there were not some existing areas in Roseville with alleys and if they were
200 or were not included in city code.

201
202 Mr. Culver responded that there were a few areas that shared private driveways, but
203 whether they were legally-defined alleys was a good question. However, at this
204 point going forward (new versus existing), Mr. Culver suggested that the focus be
205 on whether or not alleys should be considered for any future subdivisions or devel-
206 opments.

207
208 Mr. Lloyd reminded council members that this subdivision addressed rights-of-way
209 so existing things in older parts of town would involve platted alley rights-or-way
210 or something similar; but stated that he was not aware of any actual alleys.

211
212 Mr. Culver confirmed Mr. Lloyd's interpretation.

213
214 Going forward, Mr. Lloyd suggested that developments may include private drives
215 that functioned as alleys, but would not be regulated as rights-of-way.

216
217 Page 4, Section 204 (Chapter 1103.021: Minimum roadway Standards)

218 As an example in this section, Councilmember Willmus referenced the private road
219 near Slumberland and Olive Garden that served as a private drive off East Snelling
220 Service Drive and asked how that was distinguished in conjunction with the Plan-
221 ning Commission recommendation on bike lanes; or in similar situations where a
222 private drive may provide access to 3-4 homes built to city standard and including
223 a bike lane.

224
225 Mr. Lloyd opined that the comment was intended in the context of streets in general
226 rather than specifically in the context of private drives.

227
228 Mayor Roe noted that this section states city "and" private roadways and therefore
229 refers to both.

230
231 Councilmember Willmus opined that there should be some level of distinction and
232 purpose outlined for private roadways and/or drives to avoid significant loss of
233 front yards to provide a bike lane that may only service two homes.

234
235 From a technical standpoint, Mayor Roe asked why this referred to existing private
236 roadways when the subdivision code by its very nature involved new construction
237 and didn't address standards for reconstruction of roadways.

239 Mr. Lloyd advised that it related indirectly to Sections 205 – 208 when addressing
240 street width, not rights-of-way for parking arrangements, but minimum road widths
241 in various situations that would remain relevant. As an example, Mr. Lloyd referred
242 to a development application for subdivision made several years ago where new
243 lots would be created along a street with no on-street parking and the nearest avail-
244 able parking would be a block or more away. Therefore, Mr. Lloyd advised that
245 this revised language provided a developer with the expectation of street width to
246 ensure new property owners and visitors would have adequate parking.

247
248 Mayor Roe opined that he still didn't consider reference to existing streets and sit-
249 uations to be applicable in the subdivision code, nor "reconstruction of existing
250 streets" unless this is the only location in city code that they exist (e.g. design man-
251 ual) and asked that staff reconsider that when platting new land that was not part of
252 this subdivision code and if and where it needed to be addressed.

253
254 Councilmember Etten agreed with this discussion, noting that he had also been con-
255 fused with the reconstruction aspect.

256
257 Generally speaking, Mr. Lloyd advised that when talking about a physical street
258 width rather than the importance of rights-of-way, that was the question rather than
259 how and why it was addressed in code; and advised that he and Mr. Culver would
260 discuss that further.

261
262 Mr. Culver noted that this came into play in several potential situations: when a
263 business reconstructs its parking lot to a certain percentage if not meeting current
264 standards it would now be required to do so; and the same could be said for existing
265 private streets not meeting current standards for parking and minimum width. As
266 it applies specifically to the subdivision code, Mr. Culver advised that if one side
267 of a street has yet to be developed, when a development proposal came forward to
268 do so, an existing street situation may be found substandard to meet the needs of
269 more development in that area.

270
271 Mayor Roe opined that there needed to be more clarity if that was the intent;
272 whether or not "~~private drives~~existing streets" were addressed in the subdivision
273 code versus design standards.

274
275 In his reading of subdivision code, City Attorney Gaughan opined that it specifi-
276 cally included redevelopment in an area with existing streets. However, Mr.
277 Gaughan agreed that it didn't make sense to use "existing" when discussing recon-
278 struction, and therefore suggested removing "existing" and leaving in language "as
279 constructed or reconstructed."

280
281 Mayor Roe further suggested adding "as part of a subdivision" to the language as
282 well.

283
284 Page 5, Sections 214-215

285 Councilmember McGehee asked for a better understanding of those areas proposed
286 to be deleted in the new subdivision code.

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Mr. Lloyd referenced Mr. Culver's previous comments that the current code language deviated from current design standards, therefore setting up the city for negotiation and an approval process. Mr. Lloyd advised that the suggestion was to remove that making it become grounds for a formal variance process rather than negotiated as part of that process.

Councilmember McGehee stated her preference to retain it to allow developers to come forward with more interesting ideas that, which while they may be a variation, would not eliminate their possibility and serve as an option to consider beyond strict requirements.

Mayor Roe agreed to not having it allowed in code for negotiation, but allowing developers who want to show some creative in their proposal, to then seek a variance.

Mr. Culver clarified that at this point the only areas of discussion involved cul-de-sacs and rights-of-way widths.

Page 6, Sections 218 and 220 (Chapter 1103.03: Easements)

Discussion ensued regarding the width for standard utility easements (~~10' centered on a lot line for a total of 20'6' on each lot for a total of 12'~~); with more clarity sought for easements between lots and those typically built in street rights-of-way, as well as clarifying "not all pathways."

Mr. Culver clarified that a dedicated pathway right-of-way or easement could be through the center of a parcel, but the city would want to retain 20' for an 8-12' wide pathway and space on either side for its construction, grading and maintenance; while 12' centered is intended for drainage and utility easements on side lots.

Page 7, Section 227

Mayor Roe suggested adding "railroads" consistent with its reference with limited access highways or marginal access rights-of-way and their screening.

Page 8, Section 230

Mayor Roe noted that minimum rear yard dimensionwidth of 30' had previously been included, and was ~~not~~ proposed to be removed, seeking rationale in doing so since it had come up in several recent subdivision proposals.

Mr. Lloyd responded that this was consistent with Section 231 and other areas addressing lot sizes, proposed to be relocated to the zoning code as most had already been, consistent with this proposed removal from the subdivision code.

Section 231

Mr. Lloyd opined that while this has not been an issue to-date, and since there appeared to be no huge demand for them, suggested that "butt lots platted 5' wider than average interior lots" no longer be included here or in the zoning code.

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Section 238

Councilmember McGehee suggested a “period” after “residential development;” opining that if this is intended as a technical document, it seemed unnecessarily aspirational.

Councilmember Etten agreed with the attempt to guide lots when possible by allowing for that potential guidance as long as the subdivision code remains an outline and doesn’t get into too much specificity.

Mayor Roe and Councilmember Laliberte agreed, asking that it stay in; and without objection staff was so directed to retain existing language.

Page 9-10, Section 244

Specific to flag lots, discussion ensued at the prompting of Councilmember Willmus as to the intent in removing the second half of the sentence: “...not permitted.”

Mr. Lloyd advised that this, as well as the previous discussion with Section 238, was simply intended to simplify language as recommended by the consultants, to address conforming width along the front as being the area of most concern.

Councilmember Willmus stated that he hated to prohibit large rectangular lots that may conform to required width but if recombining lots may create an L-shaped lot or two lots. As long as they met proper frontage at the street, Councilmember Willmus spoke in support of allowing them.

Mr. Lloyd displayed an illustration of two lots and potential combinations; and after further discussion, suggested that be addressed in city code as it had been provided in existing code to get to that point.

Mayor Roe suggested that another way to get beyond flag lot language would be to say, “... as long as both lots of any subdivision meet standards,” noting that the code already didn’t permit front lots less than 85’ in width whether or not the lots were wider at the rear.

Mr. Lloyd advised that consideration would be given to rewording or eliminating that section (flag lots), noting that the language had been added back to the subdivision code last summer to address lot size and shape parameters replacing provisions that at that time were considered too simple and not clear as to whether flag lots fell into those parameter or not.

Page 10

In Section 246, as pointed out by Councilmember Etten, Mr. Lloyd advised that this section required more review and consideration for higher classification and functionality for placement of driveway access on one street compared to another with higher function.

383 In Section 247, Mayor Roe questioned if the reference to screening should be in-
384 cluded in the subdivision code.

385
386 Mr. Lloyd thanked Mayor Roe for spotting that issue, noting that this needed further
387 staff review as well to address instances where a lot with streets in front and back
388 required latitude depending on varying lot depths, or how many instances remained
389 where they needed to be addressed.

390
391 Mayor Roe suggested it may refer to “through lots” not being permitted where ac-
392 cess was not allowed from both but only from one street or the other. However,
393 Mayor Roe noted there may be topography issues of a lot that may indicate a vari-
394 ance situation (e.g. County Road B). Mayor Roe suggested that whether or not this
395 was a subdivision issue needed further staff review.

396
397 Pages 10-11

398 Mayor Roe noted that new language in Section 249 stating “... conforming to Title
399 10 of this code” seemed obvious and suggested instead saying, “...while conform-
400 ing...”

401
402 In Section 251, Mayor Roe suggested further review of that language as well; and
403 suggested that this should perhaps be relocated after Item A on page 8, Line A
404 addressing lots for single-family detached residents and the infamous irregular
405 shaped lots to allow for easier tracking.

406
407 Pages 11-13, Sections 252 – 259, (1103-07: Park Dedication)

408 In Section 253, Councilmember Willmus noted reference to state statute and asked
409 if proposed language mirrored that state statute.

410
411 Mr. > Lloyd advised that it did mirror state statute language directly; noting that
412 staff had included the statute (Attachment E) in packet materials for reference.

413
414 Councilmember Willmus stated that he didn’t want to see this used as it had been
415 in the past as a point of negotiation to secure a potential development of some type.
416 Councilmember Willmus further stated that he wanted to make sure the determina-
417 tion of how dollars or land determinations were made was done so with input from
418 the Parks & Recreation Commission and considered unique to each potential sub-
419 division that may come along. Therefore, Councilmember Willmus stated his con-
420 cern with trying to simplify language without addressing those issues or to create a
421 situation for a potential developer using construction of a pathway around their de-
422 velopment as their solution to meet park dedication requirements.

423
424 Mr. Lloyd noted that the language still clearly states that the choice would be at the
425 City Council’s discretion, as recommended by the Planning Commission versus
426 “city.”

427
428 Mayor Roe stated that he didn’t see the risk here.
429

Councilmember Etten stated that- part of his concern was whether a developer may decide on what their park dedication consisted of; and whether non-single-family residents may be required to put it in anyway. As a part of this discussion with other advisory commissions and staff, Councilmember Etten asked if the Pathway Master Plan and pathway connectivity be included by reference beyond state statute (e.g. Exhibit E. Item G) currently changed to “park system plan” related to new land in general. While supportive of referencing the comprehensive plan, Councilmember Etten opined that when you say “Pathway Master Plan” you moved away from that intent when the intent was for park use and funds for sidewalk connections that may ~~not~~ necessarily be the intent of the state statute referencing park planning and moving in another direction that he would not necessarily be comfortable with.

City Attorney Gaughan directed the City Council’s attention to Subd. 2b of particular attention to Exhibit E, parents b. While he hadn’t researched parks and open space plan or pathway language completely at this point, Mr. Gaughan clarified that was the authority allowing the city to pursue park dedication. Therefore, Mr. Gaughan advised that the intent was that the city wanted to review those plans and language of the comprehensive plan in addressing parks and open space that would be a component of and referenced in this and other city ordinances. As noted, while he had not yet personally reviewed those documents, Mr. Gaughan advised that he would do so, based on his understanding that the city had to-date been operating from that interpretation.

In terms of the Master Plan and Park/Open Space Plan, Parks and Recreation Director Lonnie Brokke advised that there was a section in the comprehensive plan addressing parks/open space as referenced, with the goals and policies of that section included there and also in the Parks Master Plan. As the comprehensive plan update process moves forward, Mr. Brokke advised that those goals and policies would be connected.

At the request of Mayor Roe, City Attorney Gaughan confirmed that state statute referenced a city’s comprehensive plan, and the park/open space component; and suggested that this presented a good opportunity to review those particular sections of those referenced documents. As to whether that reference included the transportation section versus another section as noted by Mayor Roe, City Attorney Gaughan suggested that reference in code should mirror that of state statute for “Park and Open [Space](#) Plan.”

Mayor Roe asked if this addressed Councilmember Willmus’ and Etten’s concerns.

Councilmember Willmus stated that it did in part; but his concern remained as to whether park dedication money would be used by a developer to complete a sidewalk section along a roadway or corridor and if so whether that then became Roseville property or if city dollars were being expended for potential corridor improvements for city collection of dedication fees on roadways not belong to the city (e.g. county roads).

478 Mayor Roe noted that this was a current practice.

479
480 Councilmember Etten questioned if that concern actually fell into state statute ter-
481 ritory and how those dollars were collected.

482
483 City Manager Trudgeon referenced the last comprehensive plan update performed
484 in 2009 that referenced the Pathway Master Plan that had been in progress at that
485 time; and included in the Parks and Open Space chapter of the comprehensive plan
486 as previously referenced by Mr. Brokke.

487
488 City Attorney Gaughan suggested that it was important to note that the city had a
489 plan in place and that dedication dollars should be used to complete that portion of
490 the plan. If another project that is not part of that plan gets into a grey area and
491 whether or not it was an appropriate use of those monies, Mr. Gaughan noted that
492 it was important to keep in mind what current documents say as to the appropriate
493 use under the current plan.

494
495 Councilmember Etten stated his thoughts to pull language out for sidewalks, since
496 this caused him concern that it would become a hole for money to go versus poten-
497 tial park use that had been the intent of state statute when referring to park plans,
498 not Section B indicating that a capital improvement budget must be adopted or
499 comments on in the comprehensive plan. With the 2009 trail map having gone
500 through several discussions and updated, Councilmember Etten stated his concern
501 that by referencing it in the comprehensive plan, it quickly became dated and may
502 open up problematic doors when addressing park dollars and current needs, opining
503 that it wasn't germane to park dedication statutes.

504
505 Councilmember McGehee questioned how Councilmember Etten could consider
506 pathways and trails around and throughout the city to not not to be germane to parks.
507 She emphasized the desire of residents to and have increased connected-connec-
508 tivity as to a subdivision adjacent to an area needing improved connectivity; and
509 part of the transportation and recreation components plans and needs.

510
511 Councilmember Laliberte agreed that connectivity is a city priority; but if not in-
512 cluded in this subdivision code rewrite, asked if there was actually anything requir-
513 ing this section to be updated from current language. Councilmember Laliberte
514 stated that she found it to be an attempt to fix something that wasn't broken and
515 over-prescribing this section versus other sections by bulking this section up.
516 Councilmember Laliberte stated that she'd be concerned with any future develop-
517 ment planning to provide that connectivity and using this section to cover two
518 things with one effort. However, if the City Council and Park and Recreation Com-
519 mission are already working together to connect any gaps, Councilmember
520 Laliberte opined that there was no need for the level of change proposed in the new
521 rewrite.

522
523 Mayor Roe stated that this got to his point that a lot of times developments plan for
524 a pathway along one or more streets that they pay for but the city gets the reward
525 of since it was located in city rights-of-way. Mayor Roe stated that his only concern

526 was that those may be used to offset park dedications; and if language could be
527 developed similar to that current language to address technical issues and not trade-
528 offs as a credit for the park dedication wanted by the city, then he offered his sup-
529 port for reverting back to the original language.
530

531 As noted in the RCA (page 1, section d), Mr. Lloyd advised that when a proposal
532 came forward for a trail or open space, it was considered available to the public as
533 a requirement by the city to consider it part of the park dedication component
534 whether calculated as land or cash.
535

536 Mayor Roe stated that was what he would argue against, but mandated in statute.
537

538 City Attorney Gaughan clarified that this was not the case, and that the city could
539 refer to their plan; with the statute simply stating that the city would give consider-
540 ation to the fact the applicant proposes to do something on private property, with
541 the state statute not mandating but simply asking the city to take that “into consid-
542 eration.”
543

544 Mayor Roe stated that he read that as a financial consideration, with City Attorney
545 Gaughan advising that was not his reading.
546

547 Mr. Lloyd agreed with City Attorney Gaughan that it was at the city’s discretion
548 whether or not to accept a developer component as part of the park dedication re-
549 quirement.
550

551 City Attorney Gaughan advised that statute addressed that a subdivision application
552 could not be held up if there was a dispute over park dedication, and since this may
553 speak to that point, if an applicant disputes the city’s position on dedication of an
554 amount or other issue, the city couldn’t hold up approval of the application but
555 could proceed with a subsequent dispute resolution process. Mr. Gaughan advised
556 that the city was mandated to provide due consideration to that part of the proposal
557 in arriving at an appropriate city decision.
558

559 Councilmember McGehee stated that she felt protected given the state statute and
560 legal counsel’s statements tonight in that the city would retain discretion as part of
561 the negotiation with a developer. Since she didn’t think anything better could be
562 written that would be more direct than current language, Councilmember McGehee
563 opined that current language should be retained as it provided authority for the city
564 to make decisions as it had done in the past, with consistency but perhaps allowing
565 for some flexibility in addressing connectivity issues.
566

567 Councilmember Laliberte stated that she would lean toward retaining current lan-
568 guage, perhaps with some tweaks to make it clearer and more functional. If the
569 desire was to hold the city accountable with how those funds are used in filling
570 and/or improving connectivity, Councilmember Laliberte suggested a City Council
571 policy for consideration outside this code and as mandated by state statute.
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Councilmember Etten stated that he was in agreement with the majority of Councilmember Laliberte’s comments, with current code referencing the process with the Parks & Recreation Commission’s recommendations to City Council. Councilmember Etten expressed concern with proposed language focusing on state statute by expanding definitions. While supporting connectivity, Councilmember Etten expressed concern that as soon as those funds moved outside existing park space or for expanding that park/open space, the money could disappear and not meet other needs in the parks in addition to the millions of dollars needed for pathway extensions and connectivity.

Mayor Roe clarified that he was not suggesting that money from park dedication funds be used exclusively for pathways, but simply that building pathways was an important component of a subdivision project in lieu of or as part of land or dollars related to that subdivision. Mayor Roe clarified that it was not the intent to use the park dedication fund to fund numerous pathways.

Councilmember Willmus offered his agreement with Councilmembers Laliberte and Etten, in that existing language was preferable. While realizing the intent of Mayor Roe, Councilmember Willmus noted that a future body may look at something differently, and therefore, preferred the current language over that proposed.

Mayor Roe stated that he supported that also; and with the consensus being to use current language in the rewrite, pending legal tweaks, to direct staff to use current language over that proposed.

In Section 255, Mayor Roe asked that staff reconsider the sentence structure construction.

Mr. Lloyd addressed Section 255, as addressed in the RCA (line 94) specific to non-residential language that he found problematic in current language and expectations for residential and commercial zoned designations and expectations whether similar or distinct.

Discussion ensued, resulting in staff directed to review and consider new language for Sections 255, 256 and 257, with current language retained for Sections 253 and 254; with specifics addressed in the annually reviewed fee schedule.

City Attorney Gaughan noted the need to base these figures and calculations on state law; with the city reasonably determining that a portion of the land is necessary based on a particular application, and arrived at with the same level of methodology, perhaps relating to differences in residential and commercial zoning designations.

While that may be a perception, Councilmember Willmus referenced Langton Lake as an example of commercial development but that park heavily used by those working in businesses during their lunch breaks, referring back to the intent of the Parks Master Plan as well.

621 City Attorney Gaughan duly noted those variables, but cautioned the City Council
622 to keep it in mind.

623
624 Mayor Roe suggested that the inconsistency between land and cash was currently
625 notable and needed to be addressed better in residential areas.

626
627 Councilmember Etten referenced the RCA (page 3) with the land option unchanged
628 since its creation in 1989 while cash fees have increased several times during that
629 same period. Therefore, Councilmember Etten spoke in support of bringing it up
630 to 10% for residential as with the cash amount.

631
632 If potential land changes were proposed, Councilmember Laliberte asked that staff
633 and the Parks & Recreation Commission bring back recommendations for the fee
634 schedule.

635
636 In Sections 253-254 (pages 11-12), City Manager asked for clarification about the
637 one acre threshold.

638
639 Mr. Lloyd addressed the relevant section in Section 254 in proposed language stat-
640 ing “net increase of development sites comprising more than one acre of land.”

641
642 City Manager Trudgeon noted how that had been interpreted and applied in the past
643 and distinctions if smaller lots (under 1 acre) are then not required to pay park ded-
644 ication.

645
646 Mayor Roe interpreted this to mean before the overall site was subdivided; with
647 Councilmember Willmus interpreting it to mean for those parcels in excess of one
648 acre.

649
650 City Attorney Gaughan reviewed actual existing code language to clarify interpre-
651 tations: “...when a new building site is created in excess in excess of one acre,”
652 indicating the net area.

653
654 Mr. Lloyd advised that the intent was for it to be the same but simply further clari-
655 fied with new language intended to provide consistency with how it had been ap-
656 plied over the last years when a subdivision results in net area and not simply ad-
657 dressing lots refigured.

658
659 Councilmember Etten noted that there was nothing in state statute referring to one
660 acre and why that was being used as a threshold.

661
662 With minor subdivisions, Councilmember Willmus expressed his concern that de-
663 velopers and/or property owners not be required to seek additional financing to
664 make their proposal work due to park dedication requirements.

665
666 Mayor Roe noted discussions at the last meeting defining what qualified as a minor
667 subdivision under new language and if one acre, it could be stated that this only
668 applies to platting processes for that demarcation.

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To review, Mr. Lloyd noted that the proposed minor plat process didn't specify size thresholds nor did it provide a distinction for residential or commercial properties, simply anything resulting in not more than three lots.

Mayor Roe noted that the one acre clarification was then still needed.

Without objection, Mayor Roe directed staff to fix the old language to match; with Mr. Lloyd advising that was what the proposed language was attempting to accomplish. Upon further discussion, Councilmember Willmus suggested, without objection to state, "... total property involved greater than one acre and any subdivision creating additional lots.

Further discussion ensued, with City Attorney Gaughan clarifying that all park dedication decisions required a determination that there was a need created by a particular project. In the scenario of a minor plat, Mr. Gaughan noted that the City Council could, in its approval process, determine that there was no need created for park dedication and part of the submission from staff when the project came before the City Council would preserve some City Council discretion for the project that may create a need based on geography of a particular project and therefore an argument to consider park dedication.

Councilmember Willmus continued to support his language that "park dedication is not applicable unless subdividing one acre or larger."

Mr. Lloyd clarified that this involved the starting parcel and not what is created; with Mayor Roe noting that this still provided for discretion if there is a need, but otherwise that it wasn't on the table if less than one acre and no Parks & Recreation Commission involvement if based on that need as stated.



INFORMATION MEMO

Subdivisions, Plats and Development Agreements

Regulating the division of land is a powerful tool in implementing any municipal comprehensive land use plan. Read a summary of the most basic laws associated with subdivisions, plats, and development agreements. Learn about land dedication for infrastructure, park dedication fees, the subdivision approval process, development agreements and exceptions and alternatives to city subdivision authority.

RELEVANT LINKS:

For an overview of comprehensive planning and land use see [Handbook, ch. 14](#).

[Minn. Stat. ch. 505](#).

I. Review of land use terms

To understand how land-use tools regulating the division of land work it is important to have an understanding of some basic terms.

A. Plat

A “plat” is a technical drawing or map that shows the lot lines or parcel boundaries, as well as the location of road right-of-way and utility easements.

B. Subdivision

A “subdivision” is the division or separation of a large tract of typically unimproved land under single ownership into smaller units, lots or parcels.

C. Development agreement

A “development agreement” is a contract that a city may enter into with a landowner or developer upon subdivision that details how associated infrastructure will be accomplished.

II. Chapter 505 plats

Plats are technical drawings delineating one or more parcels of land drawn to scale depicting the location and boundaries of lots, blocks, outlots, parks, and public way. Plats are prepared and recorded in conformance with state law, and must contain a certification by a land surveyor and be approved by the county surveyor. The 2007 Legislature rewrote state law to reflect changes in platting and surveying standards, technologies, and processes. Sometimes a subdivision is said to be the same as a plat, but that is not always true, and the differences between the two can be important in some scenarios as noted below.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[Minn. Stat. § 505.03.](#)

See Section III, Subdivision ordinance authority.

[Minn. Stat. § 462.358.](#)

See LMC information memo, [Subdivision Guide for Cities.](#)

[Minn. Stat. § 462.358, subd. 2a.](#)

Plats shall be presented for approval to the city in which the land is located. Plats that document a subdivision of land are subject to the approval of the city council exercising its authority over the subdivision of the land. The 2007 Legislature provided that plats that only delineate existing parcels or comply with a minor subdivision procedure may be approved by a local government official designated by the city council. If a city does not have subdivision regulations under its Minn. Stat. § 462.358 authority, it may nonetheless be presented with plats for approval under Minn. Stat. § 505.03. Without a subdivision ordinance, a city’s authority is limited to technical review of plats, and authority to withhold approval to such plats would seem somewhat limited.

III. Subdivision ordinance authority

State law authorizes cities to regulate subdivision of land within the municipality. The subdivision ordinance generally can extend its application to unincorporated land within two miles of city limits if the township has not adopted subdivision regulations. Although the subdivision ordinance is sometimes viewed as secondary to the zoning ordinance, in communities that are not fully developed and have open land, the subdivision ordinance is arguably more important than the zoning ordinance in affecting future land use patterns.

Minnesota cities have a considerable amount of latitude in the regulation of subdivisions. But that latitude must be exercised through the subdivision ordinance by laying out specific standards and requirements that must be met for subdivision approval. The statute explains that:

“The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features.”

A. Minimum internal development standards

Because the statutory power provided is wide in scope, subdivision ordinances can vary greatly from city to city. The goal of the subdivision standards is to help the city envision the “look and function” of the new development when it reviews an application for the division of land. At a minimum, most subdivision ordinances have standards and require information about:

RELEVANT LINKS:

- The layout and width of proposed road rights-of-way and utility easements.
- Road grades and drainage plans.
- Plans for water supply, sanitary sewer or sewage handling and treatment; and
- Stormwater management.

Many subdivision ordinances also have standards and requirements related to such things as:

- Lot size and front footage.
- Block or cul-de-sac design.
- Alleys, sidewalks, and trails.
- Erosion and sediment control.
- Tree preservation; and
- Protection of wetlands and environmentally sensitive areas.

B. Minimum External Development Standards

An important consideration to include in the ordinance is how a proposed subdivision will relate to adjoining land uses, such as the connection of one neighborhood to another via roads, trails and open space, and how they relate to shared community services such as schools, parks, and public safety stations. Cities should require compliance with the external standards of the ordinance. There are at least two ways to approach these requirements.

1. Premature subdivision

Some ordinances provide that a subdivision may be deemed premature and therefore denied. The ordinance should detail conditions that could make a subdivision premature such as lack of adequate drainage, water supply, roads or highways, waste disposal systems, inconsistency with the comprehensive plan, and lack of city service capacity.

2. Conditional approval

Other ordinance provisions may condition approval on the construction and installation of streets, sewer and water facilities, and other utility infrastructure.

C. Emerging issues

There are some emerging issues cities should consider when drafting, reviewing, and amending subdivision ordinances, and that mean cities should work closely with planners and attorneys to address these issues, including:

RELEVANT LINKS:

1. Wastewater treatment systems

The capacity of current wastewater systems may limit future subdivision, and the permitting of new treatment facilities can be a challenge under environmental laws.

2. Stormwater management

Large rain events combined with increases in impervious surfaces can overwhelm retention ponds and other stormwater handling systems; and subdivision ordinances may look to the on-site handling of stormwater to help out

3. Conservation design

Subdivision ordinances may provide density bonuses and other incentives to cluster housing and development in order to preserve natural and agricultural lands.

IV. Dedication of land

Subdivisions require infrastructure such as streets, utilities, parks, and drainage systems to support those subdivisions. As part of subdivision approval, a city may require land be “dedicated” to the public for public purposes, such as for roads, utilities, and parks. Through the dedication, a city typically acquires the public easement or right-of-way over the land for the dedicated purpose, with the underlying landowner retaining ownership of fee title to the land. However, when the land dedication is for a park, the Chapter 505 provides that the dedication transfers fee title and not just public easement rights.

If cities require dedication of land for park purposes, the statute sets some further specific restrictions.

- The city must first establish these requirements by ordinance or resolution under Minn. Stat. 462.353 subd. 4a.
- The city must also adopt a capital improvement budget and have a parks and open space plan component in its comprehensive plan.
- The portion of land to be dedicated must be calculated based solely upon the “buildable” land as defined by municipal ordinance.
- The municipality must reasonably determine it will need to acquire that portion of land for recreational and environmental purposes as a result of approval of the subdivision.

[Minn. Stat. § 505.01, subd. 1.](#)

[Minn. Stat. § 462.358, subd. 2b.](#)

See Appendix: Sample park dedication methodology.

RELEVANT LINKS:

- In establishing what portion of land must be dedicated or preserved, city regulations must also give due consideration to the public open space and recreational areas and facilities the developer proposes for the subdivision.
- A city cannot deny subdivision approval based solely on an inadequate supply of parks, playgrounds, trails, wetlands, or open space within the municipality.

V. Park dedication fees

As part of its park dedication requirements, as an alternative to accepting dedicated land, a city may accept an equivalent value of money. Known as “park dedication fees” these fees have received considerable attention during the last several years.

A. Setting fees

Case law and the statute require an “essential nexus” between the fees or dedication imposed 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. If cities require park dedication fees in their subdivision regulations it must be done by ordinance or, depending on the amount of fees collected, by a fee schedule. In 2004, 2006, 2007 and 2013, the legislature amended the state statute provisions relating to park dedication fees.

The park dedication fee now must be based on fair market value of the unplatted land for which park fees have not already been paid. If the land in question is subject to a comprehensive plan - eventually scheduled to be served by municipal sanitary sewer, water service or community septic and private well - then the city may include that fact in determining the fair market value. Cities must collect the fee at the time of final plat approval. For purposes of redevelopment on developed land, the municipality may choose to accept a fee based on fair market value of the land no later than the time of final approval.

In 2013, the legislature further addressed the fair market value basis for park dedication fees. The statute now defines fair market as the value of the land as determined by the municipality annually based on tax valuation or other relevant data. If the city's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the city and the applicant, or based on the market value as determined by the city based on an independent appraisal of land in a same or similar land use category.

Nollan v. California Coastal Commission, 483 U.S. 825 (1987). *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

Minn. Stat. § 462.358, subd. 2c.

Minn. Stat. § 462.358, subd. 2b.

2013 Minn. Laws Ch. 85 Art. 5 § 41.

RELEVANT LINKS:

[Minn. Stat. § 462.358, subd. 2b.](#)

[Minn. Stat. § 462.358, subd. 2c.](#)

B. Use of fees

Fees received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained. Park dedication fees received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Fees must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

C. Fee disputes

If a city is given written notice of a dispute related to a proposed park dedication fee 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. 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 all of these steps are followed:

- The person aggrieved by the fee puts the municipality on written notice of a dispute over a proposed fee in lieu of dedication.
- Prior to the municipality's final decision on the application, the fee in lieu of dedication is deposited in escrow, and
- 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.

Because of statutory changes and recent scrutiny of the use of park dedication fees, a city that relies on such fees should carefully examine -- in consultation with the city attorney -- its ordinance provisions and make any changes necessary to comply with current law. 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, the city should be able to demonstrate that each new lot that is approved necessitates X amount of new parkland. (See appended Sample Park Dedication Methodology.) Also, the city should take steps to separately account for parkland dedication fees and make sure they are not used for ongoing park "operation or maintenance."

RELEVANT LINKS:

[Minn. Stat. § 462.358, subd. 3b.](#)

See LMC information memo, [Taking the Mystery out of Findings of Fact.](#)

See LMC information memo, [Land Use Variances.](#)

VI. Subdivision approval process

The subdivision statute generally requires cities to follow a two-step process in the administration of city subdivision regulations. First, the landowner applies for preliminary plat approval, and then subsequently for final plat approval

A. Preliminary plat approval

During the preliminary approval stage it is important to note that a city has the most discretion in evaluating the application against its ordinance, as a city cannot generally require significant changes after preliminary approval. The city must hold a public hearing on all subdivision applications prior to preliminary approval, following publication of notice at least 10 days before the hearing. A subdivision application must receive preliminary approval or disapproval within 120 days of its delivery, unless the applicant agrees to an extension. If no action is taken, the application will be deemed approved after this time period. (Note that this 120 day period differs from the usual 60-day rule).

Review of an application for a preliminary plat is a quasi-judicial determination, in which the city is tasked with determining whether the proposed subdivision meets the standards and the requirements of the city ordinance.

An applicant must submit a plat that shows everything required by city ordinance. Because of the quasi-judicial standard, a city cannot generally deny an otherwise acceptable preliminary plat application for subdivision simply because the city council does not approve of the underlying proposed permitted use. If the application adequately addresses all of the ordinance standards and requirements, then the preliminary plat generally should be approved. If the application is denied, the municipality must adopt written findings based on a record from the public proceedings stating why the application was not be approved.

B. Conditional approval

A city may approve a preliminary plat along with conditions that must be satisfied for final plat approval. Conditions for how the final subdivision design will meet ordinance provisions often are quite specific. For example:

- Variances to subdivision regulations may be allowed where an unusual hardship on the land exists, but only on the grounds specifically identified in the subdivision regulations.
- If any public improvements are to be installed, an important condition may be entering into a development agreement between the city and the applicant, as discussed below.

RELEVANT LINKS:

[Minn. Stat. § 462.358, subd. 3b.](#)

[Minn. Stat. § 462.358, subd. 3c.](#)

This is the time to impose conditions and address any and all concerns the application may generate. The term “preliminary” approval can be misleading because preliminary plat approval establishes the nature, design, and scope of a development project. After a plat is preliminarily approved, the city generally cannot require further significant changes. Once the conditions and requirements of the preliminary plat approval are satisfied, the applicant is generally entitled to approval of the final plat.

C. Final plat approval

After preliminary plat approval, the statute allows the applicant to seek final approval. If the applicant has complied with the conditions and requirements set out in the preliminary approval, the municipality typically must grant final approval within 60 days. Unlike preliminary plat approval, there is no required public hearing on the final plat. The final plat application must demonstrate conformance with the conditions and requirements of preliminary approval. An applicant may demand the execution of a certificate of final approval where the requirement and conditions have been satisfied. If the municipality fails to act within 60 days, the final plat application may automatically be deemed approved.

After final approval has been received, a subdivision may be filed or recorded. After a subdivision has been approved, for one year after preliminary approval and two years after final approval, an amendment to the comprehensive plan or to the zoning ordinances will not apply to or affect the subdivision with regard to use, density, lot size, lot layout, or dedication or platting -- unless the municipality and the applicant agree otherwise. A municipality may require that an applicant establish an escrow account or financial security for the purpose of reimbursing the municipality for direct costs relating to professional services a city provides during the review, approval, and inspection of the project.

VII. Development agreements

In many cases, a condition of preliminary plat approval requires the city and applicant to enter into a development agreement. This is particularly important for the city if new public improvements such as roads, water and sewer, and stormwater systems are to be installed as part of the subdivision. The statute specifically authorizes the city in its ordinance to condition subdivision approval on the execution of a development agreement embodying terms and conditions reasonably related to the ordinance requirements.

RELEVANT LINKS:

A development agreement is a contract between a landowner or developer and the city that sets the understanding between the developer and the city regarding the design and construction of the particular project. It establishes the parameters under which the development will proceed, as well as the rights and the responsibilities of the developer and the city. Issues resolved in a development agreement include:

- The design, installation and financing of public improvements.
- Security for completion of improvements installed by developer, a cash deposit, certified Check, irrevocable letter of credit, bond, or other financial security.
- Design of lighting, landscaping, sidewalks, underground utilities and other site plans issues; and
- Coordination of construction with the installation of various utility improvements.

Development agreements also typically detail who will build, pay for and own the improvements; provide the timeline for the construction or installation; and describe who is liable for any defects or claims.

The agreement will detail how the infrastructure will meet city specifications, and document all of the required right-of-ways and land dedications, including agreement regarding park dedication fees if any. While a city cannot condition approval on agreement to waive the right to challenge the validity of a fee, it may condition the approval on a waiver agreement regarding costs associated with improvements to be installed.

As part of the development agreement, cities should require the developer to provide financial security including a letter of credit from a reputable institution in order to cover costs were the installation of improvements to go awry or payments unmet. Finally, development agreements should contain provisions dealing with liability and indemnification, requiring the developer to have liability coverage and ideally to defend and indemnify the city for related claims. Because the agreement can be a sophisticated legally binding contract, it is extremely important for the city attorney to be involved before it is entered into.

VIII. Exceptions and alternatives

Not all divisions of land are subject to a city's subdivision authority. Excepted under state statute are:

[Minn. Stat. § 462.352, subd. 12.](#)

RELEVANT LINKS:

[Minn. Stat. § 462.358, subd. 3a.](#)

- Separations 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.
- Cemetery lots.
- Court ordered divisions or adjustments; and
- Lot consolidation, since subdivision refers only to separation of land.

Although such divisions may nonetheless go through the city's regulatory subdivision process, it appears cities are without authority to require them do so.

Not all subdivisions necessarily require the preparation of a plat. The state subdivision statute mandates that municipal subdivision ordinances require that all subdivisions should be platted which create five or more lots or parcels which are 2-1/2 acres or less in size. Subdivision ordinances may or may not require other subdivisions be platted. Further, not all subdivisions that require platting must necessarily require both a preliminary and then a final plat. The subdivision statute provides that the city ordinance may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions.

Some city subdivision ordinances will provide alternative procedures for certain types of "minor" subdivisions. When the city ordinance consolidates preliminary and final approval, it is sometimes called a simple plat. Often this is allowed if subdivision creates a minimum number of lots of a certain size and the plat does require creation of new roads. A different alternative procedure for minor subdivisions is for divisions of land for which the city is not requiring plats. Often called administrative subdivisions or lot splits, such subdivisions are typically accomplished with metes and bounds descriptions.

IX. Review of important points

City staff and officials should carefully evaluate every application for preliminary plat approval for compliance with the subdivision ordinance. Once the preliminary plat has been approved, the city has limited ability to revisit the issue of adequate compliance. If new public improvements or infrastructure are to be installed, then it is important to enter into a development agreement so the improvements will meet city standards and be completed in a timely fashion. Cities should periodically review their subdivision ordinances for consistency with comprehensive plan and current vision of future land use, particularly with regard to the city's capacity for wastewater, stormwater, and traffic.

RELEVANT LINKS:

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[League of Minnesota Cities.](#)

X. Further assistance

LMCIT offers land use consultations, training and information to members. Contact the League's Loss Control Land Use Attorney for assistance. You can also learn more about land use issues in the land use section of the League's website.

Appendix: Sample Park Dedication Methodology

(This is a sample of one methodology; a city is not required to take it into account.)

Step 1.

The city should conduct a parks study to generally determine what it would like to see in the community regarding parks, recreation, trails, and open space. That study should consider whether current facilities are sufficient to meet the needs of 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 parks, recreation, trails and open space, plus any additional amount to meet current, but unmet park goals.

Step 3.

The city should evaluate usage of city parks, recreation, trails, and open space with a goal of estimating the percentage of facilities that exist to serve residential landowners and percentage that exists to serve the needs of commercial development. In arriving at these percentages, it is helpful to consider 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 be able to identify the percentage of its parks needs that should be met 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 calculate parkland acreage, per resident or per employee. The following examples may be helpful:

Per Capita Residential Share/Per Capita Commercial Share

Existing Park Lane and Trail Acreage
300 acres

Residential Share
 $90\% \times 300 = 270 \text{ Acres}$

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 acres/1000 employees in city = .03 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) by 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 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.)