

- 1) Staff Update

Adjourn

Work Session - Variance Training following the regular meeting. The work session will be held in the Maple Conference room.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		January 5, 2023					
Item Name:		December 1st, 2022 Planning Commission Meeting Minutes					
Originating Department:		Community Development					
Presented by:		Lane Braaten					
Previous Council Action (if any):							
Item Type (X only one):		Consent		Regular Session	X	Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion to adopt the December 1st, 2022 Planning Commission Meeting Minutes							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u> 1. DRAFT December 1st 2022 Planning Commission Meeting Minutes.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required				Planning Commission			
				Parks and Recreation Board			
				Safari Island Advisory Board			
				Other			

**CITY OF WACONIA
December 1, 2022**

1) [Call meeting to order and roll call](#)

Pursuant to due call and notice thereof, the regular meeting of the Planning Commission of the City of Waconia was called to order by Grohmann at 6:30 PM.

Members Present: Grohmann, Leshner, Sherman, Zellman
Member Absent: Sarcletti
Alternate: Ludford – Present
Staff Present: Braaten, Havlik
City Liaison: Sorensen - Present

2) [Adopt Agenda](#)

No revisions to the agenda

**Motion by Sherman, 2nd by Leshner to approve and adopt the agenda.
All present voted aye. MOTION CARRIED.**

3) [Minutes Approval](#)

No additions or edits to the November 3rd, 2022, Planning Commission Meeting minutes.

**Motion by Leshner, 2nd by Ludford to approve the minutes from the
November 3, 2022, Planning Commission Meeting. All present voted aye.
MOTION CARRIED.**

[November 3rd, 2022, Planning Commission Meeting Minutes.pdf](#)

4) [New Business](#)

4.1 [PUBLIC HEARING - SITE PLAN and DESIGN REVIEW, VARIANCE &
CONDITIONAL USE PERMIT \(CUP\) - TMC Properties, LLC](#)

Braaten opened the public hearing identifying the site location on the map explaining the proposed site plan review, variance request (loading berths) along with CUP permit for parking. The lot application meets all the setback and hardcover requirements. The proof of parking is met as well. There was discussion about the chiller/boiler location and screening in general. Braaten went through the landscape and truck turning site plan.

In the design review process Braaten noted that it met all the requirements. The applicant had a neighborhood meeting prior to this meeting to get feedback. There were no public hearing comments as part of the applications consideration.

Grohmann opened the public hearing.

Earl Gebauer – Shaw Construction - 8441 West Lake Dr. Chanhassen.

Comments and Concerns:

Mr. Gebauer explained the possible phases to the project and the trash enclosure details in the plan.

Nick Hansen – property owner - 1423 Mill Lane

Comments and Concerns:

Mr. Hansen explained the proposal more. They wanted to go through the Planning Commission first to get approval for the full buildout. They are still determining if the phasing is necessary or not. Also, he discussed more of the logistics of the proposal.

Motion by Zellman to close the Public Hearing, 2nd by Leshner. All present, voted aye and the Public Hearing was closed. MOTION CARRIED.

Discussion continued amongst the Commissioners on different aspects of the project.

Motion by Ludford to recommend approval of the land use applications striking conditions #10 and #6 and revising condition # 8 requiring the City Engineer to determine the truck access width. 2nd by Zellman. All present voted aye. MOTION CARRIED.

It will now go in front of the Council on the 19th of December. With the recommendations.

[Cover Page](#)

[1 Location Map_1370 Mill Lane.pdf](#)

[2 Applicant Statement of Use Letter.pdf](#)

[3 Public Hearing Notices.pdf](#)

[4 TMC Industries Project Plan Set.pdf](#)

[5 TMC Industries Floor Plan and Elevations.pdf](#)

[6 Site Plan Review #1 Engineer Comments dated Nov 21 2022.pdf](#)

4.2 [10th Street Small Area Plan - Kim Lindquist, WSB](#)

[Cover Page](#)

Braaten introduced Kim Lindquist with WSB. Ms. Lindquist explained that it is a product of the joint work session and is the final draft for consideration by the Planning Commission. Staff is requesting a recommendation that can be presented to Council on December 19th.

Kim explained the project indicating that the proposed plan included approximately 69 acres located within the township along 10th Street. Further, she explained that the intent of the project was to work toward a plan to allow the future development of the planned industrial area, which also resulted in revaluating the land uses along within the entire area. She then went on to explain Concept 1 and Concept 2, showing the differences.

Braaten summarized the report and explained the history of where it was. Explained that this is the concept. Commissioners expressed their approval giving the area options to work with. Braaten explained there is no **timeline** on development of the property.

Motion by Leshner to recommend approval of the 10th Street Small Area Plan. 2nd by Sherman. All present voted aye. MOTION CARRIED.

5) Old Business

No old business.

6) Other - Staff Update

- Braaten updated the Commission on the demo of the former legion building. Also, that the City Council approved the Interim Use Permit to allow the adjacent home as a temporary construction office until the project is complete.
- A Thank You to the three Commissioners at their last meeting. Grohmann, Sherman and Ludford. Braaten thanked them for their help and dedication on the Planning Commission.
- Happy Holidays!
- Next meeting on January 5th, 2023 and will be discussing:
 - Park Dedication ordinance revisions that the City Administrator and Braaten have been working on.
 - Woodland Creek 5th Addition Amendment request.
 - Variance Training with the City Attorney.
 - Possibly - Scooters Coffee.

The Commissioners asked for an update on the Casey's gas station project. Permits have been submitted. Also, they had some concerns regarding the tarps on the monument sign along Highway 5. Braaten indicated that he would contact them to secure a more permanent solution.

Adjourn

Motion by Leshner, 2nd by Sherman to adjourn all present voted aye.
MOTION CARRIED.

Respectfully Submitted by;
David Havlik
Office Assistant



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		January 5, 2023				
Item Name:		PUBLIC HEARING - Woodland Creek 5th Addition Preliminary Plat and PUD Amendment				
Originating Department:		Community Development				
Presented by:		Ethan Nelson				
Previous Council Action (if any):		Recommended approval of the Woodland Creek 5th Addition Preliminary Plat and PUD Rezoning request on July 7th, 2022				
Item Type (X only one):	Consent		Regular Session	X	Discussion Session	

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Open the public hearing.
Motion to close the public hearing.
Recommend either approval or denial of the Preliminary Plat Amendment titled Woodland Creek 5th Addition, which proposes the development of the property located at PID# 750250300 into 30 single family parcels.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND

Applicant: DDK Construction, Inc.

Owner(s): DDK Construction, Inc.

PID# 750250300

2040 Comprehensive Plan: M, Medium Density Residential

REQUEST

Tim Heiland, on behalf of the applicant and property owner, DDK Construction, Inc. is requesting approval of an amendment to the previously approved Woodland Creek 5th Addition Preliminary Plat Planned Unit Development that was submitted by Hartman Communities, LLC. The applicant is proposing 30 single-family lots with altered lot conditions and revised site improvements that differ from the approved Preliminary Plat and PUD approval.

APPLICABLE ORDINANCE PROVISIONS:

Section 900.05, Subd. 2.C - R-3, Medium Density Residential District Section

Section 900.05, Subd. 2.O - PUD, Planned Unit Development District

Section 900.06, Subd. 8 - Environmental Protection Regulations

Section 900.07 - Landscaping and Fencing

Section 900.08 - Performance Standards Section

Section 900.09 - Off-Street Parking, Loading, and Access Regulations Section

Section 900.10 - Sign Regulations

Section 900.12 - Administration, Enforcement and Procedures

Section 1000 - Subdivision Ordinance

PRELIMINARY PLAT REVIEW:

SUBDIVISION DESIGN FEATURES

The City of Waconia staff have reviewed the proposed amendments for the Woodland Creek 5th Addition residential development drafted by Westwood Professional Services, Inc. dated November 21, 2022. In tables 1.1-1.3 staff has broken down the proposed changes to lot conditions in addition to the analysis provided thereafter.

Table 1.1 - Approved vs Proposed Site Development Data

Development Standard	Existing	Proposed
Villas	30 Villas w/ 55' wide lots	13 Villas w/ 53' wide lots & 17 Villas w/ 56' wide lots
Project Open Space	7.51 Acres	7.37* Acres
Developed Site Area	7.07 Acres	7.88 Acres
Gross Project Density	1.97 Units per Acre	1.97 Units per Acre
Net Project Density	2.47 Units per Acre	2.27 Units per Acre
Adjusted Net Density	4.24 Units per Acre	3.81 Units per Acre

*The submitted Project Open Space is 5.39 Acres based upon the Outlot Table. The total acreage for proposed outlots is 7.37 Acres. Staff confirmed 7.37 Acres is the correct number and is awaiting an updated plan set to reflect this information.

Table 1.2 - Approved vs Proposed Villas

Lot Standards	Approved 55' Villas	Proposed 53'/56' Villas
Minimum Lot Area	6,383 Sq. Ft.	6,383 Sq. Ft.
Average Lot Area	8,512 Sq. Ft.	8,677 Sq. Ft.
Minimum Lot Width	55'	53'
Minimum Lot Depth	115'	125'
Setbacks		
Front	25'	25'
Side Interior Lot	7.5'/7.5', 15' TOTAL	7.5'/5', 12.5' TOTAL
Side Corner Lot	20'	20'
Rear	25'	25'
Impervious Coverage	50% Max	50% Max

Table 1.3 - Approved vs Proposed Outlots

Approved Outlot Table	Use	Ownership	Gross Area
Outlot A	Wetland/Open Space	City	1.05 AC
Outlot B	Wetland/Ponding/ Open Space	City	4.48 AC
Outlot C	Park	City	1.98 AC
Proposed Outlot Table			
Outlot A	Wetland/Open Space	City	1.05 AC
Outlot B	Wetland/Ponding/Open Space	City	4.34 AC
Outlot C	Park	City	1.98 AC

PRELIMINARY PLAT AMENDMENT ANALYSIS

Staff has reviewed the site amendments for alterations that are not applicable to tables above. Those items are summarized below:

1. Block 2, Lot 10 has been revised to be partially located within the 20' Wetland Buffer. Staff recommends this portion of Lot 10 be removed and included with Outlot A. Condition #2 has been added for Planning Commission consideration.
2. Block 2, Lot 10 is also located significantly within the 50' Wetland Structure Setback and is the only lot in the development that does not show a contemplated location of a single-family home. Staff recommends discussing possible designs for this lot that meet all applicable requirements to ensure the site is capable

with meeting the proposed lot requirements.

3. The applicant has described the other 29 proposed residential lots with contemplated homes. It appears the proposed placement will meet applicable wetland and creek setbacks. Staff notes that the 50' structure setbacks encroach significantly into Block 1, Lots 16-18 and Block 2, Lots 5-10. The applicant should make property owners aware of these requirements.

PUBLIC NOTICE/COMMENT

The notice was published in the WACONIA PATRIOT on December 22, 2022 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel.

CONCLUSION

The Planning Commission should hold the required public hearing, take all public comment and make a recommendation to the City Council regarding the Preliminary Plat Amendment application for the Woodland Creek 5th Addition residential development. Upon recommendation by the Planning Commission this will be forwarded to the City Council for review at their upcoming meeting scheduled for January 17th, 2023.

If the Planning Commission chooses to recommend approval of the Woodland Creek 5th Addition Preliminary Plat and PUD Amendment staff would recommend the approvals with the following conditions:

1. The Woodland Creek 5th Addition Preliminary Plat shall be completed and approved as conditionally revised by the Planning Commission and City Council.
2. The proposed portion of Block 2, Lot 10 of Woodland Creek 5th Addition shall be revised to be removed from the 20' Wetland Buffer. The buffer area shall be part of Outlot A.
3. The applicant shall comply with all applicable requirements of the initial approvals of Woodland Creek 5th Addition, Resolution No. 2022-208

Attachments:

1. [Location Map \(1 Page\).pdf](#)
2. [Public Hearing Notice \(1 Page\).doc](#)
3. [Application \(3 Pages\).pdf](#)
4. [Woodland Creek 5th Preliminary Plat \(1 Page\).pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information: _____ Budgeted _____ Non Budgeted _____ Amendment Required	<i>ADVISORY BOARD RECOMMENDATIONS:</i>	
	Planning Commission	
	Parks and Recreation Board	
	Safari Island Advisory Board	
	Other	

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on January 5th, 2023 at 6:30 p.m., to consider a Preliminary Plat Amendment by DDK Construction for the property described as follows:

PID # 750250300,
CARVER COUNTY, MINNESOTA

The proposed Preliminary Plat Amendment titled Woodland Creek 5th Addition proposes to subdivide the 15.2-acre site into single-family residential parcels.

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, January 5th, 2023. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Ethan Nelson, 201 South Vine Street, Waconia, MN 55387
Email: enelson@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Ethan Nelson, Assistant Planner

(Published in the December 22nd, 2022 Waconia Patriot newspaper)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

APPLICANT INFORMATION

1. Owner's Name: DDK Construction, Inc.
2. Address of Property: Parcel ID: 750250300
3. Legal Description: See attached
4. Applicant's Name: DDK Construction, Inc. - Tim Heiland
5. Mailing Address: 2970 Chaska Blvd., Chaska, MN 55318
6. Daytime Phone(s): (952) 233-2728
7. Email Address: tim@ddkconstruction.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: _____

Fee: \$ _____
Receipt #: _____

David Perry
612 703 5700



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

PRELIMINARY PLAT APPLICATION

1. Proposed Name of Preliminary Plat: Woodland Creek 5th Addition
2. Current Zoning Classification(s) of Parcel(s) AG (Township)
3. Total Area: 662,112 Sq. Ft. 15.20 Acres
4. Preliminary Plat is \$375.00 and \$5.00 per Acre.
Total Cost of Preliminary Plat Application: \$ 451.00

5. Escrow Payment

- a. 0-5 Acres \$5,000.00 each
- b. 6-40 Acres \$6,000.00 each
- c. 41-80 Acres \$7,000.00 each
- d. 81 + Acres \$8,000.00 each

Total Cost of Escrow Payment \$ 5,000

6. Additional consulting review fees may apply such as civil engineering and legal counsel.

In order for this application to be considered complete, all items must be answered, enclosed, and returned prior to requesting a final application form.

1. If any items requested on this form have been submitted previously, please resubmit as an attachment to this form.
2. Preliminary plat approval is valid for one (1) year. The applicant is responsible for recording all documents with Carver County.

Names, addresses and telephone numbers of all fee owners and developers who will be signing the final plat and entering into the development contract agreement:

OWNERS: DDK Construction Inc
2970 Chaska Blvd
Chaska, MN 55318
Dorene Klingelhartz 952-233-2728

GENERAL CONTACT PERSON: Tim Heiland 612-363-4951

NUMBER OF PLAN SETS TO BE SUBMITTED:

1 Full size, 6 11 x 17, and 1 electronic copy of ALL (include color where possible) full sets of plans must be provide at the time of application.

1. Method of financial guarantee for public improvements – check all that are applicable (NOTE: 120% guarantee).

- ☒ Letter of Credit
☐ Performance Bond
☐ Cash Escrow
☐ Certificate of Deposit
☐ Other

2. Preferred method of payment (cash or multi-year assessment spread) for any determined outstanding special assessment obligations that are required as a condition of final plat approval:

☐ Cash to be paid in full at time of final plat approval by the City.
☒ Spread as a special assessment.

3. Final Plat area calculations on a copy of the proposed final plat showing the following information calculated separately for each lot and outlot:

- A. Gross Area
- B. Ponding Easement (within that lot)
- C. Net Area (gross minus ponding easements)
- D. Total Area for All Publicly Dedicated Right-of-Way Contained within Plat Boundaries.

4. A detailed grading and drainage plan which must incorporate the following information:

- A. Proposed garage floor elevation for each lot.
- B. The lowest exposed floor elevation for each lot.
- C. Centerline street elevation and lot corner elevations for each existing and proposed lot.
- D. Two-foot contours (existing and proposed).
- E. Directional drainage arrows.
- F. Pond area computations (acre feet) of storage between proposed controlled elevation and city-required dedicated ponding easement elevation.

5. A tree preservation/landscaping plan as required by Waconia City Code.

6. Detailed erosion control plan.

Permanent

- A. Method of vegetation restoration
- B. Schedule of vegetation restoration
- C. Specification of topsoil (depth, source, etc.)
- D. Specification of seed

7. The following plans should be submitted: site improvements (including trails, parking, landscaping, curbing, etc.) utilities plan and street profiles and grading.

8. Legal description and graphic representation of any easements or right-of-ways to be vacated, prepared by a registered land surveyor.

9. Proposed method of complying with parkland dedication requirements (cash and/or land dedication). **NOTE:** If land is proposed to be dedicated, a detailed legal description with graphic representation must be attached to this form prepared by a registered engineer.

Cash _____ Land ☒ _____ Combination _____

10. Special conditions of preliminary plat approval:

Signature of Applicant:

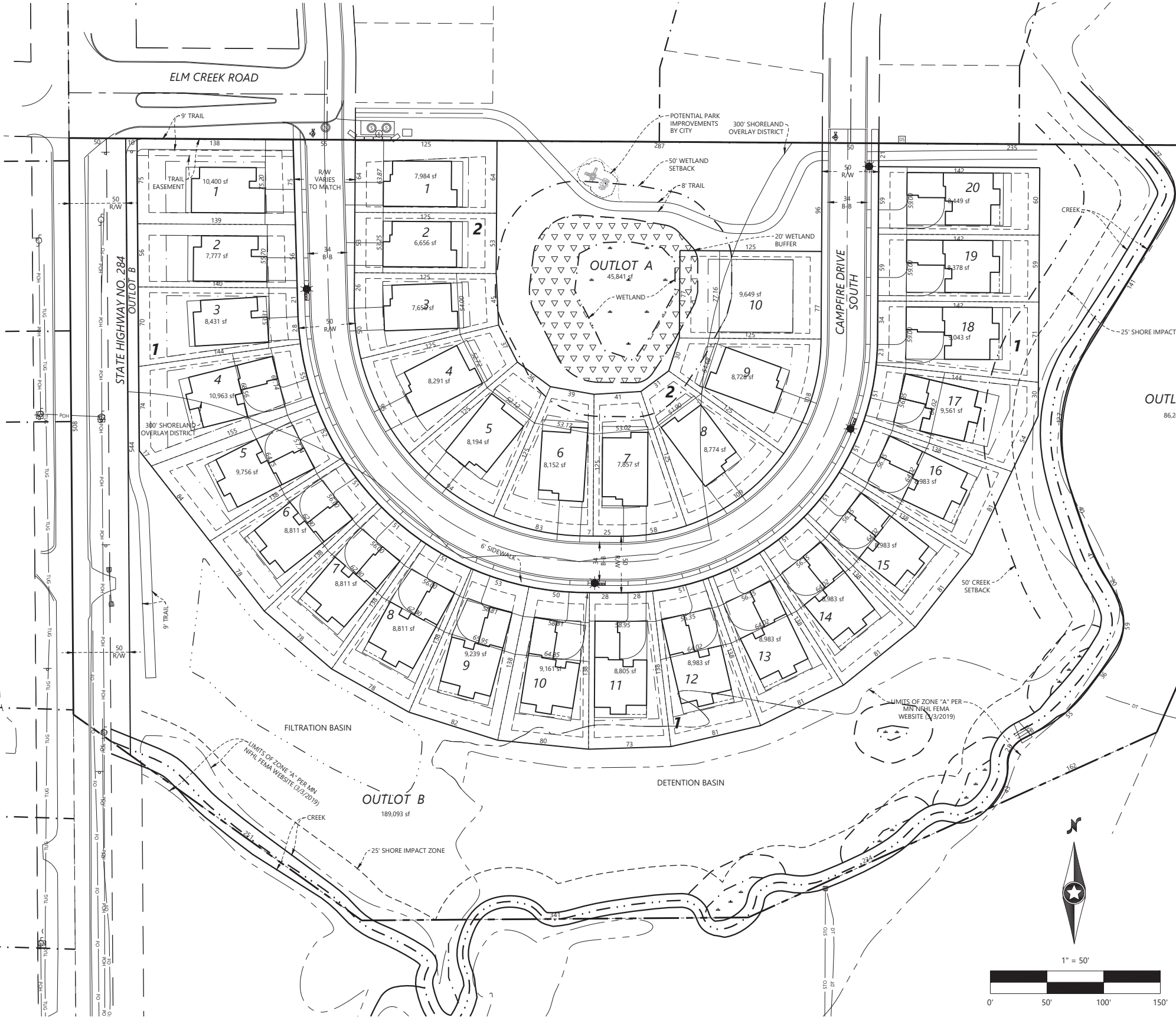


Date:

11/18/22

Printed Name:

TIM R. HEILAND



PROPERTY DESCRIPTION

That part of the following described property:

That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 116 North, Range 25 West of the 5th Principal Meridian, which lies Westerly of the following described line:

Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence East along the South line of said Southwest Quarter of the Southwest Quarter a distance of 700 feet to the point of beginning of the line being described; thence deflecting left 90 degrees a distance of 230 feet; thence Northeasterly to a point on North line of said Southwest Quarter of the Southwest Quarter distant 150 feet Westerly, as measured along said North line, from the Northeast corner of said Southwest Quarter of the Southwest Quarter, and said line there ending.

Lying northerly of the following described line:

Commencing at the southwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 33 minutes 49 seconds East, assumed bearing along the south line of said Southwest Quarter of the Southwest Quarter a distance of 700.00 feet; thence North 00 degrees 26 minutes 11 seconds East, a distance of 230.00 feet; thence North 23 degrees 43 minutes 01 seconds West, a distance of 616.05 feet to the point of beginning of the line to be described; thence South 05 degrees 37 minutes 45 seconds West, a distance of 395.52 feet; thence South 89 degrees 33 minutes 40 seconds West, a distance of 341.04 feet; thence North 54 degrees 28 minutes 40 seconds West, a distance of 312.54 feet to the west line of said Southwest Quarter of the Southwest Quarter and said line there terminating.

SITE DEVELOPMENT DATA

- EXISTING ZONING: AG (TOWNSHIP)
- PROPOSED ZONING: R-2 / PUD OVERLAY
- GROSS SITE AREA: 15.20 AC
- STATE HIGHWAY 284: 0.60 AC
- EXISTING WETLAND/CREEK: 0.69 AC
- FLOODPLAIN (BEYOND EXISTING WETLAND/CREEK): 1.77 AC
- NET SITE AREA: 12.14 AC
- DEVELOPMENT SUMMARY
 - 53' VILLAS: 13 HOMES
 - 56' VILLAS: 17 HOMES
 - TOTAL HOMES: 30 HOMES
- PROJECT OPEN SPACE:
 - SEE OUTLOT TABLE BELOW
 - 7.37 AC (48%)
- DEVELOPED SITE AREA: 7.88 AC (Gross site, less R/W & Openspace)
- PROJECT DENSITY:
 - GROSS: ±1.97 UN/AC
 - NET: ±2.47 UN/AC (30 un / 12.14 ac Net Site Area)
 - ADJUSTED NET: ±3.81 UN/AC (30 un / 7.88 ac Dev. Site Area)

LOT STANDARDS

STANDARD	VILLA
MINIMUM LOT AREA	6,656 SF
AVERAGE LOT AREA	8,677 SF
MINIMUM LOT WIDTH	53' @ FRT SBK
MINIMUM LOT DEPTH	125'
SETBACKS	
FRONT	25'
SIDE INTERIOR LOT	7.5' / 5'; 12.5' TOTAL
SIDE CORNER LOT	20'
REAR	25'
IMPERVIOUS COVERAGE	50% MAX

SITE LEGEND

EXISTING	PROPOSED	
		PROPERTY LINE
		LOT LINE
		SETBACK LINE
		EASEMENT LINE
		CURB AND GUTTER
		TIP-OUT CURB AND GUTTER
		POND NORMAL WATER LEVEL
		RETAINING WALL

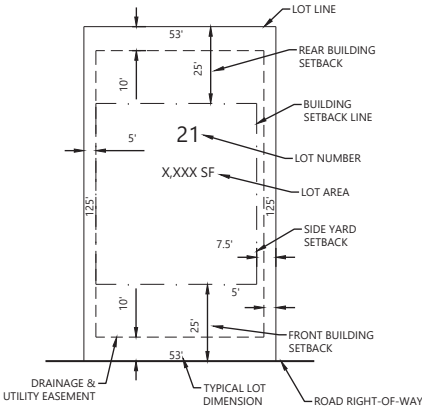
DEVELOPMENT NOTES

- ALL LOT DIMENSIONS ARE ROUNDED TO THE NEAREST FOOT.
- ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
- STREET NAMES ARE SUBJECT TO APPROVAL BY THE CITY.
- DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED.
- STREET WIDTHS ARE SHOWN FROM BACK OF CURB TO BACK OF CURB.

OUTLOT TABLE

OUTLOT	USE	OWNERSHIP	GROSS AREA
A	WETLAND / OPEN SPACE	CITY	1.05 AC
B	WETLAND / PONDING / OPEN SPACE	CITY	4.34 AC
C	PARK	CITY	1.98 AC

TYPICAL VILLA DETAIL



NOT FOR CONSTRUCTION

DESIGNED:
CHECKED:
DRAWN:
HORIZONTAL SCALE: 50'
VERTICAL SCALE:

INITIAL ISSUE: 11/21/22
REVISIONS:

PREPARED FOR:
DDK CONSTRUCTION
1560 BLUFF CREEK DRIVE
CHASKA, MINNESOTA 55318

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA
CORY L. MEYER
DATE: 12/22/22 LICENSE NO. 26971

WOODLAND CREEK 5TH ADDITION
WACONIA, MINNEOTA

Westwood
Phone (952) 937-5150 12701 Whitewater Drive, Suite #300
Fax (952) 937-5822 Minnetonka, MN 55343
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

PRELIMINARY PLAT

PROJECT NUMBER: 0040992.00

SHEET NUMBER:

1

OF

1

DATE: 11/21/2022



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		January 5, 2023					
Item Name:		PUBLIC HEARING - Ordinance Amendment - Park Dedication					
Originating Department:		Community Development					
Presented by:		Lane Braaten					
Previous Council Action (if any):							
Item Type (X only one):	Consent		Regular Session	X	Discussion Session		
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
Motion recommending either approval or denial of the proposed revisions to Section 1000 of the City Code pertaining to park dedication.							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
In 2000 the City of Waconia amended Section 1000, Subd. 7 of the Waconia City Code, specifically in reference to public land dedication and open space requirements in relation to property subdivisions/plats. In summary, the ordinance amendment established findings for the required park dedication, identified a land dedication of presumably 10% for parks and open space, and included a payment in lieu of land dedication in the amount of \$4,000 per gross acre for each acre of land in a residential subdivision and \$3,000 per gross acre of land in each commercial, industrial or other land use classification. Since the initial adoption of the payment in lieu language the per acre fee has been updated from time to time in the City's annual fee resolution. The current per acre fees of \$6,000 per gross acre of land in a residential subdivision and \$5,000 per gross acre of land in each commercial, industrial or other land use classification subdivision, were adopted in 2004. The Park Board discussed the payment in lieu fees at their regular meeting on November 17th, 2022 and recommended the City Code pertaining to payment in lieu be updated. Specifically, the Park Board recommended the per acre fee be based upon the fair market value of the land to be subdivided. As such, staff has provided a draft ordinance amendment for review by the Planning Commission and noticed a public hearing to facilitate the discussion. Staff has highlighted the areas proposed to be revised and included both the proposed retracted language and proposed revised language. CONCLUSION / RECOMMENDATION City Staff requests that the Planning Commission review the draft ordinance amendment, hold the required public hearing, and make a recommendation to the City Council either approving or denying the proposed amendment. If the Commission requires additional information in order to make a recommendation, City staff would request continuing, by motion, the consideration of the ordinance amendment to a future meeting. Attachments: 1. Public Hearing Notice Park Dedication.pdf 2. Park Dedication Ordinance Amendment.pdf							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:				Park Board recommendation of approval on November 17th, 2022			
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on January 5th, 2023, at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a proposed amendment to City of Waconia Ordinance Section 1000.00, Subdivision Ordinance.

The language proposes an amendment to Section 1000.06, Subd. 7. Public Land Dedication, Open Space.

Pertinent information pertaining to this request is available at City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on January 5th, 2023. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the Waconia Patriot December 22, 2022)

PART X

SUBDIVISION ORDINANCE

CHAPTER 1000

Section

1000.01	General Provisions
1000.02	Definitions
1000.03	Sketch Plan
1000.04	Preliminary Plat
1000.05	Required Preliminary Plat Data
1000.06	Subdivision Design Standards
1000.07	Construction of Improvements
1000.08	Final Plat
1000.09	Registered Land Surveys
1000.10	Easements
1000.11	Plats Previously Approved
1000.12	Permits
1000.13	Effective Date

1000.01 General Provisions.

Subd. 1. These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Waconia.

Subd. 2. Policy.

- A. It is hereby declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the official Comprehensive Plan of the municipality for the orderly, planned, efficient, and economical development of the municipality.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements.

- C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the municipality, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, Comprehensive Plan, Official Map and land use plan, and capital budget and program of the municipality.

Subd. 3. Purposes. Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and buildings lines.

- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.
- L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the municipality.

Subd. 4. Jurisdiction.

- A. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the municipality.
- B. No land shall be subdivided within the corporate limits of the municipality until:
 - 1. The subdivider or his agent shall submit a sketch plat of the parcel to the Planning Commission through its administrative assistant;
 - 2. Obtain approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission and City Council; and
 - 3. The approval plat is filed with the County Register of Deeds.
- C. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

03/14/96 Ord. 455, Add Section 1000.06, Subd. 9

09/02/97 Ord. 475, Amend Section 1000.07, Subd. 10

03/16/98 Ord. 486, Amend Section 1000.01, Subd. 11. B; 1000.06, Subd. 3. F; 1000.07, Subd. 1 & Subd. 14

4/17/00 Ord. 510, Amend Section 1000.07, A – G

01/01/03 Res. 2002-201, Amend Section 1000.06, Subd. 7

05/16/2005 Ord. 567, Amend 1000.02, Subd. 19, Amend 1000.06, Subd. 7.A. & Subd. 7.E.

Subd. 5. Enactment. In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

Subd. 6. Interpretation, Conflict, and Separability.

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions.
1. Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Planning Commission or the municipality in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

- C. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Commission and City Council hereby declare that it would have enacted the remainder of these regulations even without any such part, provision, or application.

Subd. 7. Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

Subd. 8. Reservations and Appeals. Upon the adoption of these regulations according to law, the Subdivision Regulations of Waconia, Number 101, adopted November, 1959, as amended, are hereby repealed, except as to such sections expressly retained herein.

Subd. 9. Amendments. For the purpose providing the public health, safety, and general welfare, the City Council with the consultation of the Planning Commission may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the Planning Commission in the manner prescribed by law.

Subd. 10. Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the City Council and Planning Commission for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

Subd. 11. Resubdivision of Land.

- A. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission and City Council by the same procedure, rules, and regulations as for a subdivision.

- B. Procedure for Subdivisions Where Future Resubdivision Is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat. Further, the City Council may also require temporary cul-de-sacs and associated temporary easements on any streets that temporarily dead-end in anticipation of future resubdivision.

- C. Minor Subdivisions. In the case of a subdivision resulting in three or less parcels, situated in a locality where conditions are well defined, the Council may exempt the subdivider from complying with some of the requirements of the Subdivision Ordinance. In the case of a request to subdivide a lot which is part of a recorded plat, where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create three (3) lots, and the newly created property line will not cause the other remaining portion of the lot to be in violation of the Subdivision Ordinance or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor indicating the original lot and the proposed subdivision.

Subd. 12. Vacation of Plats.

- A. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

03/14/96 Ord. 455, Add Section 1000.06, Subd. 9

09/02/97 Ord. 475, Amend Section 1000.07, Subd. 10

03/16/98 Ord. 486, Amend Section 1000.01, Subd. 11. B; 1000.06, Subd. 3. F; 1000.07, Subd. 1 & Subd. 14

4/17/00 Ord. 510, Amend Section 1000.07, A – G

01/01/03 Res. 2002-201, Amend Section 1000.06, Subd. 7

05/16/2005 Ord. 567, Amend 1000.02, Subd. 19, Amend 1000.06, Subd. 7.A. & Subd. 7.E.

- B. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The Governing Body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- D. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

Subd. 13. Variances.

- A. General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council with the recommendation of the Planning Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - 1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property in the area where property is located.
 - 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.

03/14/96 Ord. 455, Add Section 1000.06, Subd. 9

09/02/97 Ord. 475, Amend Section 1000.07, Subd. 10

03/16/98 Ord. 486, Amend Section 1000.01, Subd. 11. B; 1000.06, Subd. 3. F; 1000.07, Subd. 1 & Subd. 14

4/17/00 Ord. 510, Amend Section 1000.07, A – G

01/01/03 Res. 2002-201, Amend Section 1000.06, Subd. 7

05/16/2005 Ord. 567, Amend 1000.02, Subd. 19, Amend 1000.06, Subd. 7.A. & Subd. 7.E.

4. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map.
- B. Conditions. In approving variances, the Planning Commission and City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Subd. 14. Enforcement, Violations, and Penalties.

A. General.

1. It shall be the duty of the Administrative Assistant to the Planning Commission to enforce these regulations and to bring to the attention of the Municipal Prosecuting Attorney any violations or lack of compliance herewith.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City Council, in accordance with the provisions of these regulations, and filed with the County Register of Deeds.
3. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

B. Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine and/or imprisonment as provided by Chapter 102 of this Code.

C. Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

Section 1000.02 Definitions.

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders. The word "shall" is mandatory; the word "may" is discretionary.

- Subd. 1. Alley: A public right-of-way which affords a secondary means of access to abutting property.
- Subd. 2. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.
- Subd. 3. Boulevard: That portion of a street right-of-way between the curb or curb line and the property line.
- Subd. 4. Butt Lot: A lot at the end of a block and located between two corner lots.
- Subd. 5. Comprehensive Plan: A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City and its environs.
- Subd. 6. Design Standards: The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.
- Subd. 7. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- Subd. 8. Final Plat: The final map and/or plan and/or record of a subdivision and any accompanying material presented to the City Council for approval and which, if approved, will be duly filed with the County Register of Deeds. Said plat must conform to all State laws.
- Subd. 9. Grade, Slope or Gradient: The vertical rise or drop from any fixed horizontal line or point.

- Subd. 10. Improvements: The construction or installation of public or private utilities including, but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.
- Subd. 11. Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof, abutting a public street. For the purposes of shoreland regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.
- Subd. 12. Open Space: An area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.
- Subd. 13. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- Subd. 14. Parks and Playgrounds: Public lands and open space in the City of Waconia dedicated for and usable for recreation purposes.
- Subd. 15. Pedestrian Way: The right-of-way across or within a block, for use by pedestrian traffic and which may be used for utilities whether designated as a pedestrian way, cross-walk or however otherwise designated.
- Subd. 16. Person: An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.
- Subd. 17. Planning Commission: The planning agency or planning department as created by the City of Waconia.
- Subd. 18. Preliminary Plat: The tentative map, drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the Comprehensive Plan and these regulations including required supporting data.

- Subd. 19. Private Recreational Facilities: Swimming pools, tennis courts, exercise/weight rooms, club houses and similar facilities that are privately owned, operated and maintained.
- Subd. 20. Protective Covenants: Contracts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of a given area.
- Subd. 21. Required Public Improvements: Those improvements in any proposed subdivision, including streets, water and sewer systems and storm water drainage systems, which are required in connection with the approval of any plat or other subdivision.
- Subd. 22. Right-of-Way: The area within the limits of a street, alley, pedestrian way, thoroughfare or easement.
- Subd. 23. Streets:
- A. Street: A public right-of-way affording primary access by pedestrians and vehicles abutting properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, or however otherwise designated.
 - B. Collector Street: A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
 - C. Cul-De-Sac: A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - D. Minor Street: A street used primarily for access to the abutting properties and the local needs of a neighborhood.
 - E. Service Street, Lane or Road: A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
 - F. Street Width: The shortest distance between the lot lines delineating the right-of-way of a street.
 - G. Thoroughfare: A street primarily designed to carry large volumes of traffic and serves as an arterial traffic way between various districts of the City.

Subd. 24. Subdivider: Any person, firm or corporation commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subd. 25. Subdivision: The division of a parcel of land into two or more lots or parcels of land for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Section 1000.03 Sketch Plan.

Subd. 1. Subdividers shall prepare ten (10) copies of a subdivision sketch plan for review by the Planning Commission. Such sketch plan will be considered as having been submitted for informal discussion between the subdivider and the Planning Commission. No fee shall be required of the subdivider for the submission of a sketch plan.

Subd. 2. A proposed subdivision sketch plan shall contain the following information:

- A. Site location map showing the major streets, school location, commercial centers and other significant developments.
- B. Tract boundaries.
- C. North point and scale.
- D. Streets within and adjacent to tract.
- E. Topography and physical features.
- F. Proposed general street design.
- G. Proposed lot size and orientation.

Subd. 3. Submission of a subdivision sketch plan shall not constitute formal filing of a plan with the City. On the basis of the subdivision sketch plan, the Planning Commission may informally advise the subdivider of the extent to which the plan conforms to the Comprehensive Plan, design standards of this ordinance and to other ordinances of the City, and may discuss possible modification necessary to secure approval of the plan.

Section 1000.04 Preliminary Plat.

Subd. 1. Procedure. Prior to dividing any tract of land into two or more lots or parcels of land, the owner or subdivider shall proceed as follows:

- A. The subdivider shall file ten (10) copies of the preliminary plat with the City Clerk at least 14 calendar days before the next regular monthly meeting of the Planning Commission at which meeting said plat shall be considered.
- B. At the time of the filing of the preliminary plat, the subdivider shall pay to the City a fee of \$25.00 for plats involving residential lots only, a fee of \$50.00 for plats involving other than residential lots, plus \$5.00 for each acre of land in all preliminary plats. The foregoing fees shall be used to defray the administration expense of the City in connection with the review of said plat. City expense incurred in employing the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of said plat shall be reimbursed to the City by the subdivider.
- C. The City Clerk shall refer nine (9) copies of the preliminary plat to the Planning Commission and one (1) copy to the City Engineer.
- D. The City Engineer shall submit a written report to the Planning Commission, which shall deal with drainage, street and other engineering matters pertinent to said preliminary plat. Said report shall be submitted to the Planning Commission at least seven (7) days prior to the public hearing prescribed by the following subsection.
- E. The Planning Commission shall hold a public hearing on the preliminary plat within 45 days after said preliminary plat is filed with the City Clerk. At said hearing all persons interested in the plat shall be heard. Notice of the time and place of said hearing and the full legal description of the area to be subdivided shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. The subdivider shall furnish the City Clerk with the names and mailing addresses of the owners of all lands within 350 ft. (106.6 m) of the boundaries of the preliminary plat, and the Clerk shall give mailed notice of said hearing to said owners at least ten (10) days prior to the day of said hearing. The cost of publication of said notice shall be paid by the subdivider in addition to the other fees to be paid hereunder.

- F. The Planning Commission shall conduct the hearing on the preliminary plat and shall make its report to the City Council within ten (10) days after said hearing. It shall be the duty of the Planning Commission to determine whether the preliminary plat is compatible with the Comprehensive Plan and conforms with or exceeds the design standards established by this ordinance. The decision of the Planning Commission with regard thereto, together with its recommendations, shall be included in its report to the City Council.
- G. After the City Council received the report of the Planning Commission, the Council shall act to approve or disapprove the preliminary plat. If the Council shall disapprove said plat, the grounds for any such disapproval shall be set forth in the proceedings of the Council and reported to the subdivider within seven (7) days thereafter.
- H. Approval of a preliminary plat by the City Council is tentative only, subject to the compliance with all requirements and recommendations as a basis for preparation of the final plat.
- I. At the time of the filing of the preliminary plat the subdivider of the land covered by the plat shall submit to the City Clerk a petition for rezoning to the proposed future use of said land if the land is not already so zoned. The owner of said land shall join in said petition.
- J. Subsequent approval by the City Council shall be required of all engineering considerations presented in the preliminary plat which include, but which shall not be limited to easements, water supply, sewage disposal, storm drainage, surface water storage, gas and electric services, road gradients and widths, and the surfacing of streets, prior to the approval of the final plat by the City Council.
- K. The City Council shall act on the preliminary plat within 30 days after the conclusion of the public hearing required by Subsection E hereof. If the report of the Planning Commission has not been received within said period, the Council shall act without such report.
- L. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision.

Section 1000.05 Required Preliminary Plat Data.

Subd. 1. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

A. Identification and Description.

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
2. Legal description of property according to the records in the Carver County Recorder of Deeds office.
3. Names and addresses of the owner and subdivider of the land, and the designer and surveyor of said plat. If the subdivider is not the fee owner of the land, the subdivider shall submit the written consent of the fee owner to the filing of the preliminary plat.
4. Graphic scale of not more than 100 feet (30.5 m) to an inch (2.5 cm).
5. North point, designated as true north.
6. Date of preparation.
7. Certification by registered surveyor certifying to accuracy of survey.

B. Existing Conditions.

1. Boundary line survey, including measured distances and angles, which shall be tied into the nearest quarter section or section line by traverse.
2. Existing zoning classification for tract of land in and abutting the preliminary plat.
3. Total acreage to tenths.
4. Location and names of existing or platted streets and other public ways, parks and public open spaces, permanent buildings and structures, easements, and section and municipal boundary lines within the plat and to a distance of 100 ft. (30.5 m) beyond.

5. If the preliminary plat is a re-arrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated roadways shall be shown by dotted or dashed lines.
6. Location and width of existing streets including type of surfacing, railroads, sanitary sewers, water mains, storm sewers, culverts, grades, invert elevations and locations of catch basins, manholes and hydrants and any underground facilities within the plat and to a distance of 100 ft. (30.5 m) beyond shall be shown.
7. Boundary lines of land within 100 ft. (30.5 m) of the tract of land within the plat, and the name of the owner thereof, but including all contiguous land owned or controlled by the subdivider or owner of the tract proposed to be platted.
8. Topographic data within the tract and 100 ft. (30.5 m) beyond its boundaries, including contours at vertical intervals of not more than two ft. (.61 m), except that where the horizontal contour interval is 100 ft. (30.5 m) or more, a one ft. (.3 m) vertical interval shall be shown. Water courses, lakes, marshes, wooded areas, rock outcrops and other significant physical features shall be shown. U. S. Geodetic survey data shall be used for all topographic mapping.
9. A copy of restrictive covenants, if any, on all abutting land shall be filed with the preliminary plat.
10. If applicable, limits of flood plain, floodways and flood areas.
11. Slope analysis. Identify in map form the following slope categories: 0 to 6%, 6 to 12%, 12 to 18% and over 18%.
12. A copy of the soil survey map covering the proposed plat issued by the Soil Conservation Service of the U. S. Department of Agriculture in November, 1968, and as thereafter amended.

C. Subdivision Design Features.

1. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event said name shall be used.
2. Locations and widths of alleys, pedestrian ways and utility easements.
3. Profiles of existing and proposed centerline grades of streets, alleys, sanitary sewers, water mains, storm sewers, drainage ditches and culverts.
4. Layouts of lots and blocks with numbers of each, square footage of lots and lot dimensions scaled to the nearest tenth of a foot.
5. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
6. Minimum front and side yard building setback lines as required by the ordinances of the City.
7. Proposed method of disposing of surface water drainage within and beyond the limits of the plat.
8. Whenever a portion of a tract of land is proposed for subdividing and said tract is large enough or is intended for future enlargement, a tentative plan for the future subdivision of the entire tract shall be submitted to the Planning Commission.
9. Proposed method of controlling soil erosion and sedimentation within and beyond the limits of the plat during all phases of construction and thereafter.

D. Additional Information to be Furnished:

1. Statement of proposed use of lots, i.e., whether residential, commercial, industrial or combination thereof. If residential, state type and number of dwelling units. Furnish sufficient details for all types of usage in order to reveal the effect of the subdivision development on traffic, fire protection and density of population.
2. Source of water supply.
3. Facilities for sewage disposal.
4. If zoning changes are contemplated, the proposed zoning plan for the area.
5. In areas affected by inadequate surface drainage or subjected to periodic flooding, furnish proposals designed to make area safe for occupancy and to provide for adequate street and lot drainage.
6. Proposals for street lighting, curb, gutter, sidewalks and boulevard improvements.
7. Such other information as shall be requested by the Planning Commission or City Engineer.
8. In areas in which soil limitations for the proposed land use are indicated by the soil survey map, furnish proposals covering the details of the soil conservation practices to be employed to overcome all such soil limitations.

Section 1000.06 Subdivision Design Standards.

Subd. 1. General Requirements.

- A. The Planning Commission in its review of a preliminary plat shall determine whether the proposed subdivision is in conformity with the Comprehensive Plan, and shall take into consideration the requirements of the community and the best use of the land. Particular attention shall be given to the arrangement, location and widths of streets, drainage and lot sizes and arrangements.
- B. The preliminary plat shall cover all of the owner's contiguous land, but the final plat may cover only a portion of the preliminary plat provided it is in conformity with an approved preliminary plat.
- C. Where the parcel of land is subdivided into tracts larger than required for building lots, such tracts shall be divided so as to allow for the opening of streets and ultimate extension of adjacent streets.
- D. Subdivisions indicating unplatted portions of land or private easements controlling access to public ways shall not be approved.

Subd. 2. Street Plan.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan, the approved standard street specifications, and all applicable ordinances, and all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- B. The arrangement of streets in new subdivisions shall make provision for the continuation of existing and future streets in adjoining areas.
- C. No preliminary plat shall be approved wherein lots abut on the right-of-way of state or major county or city roads. Such lots may abut on service roads with entrances to state or major county or city roads at intervals of not less than 1,000 ft. (305 m).

Subd. 3. Streets.A. Street Width and Grades.

The following standards of street design shall be observed by the subdivider:

Road Category	Right-of-Way Width (in feet)*	Road Width (in feet)*	Striped Through Lanes	On Street Parking	Design Speed (in mph)**
A – Minor Arterial	100-150	Varies	2 to 4	No	45 to 60
B – Minor Arterial	80 to 120	Varies	2 to 4	Varies	40 to 55
Major Collector	66 to 80	40	2	Yes	30 to 40
Minor Collector	66 to 88	34	2	One side	30 to 35
Local – Parking on Both Sides	60	34	Not striped	Both sides	30
Local – Parking on One Side	60	28	Not striped	One side	30
Local – No Parking	50 to 60	24	Not striped	No	30
Cul-de-Sac	50 radius	42 radius	Not striped	Varies	n/a
Service Road	40	Varies	Not striped	No	30

* Right-of-way width and road width may be increased to accommodate striped bicycle lanes.

**Minimum grade for all roads is 0.5% and maximum grade is 7%.

B. Deflections. Where horizontal street lines deflect from each other at any point more than 10 degrees, said street lines shall be connected by a curve with a radius of not less than 100 ft. (30.5 m) for minor and collector streets and of such greater radii in the case of other streets as the Planning Commission may determine.

C. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of said vertical curves shall be 20 times the algebraic difference in the percentage of grade of the two adjacent slopes.

- D. Street Jogs. Street jogs in minor and service streets shall have a centerline offset of not less than 150 feet (45.7 m). Street jogs shall be avoided in all other streets.
- E. Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.
- F. Cul-de-Sacs. The maximum length of cul-de-sac streets shall be 500 feet (152.5 m) measured along the center line from the intersection of origin to the end of the right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 100 ft. (30.5 m) and a minimum roadway diameter of 84 ft. (25.6 m). The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than 15 ft. (4.57 m). The City Council may require a temporary cul-de-sac and associated temporary easements on any street that temporarily dead-ends in anticipation of future resubdivision or development of adjacent property. Any temporary cul-de-sac shall be paved and have a minimum diameter as determined by the City Council, but not less than 70 ft. (21.3m). Any temporary cul-de-sac shall further be designed and constructed to drain surface water to existing stormsewer improvements and to meet all other specifications that the City Council may require.
- G. Service Streets. In those instances where a subdivision abuts or contains an existing or planned thoroughfare or a railroad right-of-way, the Planning Commission may require a service street approximately parallel to and on each side of such right-of-way in order to provide for park use of the intervening land in residential districts. The requirements of approach grades and future grade separations shall be considered in establishing the separation distance between said service streets and the thoroughfare or railroad right-of-way.
- H. Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the requirements of this ordinance, and where the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.
- I. Private Streets.
 - (a) Private streets may be permitted only in the R-3 and R-5 zoning districts in the discretion of the City Council if the City finds all of the following conditions to exist:

1. The prevailing development pattern makes it unfeasible or inappropriate to construct a public street (In making this determination the City may consider the location of existing property lines and homes, local or geographic conditions and the existence of wetlands and other natural features);
 2. After reviewing the surrounding area, it is concluded that an extension of the public street system is not required to serve other parcels in the area, improve access or to provide a street system consistent with the Comprehensive Plan; and
 3. The use of a private street will permit enhanced protection of the city's natural resources including wetlands and forested areas.
- (b) If the use of a private street it to be allowed, it shall be subject to the following standards:
1. Private streets serving R-3 and R-5 zoning districts shall be built to a seven-ton design, paved and improved with curb and gutter to a minimum width of twenty-four (24) feet, utilize a maximum grade of ten (10) percent and provide a turnaround acceptable to the Fire Chief based on applicable fire codes. Plans for the street shall be submitted to the City Engineer for review and comment. Upon completion of the private street, the applicant shall provide the City with a set of "as-built" plans signed by a registered civil engineer.
 2. Private streets must be maintained in good condition and plowed within twenty-four (24) hours of a snowfall greater than two (2) inches. Covenants concerning maintenance shall be filed against all benefiting properties. The developer shall post "No Parking - Fire Lane" signs along the private street in locations designated by the Fire Chief and shall prohibit parking on any other portions of private streets in which the City determines that parking may endanger the public safety or welfare.
 3. Private streets that are not usable by emergency vehicles because of obstructions, snow accumulation, or poor maintenance are a public safety hazard. The City may

03/14/96 Ord. 455, Add Section 1000.06, Subd. 9

09/02/97 Ord. 475, Amend Section 1000.07, Subd. 10

03/16/98 Ord. 486, Amend Section 1000.01, Subd. 11. B; 1000.06, Subd. 3. F; 1000.07, Subd. 1 & Subd. 14

4/17/00 Ord. 510, Amend Section 1000.07, A – G

01/01/03 Res. 2002-201, Amend Section 1000.06, Subd. 7

05/16/2005 Ord. 567, Amend 1000.02, Subd. 19, Amend 1000.06, Subd. 7.A. & Subd. 7.E.

remedy such conditions and assess the cost back to the property pursuant to Minnesota Statutes section 429.101, Subd. 1(C).

4. The private street shall be provided with adequate drainage facilities to convey storm runoff based upon hydrologic calculations for a ten-year storm. These calculations shall be reviewed by the City Engineer. Private street construction shall include concrete curb and gutter.
 5. City approved street name signs must be posted at the point where the private street intersects the public right-of-way.
 6. The private street shall be designed to minimize impacts on adjoining parcels. The City may require revised alignments and landscaping to minimize impacts. An erosion control plan shall be completed and approved prior to construction.
 7. Private streets must be located within a strip of property at least forty (40) feet wide extending out to the public right-of-way or covered by a forty (40) foot wide easement that is permanently recorded over all benefited and impacted parcels.
 8. The City will perform routine maintenance and repair of utility main located within the private street easement. The cost of repair of individual utility services connected to the main shall be the responsibility of the benefiting properties.
- J. Adjoining Property. Street rights-of-way shall not be planned so as to cause hardship to owners of adjoining property.
- K. Intersections. The angle formed by the intersection of streets shall not be less than 60 degrees, with 90 degree intersections preferred. Intersections of more than four corners are prohibited.
- L. Boulevard Sodding. Boulevard sodding shall be required.
- M. Tangent. A tangent of at least 100 ft. (30.5 m) in length shall be introduced between reverse curves on thoroughfare and collector streets, and a tangent

of at least 50 ft. (15.2 m) in length shall be introduced between reverse curves on all other streets.

- N. Corners. Roadways of street intersections shall be rounded by a radius of not less than 20 ft. (6.1 m). Roadways of alley-street intersections shall be rounded by a radius of not less than 10 ft. (3.05 m).

Subd. 4. Easements.

- A. Utility. Easements at least 10 ft. (3.05 m) wide, centered on rear and side lot lines of abutting lots shall be provided for utilities where necessary, and shall be dedicated to the public by appropriate language in the owner's certificate. In those instances where a side or rear lot line abuts unplatted land, said easements shall be at least 10 ft. (3.05 m) wide. Utility easements shall have continuity of alignment from block to block and lot to lot. Easements may be required along lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 ft. (152.5 m).
- B. Drainage. Where a subdivision is traversed by a water course, drainage way or stream, a drainage easement conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as shall be adequate for storm water drainage of the area.

Subd. 5. Blocks.

- A. Length. The maximum length of blocks shall be 1200 ft. (366 m). Pedestrian ways at least 10 ft. (3.05 m) wide may be required at the approximate center of blocks over 900 ft. (274.5 m) in length. Provisions for additional accessways to schools, parks, and other public grounds may be required.
- B. Off-Street Areas. Lots intended for commercial, industrial, or uses other than single family dwellings shall be so designed to provide adequate off-street areas for parking, loading, and such other facilities as shall be required by the Zoning Ordinance of the City.
- C. Width. All blocks shall be so designed to provide for two (2) tiers of lots unless conditions exist to render this requirement undesirable.

Subd. 6. Lots.

- A. Minimum Lot Size. The minimum lot area and dimension shall be as specified in the respective zoning districts of the City Zoning Ordinance.
- B. Location. All lots shall have at least the minimum required frontage on a publicly dedicated street.
- C. Corner Lots. Corner lots shall be platted at least 15 ft. (4.57 m) wider than interior lots.
- D. Butt Lots. Butt lots shall be platted at least 5 ft. (1.5 m) wider than the average width of interior lots in the block. The use of butt lots shall be avoided wherever possible.
- E. Water Courses. Lots abutting upon a water course, drainage way, or stream shall have such additional depth or width as may be required to protect house sites from flooding.
- F. Double Frontage. Lots with frontage on two (2) parallel streets shall not be permitted except where lots back on arterial streets or highways. Double frontage lots shall have an additional depth for screen planting along the rear lot line.
- G. Access to Thoroughfares. In those instances where a plat is adjacent to a limited access highway or other major highway or thoroughfare, no direct vehicular access shall be permitted from individual lots to such highway.
- H. Natural Features. In the subdividing of land, regard shall be shown for all natural features, including tree growth, water courses, historic places and similar amenities of the area, which if preserved will add attractiveness and stability to the area.
- I. Lot Remnants. Lot remnants which are below minimum lot area or dimension must be added to adjacent or surrounding lots rather than to be allowed to remain as an unusable outlet or parcel unless the subdivider can show acceptable plans for the future use of such remnants.

Subd. 7. Public Land Dedication, Open Space.

A. Findings.

1. The City needs to provide a wide variety of park type facilities, community centers, open space and trails to meet the recreational needs of residents and businesses, to encourage exercise and a sense of physical well being, to connect the community and to enhance the aesthetic sense of the community.
- ~~2. The City has undertaken a detailed review of its expected needs and the costs for parkland, open space and trails, both in its most recent Comprehensive Plan and in the Hoisington Koegler Group, Inc., Park Dedication Fees Study of August, 1999.~~
3. Residents and businesses of the City are requesting a greater depth and breadth of recreational facilities.
4. The City has determined that as more people use City recreational facilities and its population and businesses increase, there is a significant need for additional recreational facilities, trails and open space within the community.
5. The City has identified the need for a community center, soccer fields, baseball and softball fields, neighborhood parks, tot lots, tennis courts, hockey rinks, waterfront park improvements and trails as specific needs in addition to the general need for greater amounts of open space within the community.
6. The City finds that 10% of the land within the community is needed for park and open space and that it is reasonable to require a dedication of at least 10% of the gross area of all developments in the community to satisfy the needs of the public for park and open space.
7. The City finds that increased residential and business development directly increases the need for parks of all type, community facilities, trails and open space and there is a reasonable relationship between the City's dedication requirements and the increased need for parkland, trails, open space in general and indoor park facilities such as a community center, all caused by additional development pressure.

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09/02/97 Ord. 475, Amend Section 1000.07, Subd. 10

03/16/98 Ord. 486, Amend Section 1000.01, Subd. 11. B; 1000.06, Subd. 3. F; 1000.07, Subd. 1 & Subd. 14

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~~8. The City has reviewed and adopts the Hoisington Koepler Group, Inc. Park Dedication Fees Study and the analysis of the projected costs of meeting the City's upcoming needs for parks, trails, open space and a community center and the proposed allocation of such costs.~~

~~9. The City has determined that its needs for parks, trails, open space and a community center to meet anticipated growth through the year 2020 will cost between \$5,167,200 and \$5,878,980.00.~~

10. The City has determined that it is reasonable and proportionate to allocate 80% of the cost of development of parks, trails, open space and a community center to new residential development and 20% of the cost to new commercial, industrial and other land uses.

11. The City has determined that Private Recreational Facilities should be allowed.

B. Public Uses. Where a proposed park, playground, school, trail system or other public use shown on the Comprehensive Park Plan is located in whole or in part within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value of the unimproved land at the time of plat approval. If within two (2) years of recording the plat, the purchase is not consummated, the reservation shall be canceled.

C. Dedication. In all subdivisions of property in which the final plat or other final approval of the City is granted after May 1, 2000, a sufficient portion of such land be set aside and dedicated to the public for parks, schools, playgrounds, open space or other public use exclusive of property dedicated for streets and other public ways. It shall be presumed that at least 10% of the gross land in the subdivision shall be dedicated for parks, schools, playgrounds and open space. The City, upon consideration of the particular type of development proposed in the subdivision, may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision would require greater or lesser amounts of land for such purposes. No areas may be dedicated as parks, playgrounds, schools or open space until such areas have been approved for the purpose to which they are to be dedicated. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred by deed to the City of Waconia. The subdivider shall leave such dedicated land in a condition suitable to the City Council.

D. Payment in Lieu of Land. Preliminary plats shall be submitted to the Waconia Park Board for review and comment. If, in the judgment of the City Council, after considering the input of the Park Board, the area proposed to be dedicated is not suitable or desirable for park/playground/open space purposes, because of location, size or other reason, the City Council may require, payment in lieu of land dedication; ~~a payment to the City of Waconia of a sum of \$6,000.00 per gross acre for each acre of land in a residential subdivision and \$5,000.00 per gross acre for each acre of land in a commercial, industrial or other land use classification. The amount of cash to be paid in lieu of land dedication shall be based upon the fair market value of the land to be subdivided at the time of final plat approval.~~ The gross acreage calculation shall not include lands occupied by delineated wetland areas, areas utilized for storm water retention ponds and steep slopes in excess of 18% that remain undeveloped. Payment in lieu of land shall be paid in full prior to the signing of the final plat by the City. The City may revise these fees in their annual fee resolution.

E. Private Recreational Facilities.

1. Private Recreational Facilities Allowed. Subdividers may provide Private Recreational Facilities in all commercial, industrial and residential developments to satisfy the needs of residents, employees, shoppers and children. Nothing in this Subdivision 7.E., however, shall be construed as preventing the City from requiring the dedication of land (or payment in lieu thereof) for these types of facilities.
2. Certain Facilities Must Be Dedicated for Public Use. The City considers open park lands, ball fields, playgrounds, trails connecting neighborhoods and similar facilities to be public by nature, and such facilities will not be considered Private Recreational Facilities.
3. Credit for Private Recreational Facilities. When Private Recreational Facilities are provided by a subdivider, such facilities may be used for credit against the land dedication requirement (or payment in lieu thereof) if the City Council finds, in its discretion, that the following standards are met:
 - a. The proposed Private Recreational Facilities are designed for park and recreational purposes;

- b. The private ownership, operation and maintenance of the Private Recreational Facilities is adequately provided for by written agreement;

- c. The Private Recreational Facilities are restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision and which covenants cannot be eliminated without the consent of the City Council;
 - d. The Private Recreational Facilities are consistent with the Comprehensive Plan to the extent it applies;
 - e. It is in the public interest to allow such credit; and
 - f. The amount of credit does not exceed twenty-five percent (25%) of the park dedication requirements for the development.
- F. Pedestrian Ways and Trails. Subdividers shall define and construct a meaningful pedestrian circulation system subject to City approval which connects to the major trail system and to schools, parks and shopping areas and shall provide easements to accommodate such movement. Said pedestrian ways shall be coordinated with those of adjacent subdivisions and the Comprehensive Plan.
- G. Preservation of Natural Features and Amenities.
- 1. General. Existing features which would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees, as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed shade trees required along the street side of each lot as required by these regulations.

2. Shade Trees Planted by Developer.
 - a. As a requirement of subdivision approval the applicant shall plant shade trees within the right-of-way on both sides of any portion of road within the subdivision and on the subdivision side of any portion of road abutting the subdivision. One tree shall be planted every forty (40) feet (12.2 m) to sixty (60) feet (18.3 m) along each side of the road.
 - b. The species and final spacing of all new trees provided pursuant to Subd. 7, G, 2, a, above shall be determined by the City Engineer with the advice of City staff or qualified consultants.
3. Shade Tree Easement and Dedication. The preliminary plat and final plat shall reserve an easement authorizing the local government to plant shade trees within five (5) feet (1.5 m) of the required right-of-way of the local government. No street shall be accepted for dedication until the City Engineer shall inform the Planning Commission and the City Council that compliance where necessary, has been made with these regulations.

Subd. 8. Planting Strips.

- A. Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.

Subd. 9. Storm Water Management.

- A. The City shall apply National Urban Runoff Program (NURP) standards for the design of required stormwater ponds. A copy of said standards is on file in the office of the City Engineer.
- B. Subdivision development shall conform to Minnesota Pollution Control Agency's best management practices titled "Protecting Water Quality in Urban Areas" to reduce nonpoint source pollution loadings in stormwater runoff. A copy of said standards is on file in the office of the City Engineer.

Section 1000.07 Construction of Improvements.

- Subd. 1. Payment. The improvements to be furnished and installed by the subdivider pursuant to these Subdivision Regulations shall be furnished and installed at the sole expense of the subdivider and at no expense to the City. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the

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boundaries of the subdivision, the City Council may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 2. Required Improvement Contract. Prior to installation of required improvements and prior to approval of the final plat the subdivider shall enter into a contract with the City requiring that the subdivider furnish and construct said improvements at his expense and in accordance with plans and specifications to be approved by the City Engineer. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit or performance bond to be furnished in accordance with Paragraph "3" of this subdivision. Alternatively, the City in its discretion may require that, or, at the request of the subdivider may agree to undertake the installation of the required improvements, in which event the subdivider shall enter into a contract with the City agreeing to pay the expense thereof, including all construction, engineering, legal, financing and administrative costs incurred by the City by reason thereof, by such contract the developer shall agree to the method and schedule of payment to the City as determined by the City and, if required, shall agree to furnish the escrow deposit or surety bond described in Paragraph "3" of this subdivision.

Subd. 3. Financial Guarantee. Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make an escrow deposit or, in lieu thereof, furnish a performance bond equal to 120% of the total construction cost of the improvements as estimated by the City Engineer, and including the cost of inspection by the City, or, if the City undertakes the installation of said improvements, and if requested by the City, the subdivider shall make an escrow deposit or, in lieu thereof, furnish a surety bond in the amount of the sum he has agreed to pay the City for the installation of said improvements. Any such deposit or bond shall accrue to the City in case of default of the subdivider. In case of default the City shall appropriate any such deposit and pursue its remedies provided by any such bond. The term of any deposit or bond shall be specified by the City. Any bond must be subject to approval by the City. Deposits shall be made with the Treasurer of the City or with a responsible escrow agent acceptable to the City. The City may agree to provide for reduction of the amount of any bond or deposit by reason of completion of, or in payment for, the improvements for which said bond or deposit has been made. Nothing herein shall preclude the City from making special assessments against benefited property for improvements made on it.

- Subd. 4. Construction Plans. Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the expense of the subdivider by a professional engineer registered by the State of Minnesota. Such plans and specifications shall be approved by the City Engineer and shall become a part of the performance contract. Two (2) prints of said plans and specifications shall be filed with the City Clerk.
- Subd. 5. Inspection. All required improvements shall be inspected during the course of construction by the City Engineer and acceptance of said improvements by the City shall require the prior written certification by the City Engineer that said improvements have been constructed in compliance with the plans and specifications.
- Subd. 6. Prior Improvements. Improvements which have been completed prior to application for final plat approval or execution of the performance contract shall be accepted as equivalent improvements provided the City Engineer shall certify in writing that said improvements conform to City standards.
- Subd. 7. Construction by City. The City shall have the right to install such of the required improvements as it may elect, and upon such terms and conditions as it may deem appropriate under the circumstances.
- Subd. 8. As Built Plans. Upon completion of installation of all required improvements, the subdivider shall file with the City Clerk a tracing and two (2) copies of plans and specifications showing all improvements as finally constructed and installed.
- Subd. 9. Street Improvement Standards.
- A. Grading. The full width of the right-of-way of each street and alley shall be graded, including the subgrade of the areas to be paved, in accordance with the standards and specifications established by the City.
 - B. Paving. All streets shall be paved with concrete or bituminous surfacing in accordance with the standards and specifications established by the City.
 - C. Sodding. The portion of the street right-of-way beyond the paved surface shall be sodded.
 - D. Curb and Gutter. Concrete curb and gutter shall be installed on both sides of the paved surface of all streets. Standard B-618 curb and gutter shall be installed on all collector streets; surmountable type of curb and gutter shall be installed on minor, cul-de-sac and service streets.

- E. Private Driveways. All private driveways providing access to public right-of-ways shall approach at grade level.
- F. Street Signs. Street signs of a design approved by the City shall be installed at each street intersection.

Subd. 10. Drainage Facilities.

- A. Storm sewers, culverts and water drainage facilities shall be required when, in the opinion of the City Engineer, such facilities are necessary to insure adequate drainage for the area. All such drainage facilities shall be constructed in accordance with standards and specifications established by the City.
- B. Additionally, drain tile and trace line shall be installed behind the curb when any rear lot corner is above the abutting street centerline elevations or in any other instance deemed necessary by the City Engineer to insure adequate drainage for the area. All such construction shall be in accordance with standards and specifications established by the City.

Subd. 11. Subsurface Conditions. The subdivider shall cause tests to be made of subsurface conditions to determine the nature and extent of subsurface soil, rock and water. The location and results of said tests shall be made available to the City. If subsurface conditions exist which in the opinion of the City may be detrimental to the health and welfare of the subdivision, the City may require the installation of neighborhood sanitary sewer and water systems to serve the subdivision.

Subd. 12. City Water and Sanitary Sewer Systems. Where connection with the City water and sanitary sewer systems is feasible, the subdivider shall be required to install water and sanitary sewer mains in the subdivision and connect the same with the City systems.

Subd. 13. Sidewalks and Trails. A 6 foot (1.8 m) concrete sidewalk shall be required on at least one side of all local roads and on both sides of local roads if the City determines a need to link a neighborhood with a nearby priority destination such as a school, park, church, public facility or commercial area. A 10 foot (3.05 m) bituminous trail shall be required on both sides of collector roads as designated in the Comprehensive Plan. The City has the option of requiring a concrete sidewalk in lieu of a bituminous trail on one or both sides of a collector road. All sidewalks shall be constructed of 4 inch concrete placed on a 6 inch gravel base. All bituminous trails shall be constructed of 3 inch bituminous on a 6 inch gravel base. Grades shall be approved by the City Engineer. Sidewalks and trailways shall be

placed in the public right-of-way one foot (.3 m) from the property line or, as required by the City Engineer, in an easement granted for such sidewalk or trail.

Subd. 14. Public Utilities.

- A. Underground Utilities. All telephone, electric or gas service lines shall be placed underground within dedicated public ways or recorded easements in such manner as not to conflict with other underground services. All underground installation of service lines within street rights-of-way shall be completed prior to street surfacing. Upon completion of the installation of underground service lines in dedicated public ways, a tracing and two (2) copies of plans and specifications showing the completed installation shall be filed with the City Clerk.
- B. Utility Poles. All utility poles, except those providing street lighting, shall be placed in rear lot line easements.
- C. Street Lighting. Street lighting shall be installed by the subdivider. All street light poles and fixtures shall conform to City specifications.
- D. Easements. All underground utility service lines, including water, drainage and sanitary sewer systems, which traverse private property shall be installed within recorded easements.

Subd. 15. Non-Conformance. Any non-conformance with the standards and ordinances of the City in the installation of the required improvements by the subdivider or his agents shall be cause for the City Engineer to order cessation of all construction within the subdivision. In such event, no further construction shall be allowed until the non-conformance is corrected.

Section 1000.08 Final Plat.

Subd. 1. Procedure. Prior to City Council approval of a final plat, the following procedures shall be followed:

- A. Filing of Final Plat. Within six (6) months following approval of the preliminary plat, unless an extension of time is requested in writing by the subdivider and granted by the City Council, the subdivider shall file 16 copies of the final plat with the City Clerk and shall pay a filing fee of \$10.00 per lot. The final plat shall incorporate all changes required by the City Council, and in all other respects it shall conform to the preliminary plat as approved. If the final plat is not filed within six (6) months following approval of the preliminary plat, the approval of the preliminary plat shall be considered void. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time, provided that such portion shall conform to all requirements of this ordinance, and provided further that the remaining portion or portions of the preliminary plat not submitted as a final plat shall be subject to the right of the City to adopt new or revised platting and subdivision regulations.
- B. Filing of Abstract. At the time of filing the final plat with the City Clerk, the subdivider shall also file with said Clerk an abstract of title or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat.
- C. Reference. The City Clerk shall refer copies of the final plat to the City Engineer, and shall refer the abstract to the City Attorney for their examination and report.
- D. Reports. The City Engineer and City Attorney shall submit their reports to the City Council within 15 days after the filing of the final plat. The City Engineer shall state whether the final plat and the improvements conform to the engineering and design standards and specifications of the City. The City Attorney shall state his opinion as to the title of the premises involved.
- E. Fees. The subdivider shall pay the fees of the City Engineer and City Attorney for their services and reports rendered in connection with the final plat.
- F. Compliance with Law. The final plat shall be prepared in accordance with all applicable State laws and County ordinances.

- Subd. 2. Council Action. The City Council shall act on the final plat within 60 days of the date on which it was filed with the City Clerk. The final plat shall not be approved if it does not conform to the preliminary plat including all changes required by the City Council, or does not meet the engineering and design standards and specifications of the City.
- Subd. 3. Recording. Following approval of the final plat by the City Council, the City Clerk shall promptly notify the subdivider of said approval and within 30 days thereafter, the final plat shall be recorded with the Register of Deeds or Registrar of Titles of the county in which the subdivision lies. The subdivider shall forthwith furnish the City Clerk with a tracing and three (3) copies of the final plat as recorded, showing evidence of the recording on said copies. Failure of the subdivider to comply with the requirement of recording shall be cause for rescission of approval.
- Subd. 4. Required Final Plat Data. It shall be a condition to the approval of a final plat that the following data shall be shown on said plat or shall be furnished therewith:
- A. Municipal, township, county or section lines accurately tied to the boundaries of the subdivision by distances and angles.
 - B. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas reserved for public use, and other important features shall be shown. Complete curve data shall be shown, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs. Dimensions of lot lines shall be shown in feet and hundredths of feet. No ditto work shall be permitted in indicating dimension.
 - C. Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein.
 - 1. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corners. They shall be placed so as to be within sight of each other, the sight lines being contained wholly within the street limits.

2. The external boundaries of a subdivision shall be monumented in the field by monuments of iron not less than 16 inches (40.6 cm) in length, not less than 3/4 inch (18.9 mm) in diameter, and marked on top with a plastic cap identifying the land surveyor's registration number. These monuments shall be placed not more than 1,400 feet (427 m) apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, said points to be not less than 20 feet (6.1 m) back from the bank of any stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.
 3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river or lake changes its radius, and at all angle points in any line.
 4. The lines of lots that extend to lakes or streams shall be monumented in the field by like monuments as described above. These monuments shall be placed at the point of intersection of the lake or stream lot line, with a meander line established not less than 20 feet (6.1 m) back from the bank of the lake or stream.
 5. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- D. Pipes or steel rods shall be placed at each corner of each lot and the location thereof shall be shown.
 - E. An identification system for all lots and blocks shall be shown.
 - F. Streets shall be named and all names shall be shown. A sequence of street naming shall be followed consistent with the pattern that has been established in the area.
 - G. In the event the final plat is a re-plat of an earlier subdivision, the original platting of the subdivision shall be shown and identified by dotted lines.
 - H. Judicial and county ditches shall be shown by dimensions and angles as determined from county records.

- I. Low land and water areas shall be indicated by an identification symbol.
- J. All utility and drainage easements, and the dimensions thereof, shall be shown.
- K. The names and platting of adjoining subdivisions shall be shown and identified by dotted lines to a distance of 100 ft. (30.5 m) from the boundaries of the subdivision under consideration. Lot, block and street arrangements of such adjoining subdivision shall be shown. Where adjacent land is unplatted, it shall be so indicated.
- L. Before any residential plat may be approved and before any permit may be issued for a residence therein, the subdivider shall first present competent proof that the natural ground water level at all times in said subdivision is not less than 2 ft. (.61 m) below the level of the lowest portion of the proposed structure, or that a satisfactory system of ground water control will be constructed as an integral part of the proposed residential subdivision.

Section 1000.09 Registered Land Surveys.

- Subd. 1. The provisions of this ordinance shall apply to all registered land surveys within the City, and the standards, regulations and procedures hereof shall govern the subdivision of land by registered land survey. Building permits shall be withheld on tracts which have been subdivided by unapproved registered land surveys; and the City shall decline to accept tracts as streets or roads or to improve, repair or maintain such tracts within an unapproved registered land survey.

Section 1000.10 Easements.

- Subd. 1. Prior to the submission of a final plat, registered land survey or land subdivision to the City Council for approval, the subdivider shall furnish the City with all easements for utilities, drainage, street rights-of-way, surface water ponding, and such other public uses as shall be found to be necessary, convenient, or desirable by the City. Said easements shall be in proper form for recording in the Office of the Register of Deeds or Registrar of Titles. Duplicate certificates of title shall be made available for the filing of easements on registered land. No final plat shall be approved by the City Council until there has been full compliance with this section.

Section 1000.11 Plats Previously Approved.

- Subd. 1. All preliminary or final plats, registered land surveys, or other subdivisions of land approved but not filed under previous ordinances shall be subject to all requirements of this Ordinance.

Section 1000.12 Permits.

- Subd. 1. Improvements. All electric and gas distribution lines or piping, roadways, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the Official Map of the City, or which has otherwise been approved by the City Council.

- Subd. 2. Access. No permit for the erection of any building shall be issued unless such building is to be located upon a parcel of land abutting on a street or highway which has been designated on an approved plat, or on the Official Map of the City, or which has been otherwise approved by the City Council. This limitation on issuing permits shall not apply to planned developments approved by the City Council pursuant to the City Zoning Ordinance.

Section 1000.13 Effective Date.

- Subd. 1. This ordinance shall take effect and be in force from and after its passage and publication.