

City of Winsted
Planning Commission
Winsted City Hall - Council Chambers
September 12, 2016
6:00 p.m.

Planning Commission Members Present: Ms. Jolynn Cafferty
Mr. Marvin Ebensperger
Mr. Mike Guggemos
Mr. Mike Henrich
Ms. Allison Moses
Mr. Tom Ollig, City Council Liaison

Staff Present: Mr. Daniel Tienter, City Administrator
Ms. Amanda Zeidler, Deputy City Clerk

Also Present: Mr. John Anderson, Municipal Development Group

1) Call the Meeting to Order

Mr. Marvin Ebensperger called the meeting to order at 6:00 p.m.

2) Approval of Minutes – August 8, 2016

Mr. Mike Henrich made a motion to approve the minutes of the Planning Commission Meeting on August 8, 2016. Ms. Allison Moses seconded the motion. Motion carried 5-0.

3) Public Hearings

a) Public Hearing – Planning Commission Resolution PCR-16-08

Mr. John Anderson, Associate Consulting Planner with Municipal Development Group, LLC, informed the Planning Commission members that as part of the review of the Winsted Industrial Park Expansion preliminary and final plat, it was noticed that the language in the subdivision ordinance is inconsistent with how park dedication in new plats is calculated. Mr. Anderson stated that in order to remedy this, a public hearing has been called to amend the text of the subdivision ordinance under Chapter 15, Section 2, Section 1502.006 Public Land Dedication. The language below is from the Public Land Dedication section of the subdivision ordinance and the underlined text is the new language while the striked through text is proposed to be deleted.

1502.006. Public Land Dedication.

A. Findings.

- 1. The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential, commercial and industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.*
- 2. Minnesota Statutes Section 462.358 Subdivision. 2b, as may be amended provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept and equivalent amount in cash.*

3. *The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the benefit provided and the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments or resubdivisions that create additional lots at the time of subdivision contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.*

B. Dedication of Land.

1. *Pursuant to Minnesota Statutes, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Winsted, to dedicate ten percent (10%) of the buildable area of all residential property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.*
2. *Furthermore, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Winsted, to dedicate five percent (5%) percent of the buildable area of all commercial or industrial property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.*
3. *The City shall give due consideration to the public open space, trails, pathways, and recreational areas/facilities the Applicant proposed for the subdivision. The City need not consider sidewalks required as part of the subdivision approval process under this standard.*
4. *The land to be dedicated for this purpose shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways.*
5. *The City Council of the City of Winsted shall have the right to determine the geographic location and configuration of said land dedication. No area may be dedicated as parks, playgrounds or public lands until such areas have been approved by the City Council for the purpose to which they are to be dedicated. The Applicant shall leave such dedicated land in a condition suitable to the City Council.*
6. *The City shall not require parkland dedication for re-subdivision, unless new lots are created, and then, said parkland dedication requirements shall only be applied to the new lots created.*

C. Payment in Lieu of Land.

1. *All monies collected from cash contributions shall be placed in a special fund from which only those public uses listed in Section A above may be constructed or improved or land for those same uses may be acquired.*
2. *The City shall have the option of requiring a cash payment, as adopted by ordinance of the City Council, in lieu of the land dedication as set forth in Section 1502.006(B) of this Ordinance. ~~The in lieu amount shall be based on the fair market value of unplatted land as determined by the City Assessor and approved year to year by the City Council. The cash payment shall be calculated by applying the percentages contained in Section 1502.006(B) above, as may be amended, to the fair market value of unplatted land.~~*
3. *The City shall not collect a cash payment for re-subdivision, unless new lots are created, and then, said cash payment shall only be applied to the new lots created.*

D. Delayed Dedication Payment. ~~Upon petition by the Applicant, The City Council may approve a delay in the actual dedication of the cash required in lieu of the land until such time as the development occurs on the property being platted, provided that a proper legal agreement is executed guaranteeing such dedication. Delayed dedication payment shall include eight percent (8%) interest per year.~~

Mr. Mike Guggemos questioned how and when the ten percent (10%) phase dedication is accomplished. Mr. Anderson responded that it depends on the layout of the development. If the park land is centrally located, the developer could potentially complete a section of the park land in each phase. If it is in one (1) area of the park and it is all land dedication, the developer could give the entire land up-front, based on future dedication, and this is typically how it would be accomplished. Mr. Anderson added that the change in this ordinance is more in relation to a cash payment, because if the developer gives a cash payment, it is not typically given until that phase is actually platted; however, when the developer is giving land, it all depends on the layout and design of the plat, which could vary from plat to plat.

Mr. Guggemos asked if there were three (3) phases of equal value and equal size and it was a cash payment, if the City would get one third (1/3) of the total value as each phase is completed. Mr. Anderson replied that this scenario is correct. He added that when the developer would final plat that phase, they would sign a development contract with the City which outlines all of the terms, fees, and anything else that would need to be included. Mr. Anderson stated that for each development contract for each phase, there would be a clause to dedicate that portion of the park fee or the cash dedication fee at that point.

Mr. Guggemos also asked what would happen if only one (1) of the three (3) phases were developed and asked when the fees would be payable to the City. Mr. Anderson stated that the fees are set and payable when the phase is started because City fees and development plans can change from year to year. The fees are set for the actual unit count or acreage and not what is proposed for the future.

Mr. Guggemos asked if, based on this ordinance, it is the City's choice whether to receive cash or land. He added that, in the past, the City has allowed the developer to decide what was easier for them. Mr. Anderson stated that it is City's choice regarding the dedication, as indicated in letter C number 2 of the ordinance. He added that while the City can allow the developer to choose, it is important for the language to be included in case the City does not need or want additional land dedication. Mr. Anderson offered an example, stating that if there is already a park nearby, the City has enough parks and therefore does not need the extra maintenance expense. Council Member Tom Ollig added that the City will likely continue to allow the developer to decide because the City does not want to lose a development over the type of dedication the developer is willing to give.

Mr. Guggemos inquired whether the City received a dedication for some of the projects where phases were started but not completed and asked if the City should be sure to get something after each phase to have protection in case future phases do not happen. Mr. Dan Tienter, City Administrator, replied that an example of this scenario would be the Grass Lake Farm Phase Two (2) development. He stated that the development did include park land dedication in the final plat, and with the ordinance changes that Mr. Anderson is referencing in this situation, the City would deal with either the park dedication or the cash in lieu of park dedication at the time a future phase was platted.

Mr. Tienter informed the Planning Commission that each time a plat is proposed to be developed there would be a development agreement in place that would address each phase and the City would work with the developer at that time to understand if the park land would be dedicated or if there would be some kind of cash payment. He added that in the situation of cash payment, the developer would pay it as each phase is developed and final platted. In terms of park dedication, it would depend on how the developer proposed to develop the land. Mr. Tienter stated that in the conversations regarding a three (3) phase development, the City would address with the developer during negotiations how they intend to go about park dedication. Mr. Tienter stated that the ordinance update here is to establish the fee that has to be paid, or in this case, on a per-acre basis to replace land that would be dedicated.

Mr. Tienter informed the Planning Commission that City staff have not received any comments, written or otherwise, regarding this proposal.

Mr. Guggemos made a motion to close the public hearing. Ms. Jolynn Cafferty seconded the motion. Motion carried 5-0.

Mr. Guggemos made a motion to adopt Resolution PCR-16-08, recommending the adoption of Ordinance O-16-05, amending the City Code Chapter 15, Section 2, Winsted Subdivision Ordinance, Section 1502.006, Public Land Dedication, in relation to park land dedication requirements. Mr. Henrich seconded the motion. Motion carried 5-0.

b) Public Hearing – Planning Commission Resolution PCR-16-09

Mr. Anderson stated that the property is located at the southwest corner of Industrial Drive and was recently annexed. He added that when it was annexed, no zoning designation was given to the property. The proposal is to zone the property to an I-1 industrial district which matches the land use plan and the other properties in the vicinity. The lot standards and requirements for the I-1 district are as follows:

	<u>Requirement</u>	<u>Proposed</u>
Minimum lot size:	No minimum	2.43 acres & 2.5 acres
Minimum lot width:	100 feet	262.51 feet
Front yard setback:	25 feet	None proposed at this time
Side yard setback:	10 feet	None proposed at this time
Rear yard setback:	25 feet	None proposed at this time
Maximum height:	30 feet	None proposed at this time
Lot coverage structures:	50%	None proposed at this time

Mr. Anderson made a recommendation to approve the rezoning of the property to I-1 industrial. He added that the preliminary plat will be presented at the next Planning Commission meeting on October 10, 2016.

Mr. Henrich questioned if the acres being zoned include what is needed for industry. Mr. Anderson replied that they are individual lots, but it depends on the nature of the business as to the desired size. He added that the property itself is forty (40) acres, so there is the ability in the future to expand the plat. Mr. Anderson stated that the big issue is that the lots will require the improvements needed to serve the lots, such as road and utility infrastructure. He added that if the entire area is developed, there is more up-front cost and it will take a few years to recoup the costs. By breaking it down into phases, the City can also break up the development costs.

Mr. Tienter informed the Planning Commission that City staff have not received any comments, written or otherwise, regarding this proposal.

Mr. Henrich made a motion to close the public hearing. Ms. Cafferty seconded the motion. Motion carried 5-0.

Ms. Moses made a motion to adopt Resolution PCR-16-09, recommending the adoption of Ordinance O-16-06, amending the official zoning map of the City of Winsted, Minnesota, as referenced in Chapter 15, Section 1501.004, Letter B of the Winsted City Code, by zoning property I-1 Industrial District. Ms. Cafferty seconded the motion. Motion carried 5-0.

4) No Old Business

5) No New Business

6) Other

a) Park Commission Vacancy

Mr. Tienter informed the Planning Commission that the City is currently advertising a vacancy on the City's Park Commission, which will be open until filled, so there is no deadline. He added that interested candidates may contact City Hall for more information and to request an application.

b) City Council Update

Council Member Ollig informed the Commission that the City Council is currently working on the 2017 Budget, as well as several projects that are current and projected, including the Airport, Water Tower, and Wastewater Treatment Facility.

7) Adjournment

Ms. Cafferty made a motion to adjourn the meeting. Mr. Guggemos seconded the motion. Motion carried 5-0.

The meeting adjourned at 6:25 p.m.

Daniel Tienter

Daniel Tienter,
City Administrator
City of Winsted

ATTEST:

Amanda Zeidler

Amanda Zeidler,
Deputy City Clerk
City of Winsted