



## MAYOR AND COUNCIL COMMUNICATION

DATE: 03/05/2013

**REGULAR**

ITEM #: 10

**ORDINANCE**

**AGENDA ITEM:** Subdivision Ordinance Amendments related to Public Land Dedication and Planned Unit Developments; 2013 Fee Schedule Amendment

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick M. Johnson, City Planner

### **SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to consider text amendments to the Lake Elmo Subdivision Ordinance to amend two sections of this code as follows:

- **153.12 Planned Unit Developments.** The proposed amendments bring this section into conformance with proposed updates to the PUD Ordinance.
- **153.14 Public Land Dedication Requirements.** The proposed amendments add the new sewered zoning districts to the dedication table and make other modifications to clarify the intent of the ordinance.

The proposed amendments represent the first step at updating the City's Subdivision Regulations in order to bring these regulations up to date with the rest of the City Code. Staff will be reviewing other portions of this ordinance as work continues on the Zoning Ordinance with the objective of preparing for development within the City's new urban districts.

The recommended motion to act on this request is as follows:

***“Move to approve Ordinance 08-072 concerning amendments to the Subdivision Ordinance.”***

In addition, the City must update the 2013 Fee Schedule to reflect the new requirements for parkland dedication for the subdivision of commercial properties.

### **BACKGROUND INFORMATION:**

In preparation for the amendments that are being proposed, Staff reviewed several other subdivision ordinances from developing communities and found that most were requiring that 10% of land be set aside for park purposes in residential districts. Lake Elmo has also used this

standard for its R-1 and higher density zoning districts. The other proposed revisions are intended to clarify how cash contributed in lieu of park land dedication may be used.

This agenda item is also being brought back after the Council postponed taking action on the proposed ordinance at its January 15, 2013 meeting. Since this meeting, Staff has reviewed the City's park land dedication requirements with the Park Commission and further discussed these provisions with the Council at its most recent workshop. The attached ordinance has been drafted in order to comply with the direction given by the Council at the workshop.

#### **PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the proposed Subdivision Ordinance Amendments at its December 10, 2012 meeting and conducted a public hearing on the draft revisions at this time. No public comments were received concerning the changes, although Staff did relay comments received from a property owner who suggested that the fee in lieu of land dedication for commercial areas should be set at a fixed amount.

The Commission made several minor modifications to the text and recommended approval of the ordinance amendments with a 4-3 vote. The members that voted against the revisions noted their desire to see private park space counted towards the overall land dedication requirement.

#### **PARK COMMISSION REPORT**

The Park Commission reviewed the proposed dedication amendments associated with the attached ordinance at its February 20<sup>th</sup> meeting. The Commission generally agreed with the ordinance as recommended by the Planning Commission, but asked that land dedication for commercial properties be established at 10% of the project area. The Park Commission did not support a set fee for commercial properties, and instead recommended that any cash contributions in lieu of land dedication for commercial properties use the market value equivalent language consistent with residential subdivisions.

#### **CITY COUNCIL WORKSHOP:**

At the City Council's workshop, Staff was given direction to add a fee-based requirement to the ordinance for commercial properties and to set this fee at \$4,500 per acre. The Council supported the revised language concerning residential properties. To reflect this change in policy, the City will have to amend its fee schedule to reflect the amended fee for parkland dedication in cases of subdivision of Commercial properties.

#### **RECOMMENDATION:**

Based upon the above background information, Staff report, Planning and Park Commission recommendations and previous Council direction, it is recommended that the City Council approve amendments to the Subdivision Ordinance related to Planned Unit Developments and public land dedication requirements by undertaking the following action:

***“Move to approve Ordinance 08-072 concerning amendments to the Subdivision Ordinance.”***

In addition, it is recommended that the City Council amend the 2013 Fee Schedule to reflect the amendment to the Subdivision Ordinance pertaining to public land dedication by taking the following action:

***“Move to approve Resolution 2013-17, amending the 2013 Fee Schedule to reflect the required parkland dedication fee for the subdivision of commercial properties.”***

**ATTACHMENTS:**

1. Ordinance 08-072 Subdivision Ordinance Text Amendments
2. Resolution 2013-17 2013 Fee Schedule Amendment
3. 2013 Fee Schedule Amendment

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....Planning Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates