

STAFF REPORT

Application:	Request related to the creation of two commercial lots in a B-2 Noncentral Business zoning district. Lots to be approximately 1.24 and 10.54 acres. Approvals required include a preliminary plat.
Applicant:	Little Falls Fleet Supply, Inc. c/o Sauk Centre Fleet Supply
Property Owner:	Little Falls/ROS Limited Ptrnr
Agenda Item:	Public Hearing #2

Background Information:

- **Proposal:** The applicants are proposing to split Lot One, Block One of the Little Falls Wal-Mart Subdivision (site of the current Fleet Supply building/former Wal-Mart building) into two lots. The Proposed Lot 1 would be 1.24 acres in size and encompass the NW corner of the property where it is currently an undeveloped grass area. Lot 2 would be 10.54 acres in size and encompass the remainder of the property where the large parking lot, Fleet Supply building and stormwater pond are located.

Both lots would have the required road frontage, but due to its location at the corner of State Highway 27 and 18th Street SE, where accesses are limited for safety reasons, Proposed Lot 1 would be accessed via the existing entrance into the Fleet Supply parking lot and lead to the back of Lot 1 via an access easement that would be granted to the owner of Proposed Lot 1. This arrangement has been reviewed by the City Engineer and is identified as the preferred method for accessing Proposed Lot 1 (as opposed to creating a new curb cut from 18th Street SE or State Highway 27).

- **Location:**
 - Property address: 1800 1ST AVE NE
 - Legal Description: Lot One, Block One, Little Falls Wal-Mart Subdivision
 - Parcel number(s): 482283000
- **Zoning:** B-2 Noncentral Business

Applicable Statutes/Ordinances:

Little Falls City Code - Subdivision Ordinance

12.02: PROCEDURE:

B. Preliminary Plat:

5. The planning commission shall conduct a public hearing and make its report to the city council within sixty (60) days, except in cases where the applicant requests additional time to amend the plat. At the hearing, all parties interested shall be given an opportunity to make presentations.
6. The city council shall act on the preliminary plat within one hundred twenty (120) days of the date on which the preliminary plat was officially filed.

7. The preliminary plat must be approved if it meets the applicable standards addressed in this chapter and applicable zoning standards, unless the city council adopts written findings based on a record from the public proceedings why the application shall not be approved.

8. If the city council fails to preliminarily approve or disapprove an application within the one hundred twenty (120) day review period, the application shall be deemed preliminarily approved and, upon demand, the city shall execute a certificate to that effect.

12.04: QUALIFICATIONS GOVERNING APPROVAL OF PRELIMINARY PLAT:

A. The planning commission may return a conditional report to the city council. The city council may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the city.

B. The approval of the preliminary plat by the planning commission and city council is tentative only, involving merely the general acceptability of the layout as submitted.

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

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

E. No plat will be accepted that cannot be adequately serviced with sanitary sewer and municipal water, unless a variance is granted. (Ord. 10, 6th Series, eff. 3-2-2009)

12.06: CONSOLIDATED PRELIMINARY AND FINAL PLAT REVIEW:

Preliminary and final plat review and approval or disapproval of the proposed subdivision may be consolidated, contingent upon the approval of city staff and contingent upon compliance with the following criteria:

A. The proposed subdivision meets the definition of a "minor subdivision", pursuant to subsection [12.02C](#) of this chapter.

B. City utilities (i.e., storm sewer [drainage], sanitary sewer, water mains) are available and adequately sized to service the proposed subdivision.

C. The intended plat use must match the general neighborhood use.

D. Access to the intended plat must be in place.

E. Future streets will not be obstructed and the proposed subdivision will not interfere with the proper development of adjacent properties.

F. Wetlands must be delineated on the plat and must comply with all soil and water rules and requirements and, additionally, must comply with all state law regarding use, development and preservation of wetlands.

G. No variances are required or requested. (Ord. 10, 6th Series, eff. 3-2-2009)

12.07: MINIMUM SUBDIVISION DESIGN STANDARDS:

A. Conformity With Comprehensive Plan: The proposed subdivision shall conform to the comprehensive plan.

G. Sidewalks:

1. Location: Sidewalks shall be constructed along both sides of all major public ways as designated on a comprehensive plan upon which buildable lots front and may be required by the city council upon recommendation of the planning commission along one or both sides of other rights of way. The sidewalk shall not be located less than one foot (1') from the property line, nor be adjacent to the curb, except as determined in commercial areas.

K. Drainage: A complete and adequate drainage system for the subdivision shall be designated, and shall include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, or both systems. Such system or systems shall be designed in conformity with all applicable standards of the city so as to meet with their approval.

L. Easements:

1. Provided For Utilities: Easements at least twenty feet (20') wide, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be dedicated to the public by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection points easements for pole line anchors shall be provided where necessary. Easements shall be provided along property lines from utility easements on rear lot lines to rights of way so as to provide for a streetlight interval not to exceed five hundred feet (500').

O. Lots:

1. Location: All lots shall abut by their full frontage on a publicly dedicated street, or a street that has received legal status as such.

2. Size: The lot dimensions in subdivisions designed for single-family detached dwellings use shall not be less than the minimum dimensions required to secure the minimum lot area specified in the zoning provisions of this code.

4. Side Lot Lines: Side lines of lots shall be substantially at right angles to the street line.

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

12.08: PUBLIC SITES AND OPEN SPACES:

B. Park Land Dedication: All plats, including plats associated with planned unit developments, shall be subject to the park dedication requirements of this section. In all new subdivisions, there shall be land dedicated for public recreation and/or open space, or other public recreation purpose, with such land being in addition to property dedicated for streets, alleys, easements or other public ways.

3. The city council, in its discretion upon recommendation of the planning commission, may accept a cash fee in lieu of land dedication, or accept a combination of cash and land contributions. The fee up to ten percent (10%) of the county assessor's market value of the proposed development or subdivision as of the date of final plat approval, excluding the value of the proposed streets, alleys, easements or other public ways. The market value of the land shall be determined by the use of tax assessment records and formulas that apply thereto, with said fee deposited into the city park improvement fund. Except as hereinafter provided, the cash equivalency payment shall be due and payable on or before the release of the final plat by the city.

4. When the development or subdivision is too small for practical dedication of land for public recreation and/or open space purposes, or if no land of the subdivision is necessary to be dedicated or is determined unsuitable for such purposes, the subdivider shall pay a fee of fifty dollars (\$50.00) per lot created or ten percent (10%) of the subdivision land value prior to subdivision.

12.09: REQUIRED IMPROVEMENTS ON SITE:

A. Improvement Listed And Described: Prior to the approval of a preliminary plat by the city council, the subdivider shall have agreed, in the manner set forth in this section, to install or pay for the installation, in conformity with construction plans approved by the public works director and in conformity with all applicable standards and ordinances of the city, the following improvements on the site:

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

4. Underground Utilities: All utilities, including, but not limited to, sanitary sewer, water, natural gas and electricity shall be placed underground.

5. Sidewalks And Pedestrianways: Permanent sidewalks and pedestrianways shall be installed when residential density becomes three (3) dwelling units per acre, or more, unless a variance is authorized.

8. Drainage: A system that will adequately take care of the water runoff within the subdivision shall be provided. If the city council, upon the recommendation of the public works director, determines that it is feasible for the subdivider to install storm sewers connected to the existing storm sewer system of the city within or adjacent to the subdivision, or an extension of the city system which will be extended to the boundary of the subdivision within eighteen (18) months of the filing of the final plat, the city shall install a storm sewer system to provide drainage. If a storm sewer system is installed and connections to the city system are not immediately available, the storm sewers shall

be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefitting properties including those which may lie outside the boundaries of the proposed subdivision.

9. Street Trees: Street trees having a trunk diameter (measured 12 inches above the ground), of not less than one and one-half inches (1½") shall be planted along all streets where trees do not exist, and not more than seventy five feet (75') and not less than forty feet (40') apart. There shall be at least one tree per lot. This requirement shall be satisfied and it is preferable if an equivalent number of trees of the same size or larger exist or are planted in a naturalistic manner in the front yards of the adjoining lots. Only green ash, linden, sugar maple and long lived hardwood shade trees, other than elm or box elder, shall be planted. These shall be planted in at least one cubic yard of growing soil.

12.10: MODIFICATIONS, EXCEPTIONS AND VARIANCES:  

B. Minor Subdivision: In the case of a subdivision of small size and of minor importance, situated in a locality where conditions are well defined, the planning commission may exempt the subdivider from complying with some of the requirements stipulated in this chapter pertaining to the preparation of the preliminary plat and may allow for the consolidation of the preliminary and final plat review, pursuant to the criteria set forth in section [12.06](#) of this chapter. The subdivider's resulting parcels shall conform to all applicable requirements of this code.

Little Falls City Code - Zoning Ordinance

11.05: ZONING DISTRICTS AND MAP:

E. R-1C Country Homes, One And Two Family Residential District:

b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size		Lot Width	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
16,000 square feet	16,000 square feet	100 feet	100 feet

11.20: STORMWATER MANAGEMENT:

A. Purpose: The purpose of this section is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas; by preventing periodic local flooding by designing areas for ponding and retention of stormwater.

B. Applicability: Every applicant for a building permit, not exempted by subsection D of this section, or subdivision approval, or permit to allow land disturbing activities, must submit a stormwater management plan to the city. No building permit, subdivision approval or permit to allow land disturbing or development activities shall be issued until approval of the stormwater management plan or waiver of the approval requirement has been obtained in conformance with the provisions of this section.

C. Plan Approval: All plans shall be subject to approval by the city. The city shall consider issues of land usage, overall drainage for the city and existing stormwater facilities in approving any drainage plan. The city may reject any proposed plans if they do not meet the overall purpose of this section.

D. Exemptions: The provisions of this section do not apply to:

1. Any permit or approval by the city prior to the effective date hereof;
2. Installation of fences, signs, telephone and electric poles and other kinds of posts or poles;
3. Construction of a single-family home or a single duplex;
4. An addition to an existing building that does not require a conditional use permit and is less than ten percent (10%) of the total floor area of the existing building;
5. Construction of a detached accessory building that does not require a conditional use permit;
6. Emergency work to protect life, limb or property;
7. Land disturbing activities conducted by the city affecting less than five (5) acres.

E. Waiver: The city council may waive any requirement of this section upon making a finding that compliance will impose an unnecessary hardship or the project does not have any significant alterations of existing stormwater conditions, and the waiver of such requirements will not adversely affect the standards and requirements of this section. The city council may require as a condition of the waiver such dedication or construction or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements. The city council may require as a condition of the waiver that the applicant make an in kind or monetary contribution to the development and maintenance of community stormwater management activities as designated by the city council.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Current Zoning:**

- Subject Property: R-1C (Country Homes, One- and Two-Family Residential District)
- Surrounding Properties: R-1C (Country Homes, One- and Two-Family Residential District) on all sides. There is also B-1 zoned land a short distance to the northeast and southeast.

2) **Current Land Use:**

- Subject Property: Vacant land
- Surrounding Properties: Residential.

- **Lot size:** Approx. 11.78 acres according to provided survey

Proposed Lot Sizes

- Proposed Lot 1: 1.24 acres
- Proposed Lot 2: 10.54 acres

Existing Impervious Coverage:

- Proposed Lot 1: 13.5%
- Proposed Lot 2: 72.7%

3) **Sewer/Water:** Each of the proposed lots has access to existing sewer and water lines.

4) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property is flat and does not contain any bluffs or steep slopes.

Wetlands: There do not appear to be any wetlands on the property that are impacted by the subdividing of the parcel.

5) **Easements:** The preliminary plat drawing identifies existing drainage and utility easements, existing sidewalk easements and a proposed access easement.

6) **Blocks:** No new roads are proposed, so there are no new blocks proposed.

7) **Lots:** The proposed lots meet the requirements of the ordinance for layout, size and other requirements – subject to approval of access for proposed Lot 1 being via the proposed access easement.

8) **Park Dedication:** Park dedication requirements to be set by the park, recreation and tree board.

9) **Required Improvements:**

- **Monuments:** Monuments of a permanent character shall be placed in locations on the boundary of the subdivision and within it as required.
- **Street and Alley Improvement:** No new streets or alleys are proposed or necessary.
- **Curb and Gutter:** No new streets are proposed.
- **Underground Utilities:** Underground utilities already exist to serve the two proposed lots.
- **Sidewalks and Pedestrianways:** Sidewalks exist on the west side of proposed Lot 1. No new sidewalks are proposed.
- **Water Supply:** Water service is available to these lots.
- **Sewage Disposal:** Sewer service is available to these lots.
- **Drainage:** The existing topography would not be changed as a result of this application. Additional impervious surfaces would be expected on proposed Lot 1 and drainage will need to be addressed.

- **Street Trees:** The lots do contain a number of existing trees that appear to meet the requirements of the ordinance, provided they are not all cut down, in which case new trees would need to be planted.
- **Boulevard Sodding:** No new boulevard strips are necessary.
- **Street Signs:** No new streets signs are proposed and as such no new street signs are necessary.

Planning Commission Direction: The Planning Commission may approve the preliminary plat request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, it should state the findings which support either of these actions.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. The proposed plat appears to meet all of the requirements of the ordinance which are applicable to the application.
2. The City Engineer has reviewed the proposed access easement and determined that it would be the preferred method for accessing Proposed Lot 1.
3. A new stormwater pond to serve the development of proposed Lot 1 will be needed. The exact sizing and any necessary easements would be determined at a later date.
4. All park dedication requirements were addressed in the original platting of Little Falls Wal-Mart Subdivision; no new dedications or fees are required.