

Planning Commission Agenda
Tuesday, May 9th, 2017 ~ 5:30 p.m.
City Hall

1. Call to Order
2. Adopt/Amend agenda
3. Approve Minutes – 4.11.2017 Regular Meeting
4. Public Hearing
 - A.
5. Old Business
 - A. Former Grover Redevelopment
 - B.
6. New Business
 - A. Webster Annexation Request
 - B. Webster Request Regarding Vacation of Walnut Street Right-of-Way
 - C. Webster Minor Subdivision Request
7. Other
8. Adjourn

Please call 732-7318 if you are unable to attend.

**City of Zumbrota
Planning Commission Regular Meeting Minutes
Tuesday, May 9, 2017 - 5:30 P.M. City Hall**

Present: Chairman Rockne, Commissioners Todd Hammel, Roberta Callahan, Richard Myran, Betty Jo Grothe and Bev Weness (5:32 pm). Also Present: Gerry Webster and Community Development Director Dan King.

1. **Chairman Rockne called the meeting to order at 5:30 p.m.**
2. **Agenda: Motion Grothe, second Hammel to approve the agenda as submitted. Carried 5-0-0**
3. **Minutes: Motion Hammel, second Myran to approve the minutes from the April 11, 2017 meeting as submitted. Carried 4-0-1 (Grothe abstains)**
5. **Old Business**

A. Former Grover Auto Redevelopment – Midwest Dental

Members were made aware a Multi-family Rental Housing Study was recently completed. The results indicate a demand for about 99 market units, with expected rent terms of \$1,100 - \$1,200 for one-bedroom units and \$1,300 - \$1,400 for two-bedroom units. It was noted if a residential project were proposed it would necessitate a rezoning of the parcel from C1 Commercial to either R3 Multi-Family Residential or a Planned Unit Development. No action was taken at this time.

6. **New Business**

A. Webster Annexation Request

Staff shared the City has received a petition for annexation request from Gerry and Roxanne Webster for a 1.03 acre parcel(s). The intent is to combine these with existing land within the City just to the south of these parcels, referencing aerial photo and certificate of survey. The areas to be annexed are labeled Parcel A and Parcel B. In order to proceed the City has to hold a public hearing after 30 days' notice to Zumbrota Township. A public hearing has been scheduled for June 15th, 2017, 6:00 pm at the City Council. No Planning Commission action is required at this time.

B. Webster Request RE: Vacation of Walnut Street Right-of-Way

Staff stated as part of a previous minor subdivision request of this lot in 2003, a certificate of survey was drafted and it was discovered the minimally maintained roadway in place and used for decades by property owners was located just south of the Walnut Street right-of-way. Therefore a petition to vacate the Walnut Street right-of-way was submitted. As part of the review by City Council it was recommended that prior to vacation of the unimproved right-of-

way, the property owners with the physical roadway on their property provide a public roadway easement. This easement was not granted and therefore the vacation was not approved. Therefore, as the minimally maintained roadway is not on the right-of-way, the right-of-way may be needed for the future extension of Walnut Street to City standards between County Road #6 and MN Highway 58.

The consensus of the Planning Commission is that the existing right-of-way is necessary for future development and it is not in the public interest to vacate at this time. As there is no formal application for vacation no action is needed at this time.

C. Webster Minor Subdivision Request

Gerry and Roxanne Webster have applied for a minor subdivision of property they own on Walnut Street. This is allowed under the City Zoning Code which states Minor Subdivisions shall apply...”in the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots”. A certificate of survey which shows the division of the existing, single lot into two parcels labeled Parcel C and Parcel D was reviewed.

The Webster’s had previously requested a minor subdivision of this parcel in 2003 prior to construction of a new house just to the east of the existing home. The request was approved by the City Council on July 10, 2003 and the house was built. However, the certificate of survey was never recorded with Goodhue County. Therefore Goodhue County records do not reflect this split.

As discussed earlier, the certificate of survey (2003 and current) assumes the unimproved Walnut Street right-of-way would be vacated. Additionally, if the vacation of right-of-way would be approved, according to MN Statute, the land reverts to the abutting property owners. The reversion occurs by operation of law, and the city is not able to direct or convey ownership of the title upon vacation. Therefore, the Webster’s are requesting the abutting property owners to the south provide quit claim deeds giving up their rightful ownership of the vacated property. Aside from the issue of the vacated right-of-way the minor subdivision request meets all minimum Zoning Code requirements and could be approved.

As the Walnut Street right-of-way has not been vacated and subsequently deeded to Webster’s, the legal descriptions cannot include this right-of-way. Members again concurred that Right-of-Way should not be vacated, therefore the legal description on the proposed minor subdivision cannot include platted Walnut Street.

Motion Hammel, second Weness to recommend the City Council approve the minor subdivision contingent on a revised certificate of survey and legal description removing the right-of-way from the property legal description. Carried 6-0-0.

There being no further business, Chairman Rockne adjourned the meeting at 6:07 p.m.
Respectfully Submitted,

Dan King, Secretary