



Legislation Details (With Text)

File #: Res. 2016-100 **Version:** 1 **Name:**

Type: Resolution **Status:** Failed

File created: 6/3/2016 **In control:** City Council

On agenda: 9/20/2016 **Final action:**

Title: Consideration of Resolution Approving the Grant and Conveyance of Certain Tax Forfeited Lands in Northfield, Minnesota to the State of Minnesota (containing Part of Outlot D, Fargaze Meadows).

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - Resolution to Reconvey Tax Forfeited Lands, 2. 2 - State Deed - Meadows Park, 3. 3 - Fargaze Meadows Preliminary Plat, 4. 4 - PC memo to City Council, 5. 5 - Parkland Per Person, 6. 6 - PRAB minutes, 7. 7 - Meadows Park Master Plan Resolution 2015-108

Date	Ver.	Action By	Action	Result
9/20/2016	1	City Council	approve	Fail

City Council Meeting Date: September 20, 2016

To: Mayor and City Council
City Administrator

From: David E. Bennett, Public Works Director/City Engineer
Chris Heineman, Community Development Director
Scott Tempel, City Planner

Consideration of Resolution Approving the Grant and Conveyance of Certain Tax Forfeited Lands in Northfield, Minnesota to the State of Minnesota (containing Part of Outlot D, Fargaze Meadows).

Action Requested:

Staff recommends approval of the Resolution Approving the Grant and Conveyance of Certain Tax Forfeited Lands in Northfield, Minnesota to the State of Minnesota.

Summary Report:

The City Council held two public hearings related to conveyance of a portion of tax forfeited property containing part of Outlot D, Fargaze Meadows. The first was held June 21, 2016 at which time it was postponed and sent to the Planning Commission for further review and the second was held on September 6, 2016.

The Planning Commission reviewed the Meadows Park Master Plan at the July 21, 2016 Planning Commission meeting. As per Minnesota Statute 462.356, subd. 2, the Planning Commission assessed whether the return of 4.6 acres of public land from the Meadows Park acquisition is in compliance with the Northfield Comprehensive Plan.

The Planning Commission reviewed the goals identified in the Comprehensive Plan and found the disposal of the tax forfeited property to be in compliance with the Comprehensive Plan. A detailed summary of the Planning Commission's findings is included (Attachment 3) in the attached memo to the City Council.

At the public hearing on September 6, 2016, residents provided input to Council with their desires for the City to retain the property as parkland. One of the concerns cited was for flooding and storm water. Staff, along with the Council, is aware of flooding concerns within the City. In 2015, the City hired a consultant to model the Spring Creek Watershed and look for opportunities to reduce flooding along Spring Creek. The recommendations indicate to achieve a reduction in peak elevation along Spring Creek, the improvements need to be focused along the main channel. The Meadows Park land isn't along the main channel and therefore will not assist with reducing peak elevations along Spring Creek. However, as the park develops storm water runoff and control will follow requirements within City ordinance.

Another question was related to the southern boundary of the park and future acquisition of park property shown outside City limits. The Meadows Master Plan indicates "smoothing out" or creating a contiguous straight property line on the southern park boundary, to better assist with future development. The City Attorney has been reviewing the issue of the potential land swap and determined that a "swap" of the land is not possible without the City acquiring the property by purchase at fair market value. Alternatively, the City could keep the land along the southern boundary, and look to acquire the part outside City Limits when that is annexed, or could be received through development park dedication. Staff will be continuing to pursue these options for further discussion and consideration by the City Council.

There were also concerns raised by residents about the extension of Abbey Road connecting with Hall Avenue. The action proposed by the City Council does not address the extension of road. If the City Council approves the resolution conveying property, it would revert back and be sold through a public forfeiture process. The current zoning would apply and any future consideration of road extensions, or not, would be subject to the normal development review process.

Additional summary of project background information is provided in the remaining memorandum.

Background

Staff has been asked to provide additional information regarding the current zoning and future land use in the Fargaze Meadows Subdivision to assist the Council as it evaluates the possible conveyance of tax forfeited property. The following is a brief summary of the history of the Fargaze Meadows Subdivision:

- May 6, 2002 - City Council approved Res. 2002-166:
 - Comprehensive Plan amendment changing area designation from Cluster Development to Low Density Housing
 - Annexation of two parcels
 - Conceptual Plan with 5 year time limit
- November 4, 2002 - City Council approved Res. 2002-320:
 - Preliminary Plat with 5 year time limit for Final Plats
 - PUD designation of future single family lots to R2 (PUD) One and Two Family Residential
 - PUD designation of certain future lots to R3 Low to Medium Density Residential
 - PUD designation of certain future lots to R5 High Density Residential
- November 18, 2002 - City Council approved Ord. 775:
 - Rezoning of single family lots to R2 (PUD) One and Two Family Residential
 - Rezoning of certain future lots to R3 Low to Medium Density Residential
 - Rezoning of certain future lots to R5 High Density Residential

- March 3, 2003 - City Council approved Res. 2003-069:
 - Final Plat for Phase One
 - Development Agreement created setbacks and PUD for Phase One lots
 - Outlots C & D created

The project received no further approvals and the PUD Conceptual Plan and Preliminary Plat expired in 2007. As no more lots were created past Phase One, the R3 and R5 zoning was never applied. The R2 PUD zoning applies only to the completed Phase One lots.

On August 2, 2011, the City Council adopted a new zoning map which rezoned Phase One of the Fargaze Meadows project to Neighborhood General (N1). Under this rezoning, the PUD conditions still apply. This rezoning also changed Outlots C & D to Neighborhood General 2 (N2). It is not necessary to rezone Meadows Park to Public Benefit at this time as parks and open space are a principal permitted use in the N2 zoning district. Once the final park boundary is set, the park can be rezoned to Public Benefit similar to other city parks.

In the spring of 2013, the Rice County Auditor notified the City of Northfield that two parcels were available for acquisition due to tax forfeiture. State Statute 282.01 subd.1a designates the local political subdivision (City of Northfield) the right of first refusal for acquisition.

The City Council authorized acquisition under the public use method for Parks in June of 2013, for which a conditional use deed (CUD) was issued. The CUD states the authorized public use, and also declares that the title is restricted by the authorized public use. The City of Northfield was given three years from the date of the conveyance to implement the stated authorized public use which expired on June 14, 2016.

In June of 2014, the City Council authorized the issuance of an RFP for a master plan consultant to assist with the concept development of the two parcels. A consulting contract was awarded on September 2, 2014 to SRF Consulting Group and Paul Miller Design to develop a master plan for Meadows Park. The planning process included numerous public community meetings, input from several boards and commissions, and multiple City Council work sessions.

On November 19, 2014, the City of Northfield hosted an open house to gather community input regarding potential uses for the Park. The Park and Recreation Advisory Board also discussed potential uses and provided input to the consultant. Based on this input and additional guidance from the Northfield Comprehensive Plan, the consultant developed three potential layouts which incorporated street connections as well as pedestrian and bicycle connections.

The City Council was presented with three potential options for street configuration and was asked to provide specific direction on the preferred option. The Council selected a road layout that included the extension of Abbey Road between Erie Drive and Hall Avenue as well as the extension of Ford Street from Brogan Drive to Hall Avenue. Based on this direction, SRF/Paul Miller Designs developed three concept plans. Each concept plan retained the same basic road layout, but differed in the park features and amenities.

The consultant obtained further input on the concept plans through additional neighborhood meetings. The HRA, EDA, and Planning Commission were also asked to weigh in on the concept plans. The following is a summary of public input discussion and feedback from the HRA, EDA, Planning Commission and the Park and Recreation Advisory Board meetings regarding the proposed Meadows Park development:

Housing & Redevelopment Authority

The HRA passed a resolution supporting preferred road layout connecting Abbey Road to Hall Avenue and recommended that 4.7 acres be returned to the State of Minnesota for private development. Additional discussion included comments regarding the importance of street connectivity in the area, as Maple Street is currently the primary access to the neighborhood. HRA members commented that traffic congestion is an issue in this area when the Spring Creek Soccer Complex is utilized during the summer months. HRA members also commented that park development along Abbey Road would be potentially hazardous for park patrons, as the road would bisect the park leading to pedestrian vs. automobile accidents.

The HRA also indicated there was a need for housing in the area in order to provide additional tax capacity to support the development and ongoing maintenance of the proposed park. Subdivision of these parcels for residential development by the private sector also places the responsibility for construction of the road with the private developer.

Economic Development Authority

The EDA reviewed and provided input on the Meadows Park concept plans at their meeting on April 23, 2015. The primary focus of the EDA was related to the potential economic impact that a community park in this area would have on the City of Northfield. The EDA unanimously passed a motion to direct staff to provide a summary of EDA comments to the City Council for consideration. Comments were as follows:

- Commissioners agreed connectivity of streets and trails are important for the long-term development pattern of the City of Northfield.
- Commissioners agreed housing development is essential to long-term economic development in Northfield, and maintaining some level of new residential development should be a high priority in this area.
- Commissioners struggled with the utilization of property within the priority growth area for park development. While parks are important for livability, the connectivity of streets and trails and the development of new residential housing are also a high priority in this area. Commissioners contemplated whether all of the land in the Meadows Park concept plan should be returned to the State of Minnesota for private development.

Planning Commission

The Planning Commission considered the Meadows Park concepts on April 16, 2015, for conformance to the Northfield Comprehensive Plan. Although no vote was taken, a majority of the Planning Commissioners indicated they would not support the staff findings stating the concepts were in conformance with the Comprehensive Plan. Objections were given regarding equity, need, cost, and connectivity. Comments and concerns were as follows:

- Commissioners questioned the equity of the project stating Meadows would result in two large parks in the south of town and none in the north. It was stated that promised trail connections and park improvements should be made to existing trails and parks first.
- Commissioners questioned the need for the project stating Northfield already has an abundance of parks and is struggling to maintain what we have. It was stated this land is already in the pipeline for housing which is needed more than parks.
- Commissioners were concerned that the project costs were not defined and specific funding sources have not been identified. They questioned the large size of the park and whether the city can afford to develop and maintain it, and if this would come at the expense of existing parks. They would like to see a final design, cost and phasing plan before ruling on conformance with the Comp Plan.
- Commissioners were also concerned with the impact of the park on street connectivity. It was stated the concepts didn't go far enough to expand the desired street grid. Extending Abbey road would not help with connectivity until Hall Avenue is improved.

- The Planning Commission would like to see a concept with less parkland (at less development cost) and more street connections, especially north and south.

Parks and Recreation Advisory Board

- The Park and Recreation Advisory Board took action indicating the 4.7 acres of proposed housing along Abbey Road not be housing and be included as park land.
- The Park and Recreation Advisory Board indicated an additional alternative be developed showing an option with no housing off Abbey Road.

SRF Consulting Group and Paul Miller Design completed the planning process in July of 2015 and presented the final plan to the City Council in October, 2015. The City Council adopted the Meadows Park Master Plan on October 6, 2015. The adopted Master Plan leaves approximately 4.6 acres of land received through the tax forfeiture process without a designated public use.

Alternative Actions:

- a. The City Council pass a motion to retain the property proposed to be conveyed back and direct staff to prepare a resolution to provide an amended resolution adopting the park master plan. Staff is supportive of this if it is of interest to the City Council.

Tentative Timelines:

If the City Council moves forward with the conveyance of tax-forfeited property, containing part of Outlot D, Fargaze Meadows, there will be several steps necessary for the project in the future. The following is a brief outline of these future steps:

1. Final Plat: The current status of the land proposed to be returned to the State is Outlot D Fargaze Meadows Addition. Following a decision on the reconveyance by City Council, the outlot should be officially subdivided via the Minor Subdivision process. The outlot would be split into two tracts of the Fargaze Meadows 2nd Addition, creating a clean legal description rather than a metes and bounds legal depiction. This process was advised by the State and Rice County. If City Council approves the return of the land, City staff will order the Final Plat be drafted by a surveyor and the plat will be sent to City Council for approval prior to the land being returned to the State. The cost to the City will be approximately \$3,100.
2. Annexation / Land Swap: As summarized earlier in the memo, the southern boundary of Meadows Park as shown on the Master Plan does not represent the current parcel boundaries. To maximize efficient use of the parkland and to facilitate the Ford Street extension, staff is suggesting the southern boundary be transformed into a contiguous straight line. The City Attorney has been reviewing the issue of the potential land swap and determined that a “swap” of the land is not possible without the City acquiring the property by purchase at fair market value. Alternatively, the City could keep the land along the southern boundary, and look to acquire the part outside City Limits when that is annexed, or could be received through development park dedication. Staff will be continuing to pursue these options for further discussion and consideration by the City Council.
3. Rezone the Property: Once the park is in its final configuration, it will be rezoned to Public Benefit (PB) as all existing city parks.
4. Name the Park: The formal name of the park will need to be designated by the PRAB and certified by the City Council.