



**CITY OF NEWPORT
CITY COUNCIL WORKSHOP
NEWPORT CITY HALL**

March 17, 2022 – IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING

MAYOR:	Laurie Elliott	City Administrator:	Deb Hill
COUNCIL:	Kevin Chapdelaine	Supt. of Public Works:	Bruce Hanson
	Tom Ingemann	Fire Chief:	Steven Wiley
	Marvin Taylor	Asst. to the City Admin:	Travis Brierley
	Rozlyn Johnson	Law Enforcement (WCSO):	Bill Harrell

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. IMPERIAL CAMPER SITE
4. PARKING ORDINANCE
5. PARCEL COMBINATION AND LINE ADJUSTMENT ORDINANCE
6. POTENTIALLY CLOSED MEETING
(Meeting closed as authorized by Minn. Stat. 13D.05, subd. 3(c)(1), to determine the asking price for PID 36.028.22.21.0084.)
7. FUTURE MEETING AGENDA ITEMS
8. ADJOURNMENT



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MEMORANDUM

Memo Date: March 10, 2022
Meeting Date: March 17, 2022
To: Newport Planning Commission
From: Nathan Fuerst, City Planner
Subject: Imperial Camper Site – Proposed Site Uses and Future Development

Action Requested: Review and discuss the suitability of the use proposed for these parcels.

Overview

The City of Newport has recently received a proposal from a business interested in acquiring the old Imperial Camper Site in the City. This site is located southeast of the intersection of Hastings and 12th Streets. It consists of a number of parcels, identified on an attached map, all in the General Mixed Use MX-3 Zoning District. The Future Land use for the parcels is Commercial/Residential, which aligns with the present zoning designation.

The interested business consists of four different DBA's which all provide separate but related services. A narrative and site plan submitted by the interested business, attached to this memo, states the following about the scope of activities:

bioLawn and bioTree represent the core of the business operations. These companies focus on providing plant health care, fertilization, disease control, insect control and weed management, applications. The business does NOT provide mowing, snow plowing or landscaping services. The focus of the business is in providing environmentally friendly, sustainable options to produce high quality lawns and landscapes. The company uses specialized equipment fitted inside of small box trucks and highly trained technicians to service residential clients.

bioHome and bioLights are divisions that offset the lost revenue and business during the winter. These businesses operate during the off-season winter months in order to keep our employees employed. bioHome focuses on residential carpet and duct cleaning. bioLights focuses on residential outdoor holiday lighting.

Classifying the Use

Although bioLawn includes of four different businesses, the use should be viewed by its aggregate function. bioLawn is proposing office space to support business operations, shop space to allow routine maintenance on equipment, and storage space for product used in day to day business operations. In addition to uses inside buildings, the bioLawn site plan shows employee and fleet vehicles parked in several prospective locations across the subject area.

The City code does not expressly list this proposed use, which is generally similar in function to a showroom or specialty contracting service, however City Code section 36-48 does provide for a process which allows the Planning Commission and City Council to make a determination the use is reasonably similar to a permitted, conditional, or accessory uses listed in the district. Once a determination is made that a use is similar, the same determination will carry forward for all similar uses in the future.

In this case, Staff do find that the use can be considered similar in function to several principal uses that are either permitted by right or conditional uses. Those uses are listed below:

- Conditional – Automotive services and car specialty services (not including body repair or major repair)
- Conditional – Bakeries, wholesale
- Permitted – Business Services
- Permitted – Offices: general, medical, professional freestanding, or mixed-use building
- Conditional - Towing services (no outside storage of vehicles)

Accessory uses:

- Conditional – Parking lot, as an accessory use

Nonconforming Uses:

There are several of the subject parcels in the area which appear to be considered nonconforming or for which a conditional use permit has not been issued. These parcels are listed below with a staff interpretation of the use and status.

- **862 12th St. - PID 3602822310067** – By all appearances, this parcel is presently used for warehousing. That use is not permitted in the MX-3 district. The present use is nonconforming.
- **Unaddressed Parcel PID 3602822310057** – This parcel is currently used as a parking lot. The use not permitted as a principal use in the district and a conditional use permit does not exist to permit parking as an accessory use. The present use is nonconforming.

Current Site Challenges

bioLawn is proposing to utilize several parcels which make up the old Imperial Camper site. A site plan was provided as part of the bioLawn narrative. Staff review of existing conditions has resulted in the following considerations.

1. **Building Encroachment** – The building on the parcel addressed 1139 Tibbetts place appears to encroach onto the neighboring parcel to the west addressed as 1144 Hastings Ave. This issue should be addressed to remove the encroachment by combining both lots.
2. **Nonconforming Uses** – Those uses are identified above and include both warehousing and vehicle storage. Where possible, the City should require or encourage compliance with City code.
3. **Multiple Properties** – The disadvantage of having the same land use across multiple parcels is inability to regulate the use and the site as one. Uses spread across several sites may be subject to different performance standards, other requirements, or even considered nonconforming when viewed separately. This is the situation the nonconformities identified above.
4. **Redevelopment of Southern + Eastern Parcels** – the parcels that bioLawn does not intend to utilize will continue to remain a redevelopment challenge due to the existing uses, layout of the site including a building split by a property boundary, and unused public right-of-way which bisects one of the parcels. At a minimum, the lot boundary issues would need to be cleaned up prior to redevelopment.

Suggested Next Steps:

1. **Determination of Use** – A City Council determination is needed to find whether the proposed use is in line with the existing uses in the district (Per Sec. 36-48). Staff suggest that if a determination is made that the use is similar to permitted *and* conditional uses, that the use be treated as conditional use to provide additional land use control.
2. **Lot Combination + Conditional Use Applications** – If #1 occurs, and a determination is made following staff's suggestion, then bioLawn should make an application for a lot combination to combine the lots surrounding the main building(s) and a conditional use permit application.
 - a. **Lot Combination** - The lot combination would remove the building encroachment and provide a better site for potential future redevelopment. If the lot combination does not include 862 12th Street, that parcel would also be considered legal nonconforming.
 - b. **Conditional Use Permit (CUP)** - would allow for the City to provide conditions and expectations for the operation of the business on the impacted properties. Changes to use or buildings could trigger the need for a CUP amendment.
3. **Unaddressed lot PID 3602822310057** – This parcel (referred to as East parcel below) cannot be combined with the others that the business would operate on. The nonconforming use, parking, could not be continued.
4. **South + East Parcel Redevelopment** – As noted in the narrative, bioLawn does not intend to utilize the parcels acquired on the southern part of the property. Due to the nonconforming use on the parcel described in #3 above, that parcel could be grouped here as well. This is an opportunity for the city to address the challenges on all three of these parcels. Although the City cannot require an action without a request to develop the property, it can work with the potential owner to remove barriers towards the following:
 - a. **Alley Vacation** - vacating the unused right-of-way may serve the public interest by creating a larger area for development of future amenities, etc.
 - b. **Lot Combination** - combining the parcels into one larger site would remove the encroachment of the existing building while creating a larger area for future redevelopment.

Planning Commission Review and Recommendation:

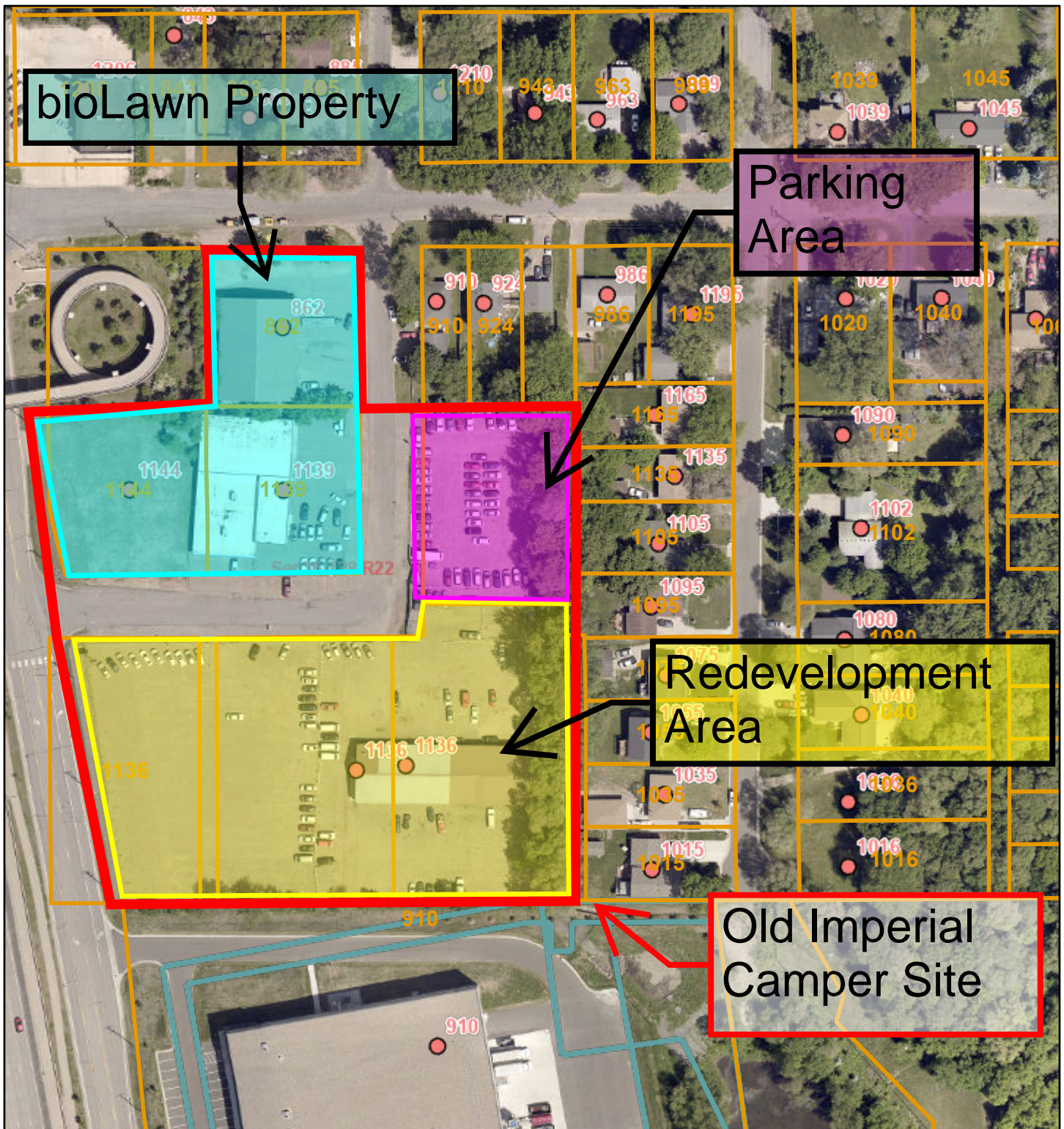
The Planning Commission reviewed this item at its regular meeting on February 8, 2022. The Commission reviewed the site and proposed uses. Commissioners asked questions about the proposed business operations and discussed perceived impacts on surrounding properties. A discussion was also held regarding previous and existing uses in the area. The Commission found that the proposed use was in line with the uses currently found in the MX-3 General Mixed-Use District. Lastly, commissioners asked questions about the parcels in the southern area of the development and processes required to redevelop them.

The Planning Commission voted unanimously to recommend this use to the City Council for consideration as a conditional use per City Code Section 36-48.

Action Requested:

Review and discuss the suitability of the use proposed for these parcels. If it's determined the use is reasonably similar, the Council will need to make a motion to formalize the decision at a future City Council meeting.

Subject Area



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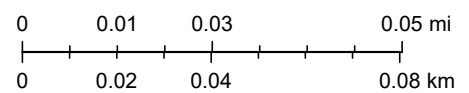
Parcels

Sections

Easement Lines

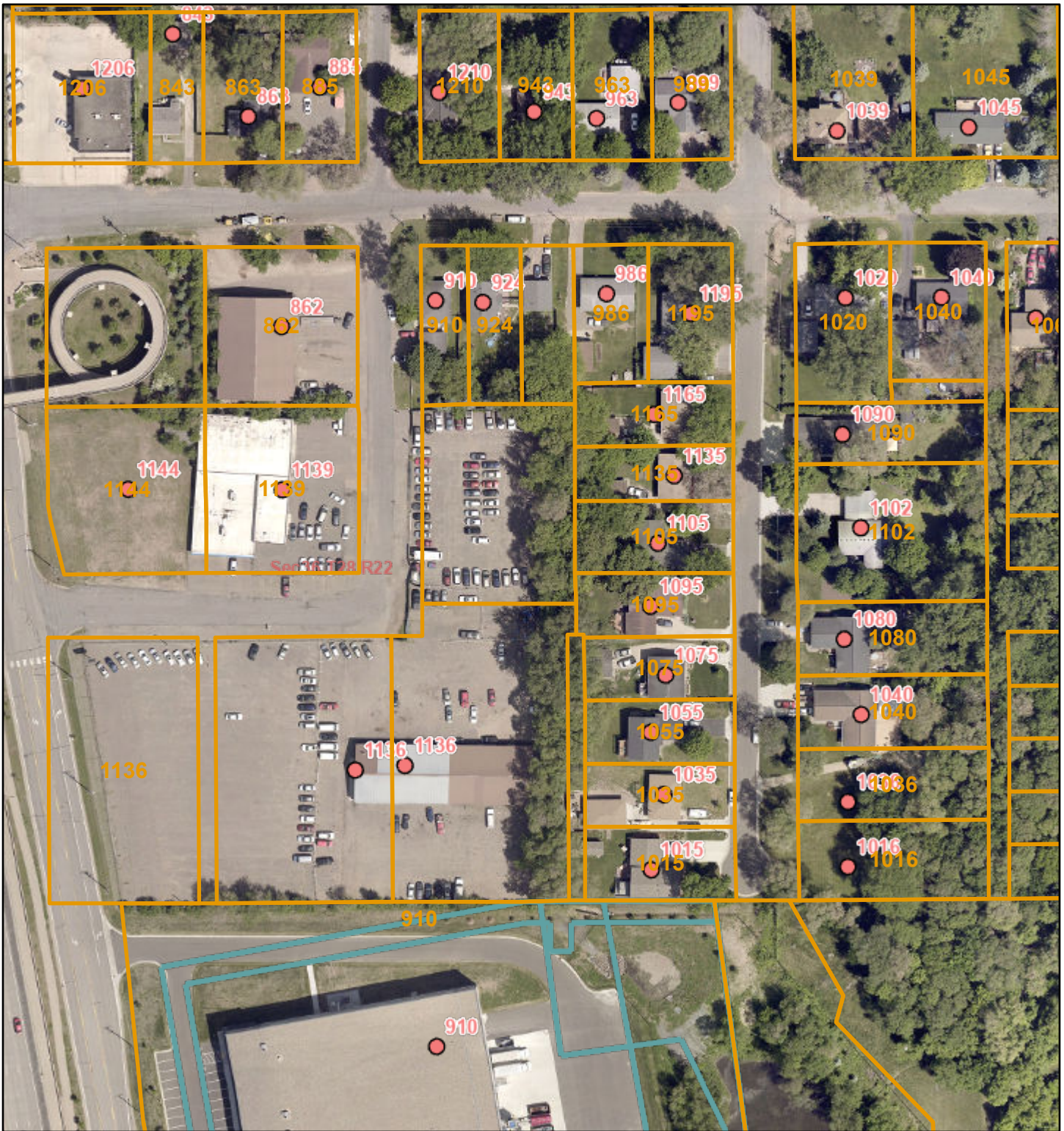
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Address Points



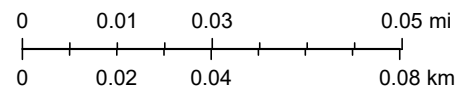
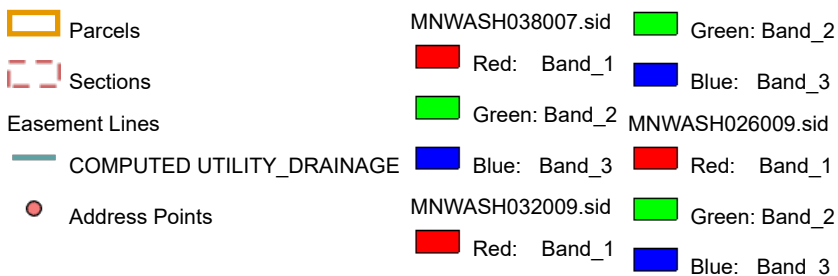
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Turf Intelligence LLC Purchase of Old Imperial Camper Site

Background

Turf Intelligence LLC was founded in 2009 as a turf consulting business, servicing the needs of high-end golf courses and sports fields across the United States. In 2016, the owners pivoted the business direction and entered the residential lawn care service industry in the Twin Cities. Born and raised in the Twin Cities, the owners wanted to utilize their immense knowledge of turf management to provide a higher level of lawn care to homeowners and also to spend more time at home with their growing families. Originally started as Healthy Grass, Turf Intelligence LLC has grown the business through organic growth and acquisition. Presently, the company markets itself as bioLawn, bioTree, bioHome and bioLights. These four DBAs represent the company that is looking to acquire the Old Imperial Camper Site.

Scope

The group of companies focuses on residential services to homes in the 7 county metro area. In 2021, the company employed at its peak 22 employees. Of those 22 employees, 6 of the employees were office based and 16 of the employees were field based. In 2021, the company provided services to almost 5,000 properties, which represented 50% growth from the year prior. Growing from 0 customers at the beginning of 2016 to almost 5,000 customers at the end of 2021, the company and its owners expect to continue growing. They are invested in growing the business, employing more people and servicing the Twin Cities community.

The business'

bioLawn and bioTree represent the core of the business operations. These companies focus on providing plant health care, fertilization, disease control, insect control and weed management, applications. The business does NOT provide mowing, snow plowing or landscaping services. The focus of the business is in providing environmentally friendly, sustainable options to produce high quality lawns and landscapes. The company uses specialized equipment fitted inside of small box trucks and highly trained technicians to service residential clients.

bioHome and bioLights are divisions that offset the lost revenue and business during the winter. These businesses operate during the off-season winter months in order to keep our employees employed. bioHome focuses on residential carpet and duct cleaning. bioLights focuses on residential outdoor holiday lighting.

Standard operations

6am: Our managers typically arrive and begin preparations for the day. This is work done inside the shop and would not be considered noisy.
7am: Typically, field technicians arrive. They find out their assignment for the day. They leave the property by 7:30am in their company truck.
8am: Office staff arrives and is working in the office for the day. The general public does not visit our facility. We may have a visitor or two. A service manager is typically working in the shop area to repair equipment and prepare materials for future services.
3:30pm: Service Technicians begin arriving back at the shop. They back up to a garage and fill up with the product they will need for the next day. Afterwards, they will park their truck in the lot and go inside to do paperwork.

6pm: Service Technicians have returned from the field, parked their trucks, and the building is locked up.

The Future

bioLawn et. al. plans to continue to invest into the business through acquisitions, organic growth and expansion. The next step for the business is to begin opening new locations in adjacent markets to the Twin Cities in order to reach more customers and expand the business. We are looking for a home base to settle the corporate operations that will then feed the additional growth. We plan to add additional office employees to this home base and invest in it as our template for future location growth.

Why are we interested in this site?

Since 2016, this business has moved to a new location each year due to the rapid growth and continued expanding needs. That has been stressful on the business and our team. With the knowledge that has been gained over the past 5 years and our clear understanding of the future of the business, we have a solid understanding of our facility needs for now and the future. That makes it the right time to purchase a property. We feel that the Old Imperial Camper site can service the business as it stands today and grow with the company.

First and foremost, the site has the shop space North of Tibbetts Place that can house materials, service equipment, and load our trucks for service. Additionally, the office space can support our current team of 6 individuals with existing room to hold additional employees. The lot to the west of the building also offers potential for future expansion. The lot to the east of the main building also provides adequate space for the nightly storage of our service vehicles.

bioLawn et. al's. plans for the property

We recognize that the site is in need of some love and attention. We would start by clearing out all of the existing tenants and removing “junk” from the grounds. (While we plan to move out the existing tenants, we recognize the need to learn more so we can fully evaluate the best course of action). Our plans would also include improving the exterior condition and appearance of the building. Inside the main building we would remove all of the temporary structures that have been built. We would restore the main functionality of the structures. We would also invest in improvements in the buildings. Presently our plans do not involve using the property to the south of Tibbetts Pl. This property would either be further developed by the company or sold off for someone else to develop.

Refer to the attached map for additional details on how we would use the site.

- Red - Area south of Tibbetts Pl – we may or may not acquire this property in the transaction. If we do, we will be listing the property for sale with the target of moving it to someone to develop the property.
- Blue – This area we would target for overnight parking of our vehicles. See included photo. We have approximately 20 vehicles. These are fully enclosed, branded vehicles. They are all maintained and operational. Each vehicle leaves the property to provide services from April – November. During the winter months vehicles do not necessarily leave every day. Our plan for this area is to have it enclosed and screened. Other than vehicles and an occasional trailer we would not be storing any materials or equipment outside.

- Yellow – This building would be considered longer term storage and not accessed daily. We prepurchase materials such as fertilizer and Christmas lights. This area would be used to store those until they are needed. We would also store equipment that is not used regularly, such as core aeration machines.
- Black – This section would be the main area for our daily production. We would prepare and load vehicles with fertilizer, small equipment and plant health care products for the daily services.
- Green – This section would be our mechanics section. Vehicles and small equipment would come into this area for maintenance. We do not do major repairs, but rather regular maintenance activities.
- Orange – This section would be our office. We would have 4-6 built out offices and around 6-8 cubicles. We would also have a meeting area and break room in this area. We would only be using 8 office employees at this time.
- Light blue – this would be parking for visitors and handicap people
- Employee Parking – we are still evaluating the best course of action for parking for employees. We have 8 office employees who remain on site all day. And approximately 15 technicians that start and finish at the site, but who are departed from the site during the day.
 - Option A – Pink – Using existing paved space this is one option
 - Option B – Blue – we could use the service vehicle spots for parking of technicians as they will take those vehicles offsite.
 - Option C – Purple – Although a financial burden at the moment. The long term option that would best suit this site is to pave this area and make it available for employee parking.

Storage of seasonal items - not a daily use building

Shop space used to store daily use items and fill trucks with products

Mechanics area - repairing small equipment and doing basic maintenance

Office space - 8 employees - offices and cubicles

Visitor and handicap parking

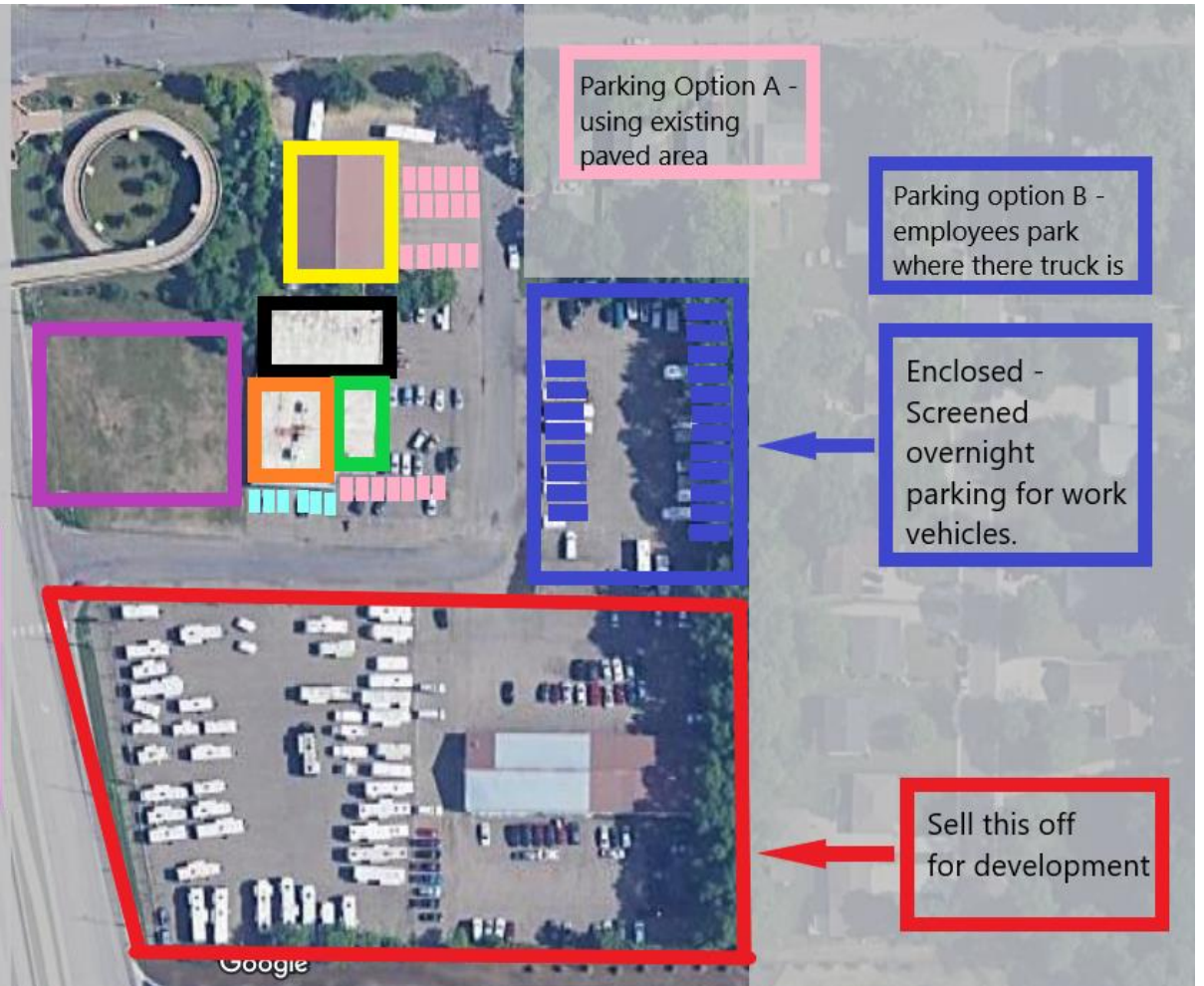
Parking Option C - build new paved parking lot for employees

Parking Option A - using existing paved area

Parking option B - employees park where there truck is

Enclosed - Screened overnight parking for work vehicles.

Sell this off for development





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MEMORANDUM

Memo Date: March 10, 2022
Meeting Date: March 17, 2022
To: City of Newport, City Council
From: Nathan Fuerst, City Planner
Subject: Residential Parking Requirement Revisions

Applicant: City of Newport (City Council)

Action Requested:

The City Council is asked to discuss the proposed amendments to residential parking requirements, and to provide any feedback or revisions to staff. If satisfied, the City Council should guide staff to bring the amended text forward for a first reading of ordinance amendments.

Background:

This item is returning to the City Council's Workshop agenda to provide an update on revisions proposed to residential parking requirements and feedback received at the February 3, 2022 Council Workshop.

At its last meeting, the council discussed extending the standards beyond detached single family properties to duplexes, triplexes, and quadplexes. The Council also discussed the term "Commercial Vehicle" including what thresholds should exist for such vehicles. Staff have reviewed these issues and provided an assessment and suggestions in this report.

One to Four Unit Properties:

The City Council discussed how it could ensure the same standards being established for single family detached properties are extended to other residential properties. This is on the basis that duplexes, triplexes, and quadplexes are found in close proximity to detached single family units in the City. Characteristics of 2-4 unit residential properties can be similar to single family units. All multiple family buildings are regulated by City Code and typically approved only after site plan review.

Residential Uses in Zoning Districts*			
	Single Family	Two Family	3-8 Family**
R1	P	N	N
R-1A	P	N	N
R-2	P	C	PUD
MX-1	P	P	P
MX-2	N	N	P
MX-3	P	P	P
MX-4	P	P	P
* P = Permitted, N = Not Permitted, C = Conditional Use Permit			
** Multi family properties over 8 units are not considered here.			

Parking Requirements Sec. 36-161(6) a.	
Single Family	2 spaces/unit with at least 1 enclosed
Two Family	
Three Family	2 spaces/unit with at least 1 enclosed, plus .5 spaces/unit for visitor parking
Four Family	

Staff reviewed the City Code for issues with amending the cross reference proposed as 36-161.5.m to include single family properties. It does not appear that including 1-4 unit residential properties into the proposed residential parking requirements will create inconsistencies in City Code. The proposed text amendments attached to this staff report have been amended to reflect the above.

Commercial Vehicles

Staff reviewed other communities' definitions for commercial vehicles to find how such vehicles are regulated in the Met Council area. Some communities, like Newport, do not define such vehicles. A variety of different definitions were found in those that do provide one.

A definition that breaks commercial vehicles into different classes makes sense due to the need to provide clarification with such a broad category of vehicles. Although both used for commercial purposes, a dump truck and electrician's van would have different impacts on surrounding residential uses. Staff propose the following definition for discussion:

Commercial Vehicle: Any self-propelled or towed motor vehicle used primarily in commerce to transport passengers or materials, often displaying company signage, company logos, commercial equipment, fixtures, or tools.

Class I: Commercial vehicles not exceeding the following:

- A. A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds.
- B. A length of twenty feet (20').

Class II: Any semi truck, tractor, trailer, and all other commercial vehicles not included as a Class I commercial vehicle.

Revisions Proposed:

Revisions proposed to date for residential parking requirements are summarized below:

- City Code Section 32-39 *Residential Zones*
 - Length of Parking – vehicle parking is limited on residential streets to no continuous period longer than 48 hours.
 - Recreational Vehicles (RV's) – an exemption for recreational vehicles is removed, and such vehicles are included in the definition and storage requirements for “recreational equipment”.
- City Code Section 36-161 *Standards for All Districts*
 - Single Family Properties – This amendment would add a requirement that 1-4 unit residential properties are subject to the requirements in 36-163(a) (summarized below).
- City Code Section 36-163 *Standards for Residential Districts*
 - Number of vehicles – Residents are limited to four (4) vehicles in any yard areas at any one time. Currently the City's ordinance limits property owners to three (3) vehicles in front yard areas.

- Exception for screened recreational equipment - If completely screened from the public right of way and abutting properties, recreational equipment will not count towards the total of four. Recreational equipment must be stored according to performance standards.
 - Commercial vehicles – Residents are permitted one commercial vehicle provided such vehicles do not exceed 14,000 pounds gross vehicle weight or 20 feet in length.
 - Semi-trucks prohibited – Semis and other large vehicles are prohibited from being stored on residential property.
 - Off road vehicles – Such vehicles are not considered recreational equipment and must be stored inside or out of public view.
- City Code Section 36-1 *Definitions*
 - Definitions are proposed for the following currently undefined terms:
 - *Commercial Vehicles* – See proposed definition above
 - *Exterior Storage*
 - *Motorcycle*
 - *Passenger car*
 - *Off-road motor vehicle*
 - *Residential Street*

Planning Commission Recommendation:

At its regular meeting on December 12, 2021, the Planning Commission motioned unanimously to recommend the revisions proposed in the staff report reviewed by the Council on January 20, 2022. The council has since deviated from the recommendation provided by the Planning Commission with respect to flexibility to the overall number of vehicles, and commercial vehicles.

Staff Recommendation

The City Council is asked to discuss the proposed amendments to residential parking requirements, and to provide any feedback or revisions to staff. If satisfied, the City Council should guide staff to bring the amended text forward for a first reading of ordinance amendments.

Attachments:

Draft Code Sections

- Redlined version – Draft City Code Revisions
- Clean version – Draft City Code Revisions

Staff Reports

- Staff Report – January 20, 2022 Council Meeting ([link only](#))
- Staff Report – February 3, 2022 Council Meeting ([link only](#))

Existing Code Sections

- City Code Section 32-39 – Residential zones ([link only](#))
- City Code Section 36-161 – Standards for all uses ([link only](#))
- City Code Section 36-162 – Standards for nonresidential uses ([link only](#))
- City Code Section 36-163 – Standards for residential districts ([link only](#))

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, [recreational vehicles](#), travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1A, R-2, ~~R-3~~ & RE) ~~and Planned Development District (PDD) areas~~ in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.
- (e) [Length of parking. A vehicle may not be upon any residential street or right-of-way in any one place for a longer continuous period than 48 hours.](#)
- (f) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
- ~~(f) —Exemption for recreational vehicles. The provisions of this section shall not apply to recreational vehicles.~~
- ~~(g) —Conditions and restrictions. The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.~~
- (g) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
- (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
-

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- a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.
 - b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
 - c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-161. Standards for nonresidential districts.

(5) Off-street parking areas and driveways

- (a) Surfacing standards. All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
 - 1. In all nonresidential districts (MX, B and I districts), all driveways, parking, loading, and service areas shall be constructed with a concrete, asphalt or a similar durable and dustless surface that meets the city's public works design manual. The periphery of all parking areas and drives in nonresidential districts (except parking areas for single-family and two-family residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the city.
 - 2. In Residential (R) districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the city's public works design manual, except for properties whose main access is on a non-paved roadway.
 - 3. For residential uses, the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.
 - 4. On residential properties, any parking or driveway surface located in the side or rear yard shall be constructed of one of the following: concrete, asphalt, Class V gravel (minimum six inches compacted), landscape rock (minimum six inches compacted), landscape paver blocks, or brick that meets the standards in city's public works design manual. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the city. The city may exempt a property owner from the paving requirement if the property owner can demonstrate the runoff from the rock surface is solely directed onto his property or surface runoff meets the city's public works design manual.
- (b) Drainage standards. Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the parcel to meet the city's public works design manual and other applicable stormwater management requirements. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the city.

-
- (c) Maintenance standards. The city can require the entire or greater portion of driveways that serve commercial and industrial uses or the first 40 feet of residential uses to be paved to comply with the city's public works design manual at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the public works design manual, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this division and the city's public works design manual.
 - (d) Setbacks. All parking areas shall be set back a minimum of five feet from property lines. All driveways shall be setback a minimum of five feet from side and rear property lines. Parking areas and driveways shall meet the standards in section 18-73.
 - (e) Size. In the R-1 and R-1A districts, the total area of the driveway and parking areas shall not exceed 35 percent of the front yard area. The lot coverage in the RE and nonresidential districts, including off-street parking areas, shall meet the requirements in sections 36-208 and 36-238.
 - (f) Easements. The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.
 - (g) Standard parking space dimensions. Each off-street parking space shall be a minimum of nine feet wide by 18 feet deep. Access drives and aisles shall be a minimum of 24 feet wide for two-way traffic, and 18 feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the zoning administrator, based on acceptable planning standards.
 - (h) Compact car parking dimensions. Parking spaces for compact cars may be included within a parking lot plan approved by the zoning administrator provided the spaces comprise no more than 40 percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight feet wide by 16 deep.
 - (i) Handicapped parking. Parking for handicapped persons shall be provided in accordance with state and federal regulations.
 - (j) Access. All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.
 - (k) Location. All parking spaces shall be on the same lot as the principal use for which they are intended, unless the city approves off-site parking for a principal use.
 - (l) Off-site parking location. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the city, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than 400 feet from the principal use or building served.
 - [\(m\) Single, two, three and four family buildings. All properties with 1-4 dwelling units in the form of single family detached, duplex, triplex or quadplex shall adhere to exterior storage and screening requirements established in Sec. 36-163\(a\)](#)

Sec. 36-163. Standards for residential districts.

- (a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:
 - (1) *Exterior storage and screening.*
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- a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
 - b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
 - c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, on concrete, blacktop, or similar durable hard surface free of dust. ~~subject to the following conditions and exceptions:~~
 - ~~1. All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.~~
 - ~~2. No more than three vehicles may be parked in the front yard at any one time, only one of which may be over 6,000 pounds gross vehicle weight or over 20 feet in length.~~
 - ~~3. Additional operable vehicles above the limit of three may be parked in the front yard on a temporary basis, for no more than 48 consecutive hours.~~
 - d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.
 - e. No more than four vehicles including passenger cars, trailers, recreational vehicles, recreational equipment, truck, bus, off-road vehicles, or similar may be parked or stored in any yard area on a residential property at any one time, subject to the following conditions and exceptions:
 - 1. Vehicles, recreational vehicles, and equipment parked on a trailer shall be counted as one vehicle.
 - 2. One Class I commercial vehicle may be parked on a residential property at any time.
 - 3. Class II commercial vehicles are prohibited from being parked or stored on any residential property.
 - 4. Off-road motor vehicles are prohibited from being parked or stored in the front yard and shall be screened from public view or parked or stored in an enclosed structure.
 - 5. Up to two items of recreational equipment, as defined and regulated in Sec. 32-39, shall not count towards the total vehicles stored on a property if completely screened, as defined in Sec. 36-1, from the public right of way and abutting properties.

...

(c) *Standards for all residential districts.*

...

(3) *Home occupations.* All home occupations shall meet the following requirements:

- a. The number of employees shall be limited to one person in addition to family members residing within the home;
 - b. The area within the dwelling used by the home occupation shall not exceed 20 percent of the dwelling's livable floor area;
 - c. On-site sales shall be prohibited, except those clearly incidental to services provided in the dwelling;
 - d. Any interior or exterior alterations of a dwelling for a home occupation shall be prohibited, except those customarily found in a dwelling;
 - e. ~~Vehicles associated with a home occupation shall be limited to one automobile, pick-up truck or van on the premises, which shall be parked in a garage if the name of the home occupation or advertising~~
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~~appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure;~~

- f. Unusual parking and traffic patterns shall not be created, which are not normally found in the neighborhood, and in no case shall customer vehicles be parked on public or private roads;
- g. Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three square feet in area, and shall be attached to the entrance of the dwelling and, in the case of a rural home occupation; it may be attached to the dwelling or the accessory structure.

Sec. 36-1. Definitions.

Commercial Vehicle, means any self-propelled or towed motor vehicle used primarily in commerce to transport passengers or materials, often displaying company signage, company logos, commercial equipment, fixtures, or tools.

Class I: Commercial vehicles not exceeding the following:

A. A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds.

B. A length of twenty feet (20').

Class II: Any semi truck, tractor, trailer, and all other commercial vehicles not included as a Class I commercial vehicle.

Exterior Storage, means the storage of goods, materials, equipment, vehicles, manufactured products, and similar items not fully enclosed by a building.

Motorcycle, means all two or three wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category includes motorcycles, motor scooters, mopeds, motor powered bicycles, and three wheel motorcycles.

Off-road motor vehicle, means motor vehicle designed or used for track racing, off-road racing, off-road use or demolition derby

Passenger cars, means all sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Residential Street, means a portion of a local street on which a residential use abuts on one or both sides of the street.

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, recreational vehicles, travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1A, R-2, & RE) in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 12,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 12,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds (lbs), back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.
- (e) *Length of parking.* A vehicle may not be upon any residential street or right-of-way in any one place for a longer continuous period than 48 hours.
- (f) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
- (g) *Recreational equipment storage.*
- (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
 - (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
 - a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.
 - b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.

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- c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017)

Sec. 36-161. Standards for nonresidential districts.

(5) Off-street parking areas and driveways

- (a) Surfacing standards. All off-street parking areas and driveways, shall be constructed with an improved surface to meet the following requirements:
 - 1. In all nonresidential districts (MX, B and I districts), all driveways, parking, loading, and service areas shall be constructed with a concrete, asphalt or a similar durable and dustless surface that meets the city's public works design manual. The periphery of all parking areas and drives in nonresidential districts (except parking areas for single-family and two-family residential uses in those districts) shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the city.
 - 2. In Residential (R) districts, the first 40 feet of the driveway or the driveway area between the street and garage, whichever is less, shall be paved with concrete, asphalt or an acceptable surface that meets the city's public works design manual, except for properties whose main access is on a non-paved roadway.
 - 3. For residential uses, the maximum driveway width shall be 24 feet at the curb line and property line. For commercial, office, or industrial uses, the maximum driveway width shall be 32 feet at the curb line and property line.
 - 4. On residential properties, any parking or driveway surface located in the side or rear yard shall be constructed of one of the following: concrete, asphalt, Class V gravel (minimum six inches compacted), landscape rock (minimum six inches compacted), landscape paver blocks, or brick that meets the standards in city's public works design manual. All parking surfaces draining to a public paved street shall be paved, unless otherwise approved by the city. The city may exempt a property owner from the paving requirement if the property owner can demonstrate the runoff from the rock surface is solely directed onto his property or surface runoff meets the city's public works design manual.
 - (b) Drainage standards. Parking, loading and service areas of commercial and industrial uses shall be graded and drained so as to dispose of all surface water accumulation within the parcel to meet the city's public works design manual and other applicable stormwater management requirements. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the city.
 - (c) Maintenance standards. The city can require the entire or greater portion of driveways that serve commercial and industrial uses or the first 40 feet of residential uses to be paved to comply with the city's public works design manual at the point of property sale. If the pavement surface of a driveway or parking lot has deteriorated beyond maintenance or repair and does not comply with the public works design manual, the owner shall be required to remove and replace the driveway or off-street parking area pavement at the point of property sale in accordance with this division and the city's public works design manual.
 - (d) Setbacks. All parking areas shall be set back a minimum of five feet from property lines. All driveways shall be setback a minimum of five feet from side and rear property lines. Parking areas and driveways shall meet the standards in section 18-73.
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- (e) Size. In the R-1 and R-1A districts, the total area of the driveway and parking areas shall not exceed 35 percent of the front yard area. The lot coverage in the RE and nonresidential districts, including off-street parking areas, shall meet the requirements in sections 36-208 and 36-238.
 - (f) Easements. The parking or driveway surface may not encroach on any drainage and utility easement, except the front yard drainage and utility easement abutting the street.
 - (g) Standard parking space dimensions. Each off-street parking space shall be a minimum of nine feet wide by 18 feet deep. Access drives and aisles shall be a minimum of 24 feet wide for two-way traffic, and 18 feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the zoning administrator, based on acceptable planning standards.
 - (h) Compact car parking dimensions. Parking spaces for compact cars may be included within a parking lot plan approved by the zoning administrator provided the spaces comprise no more than 40 percent of the spaces for the entire use or project, and provided they shall be clearly identified on the site and their location shall be designed carefully into the overall site plan. The spaces shall be a minimum of eight feet wide by 16 deep.
 - (i) Handicapped parking. Parking for handicapped persons shall be provided in accordance with state and federal regulations.
 - (j) Access. All off-street parking spaces for commercial and industrial uses shall have access from a private driveway and shall not access directly onto a public street.
 - (k) Location. All parking spaces shall be on the same lot as the principal use for which they are intended, unless the city approves off-site parking for a principal use.
 - (l) Off-site parking location. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority of the property owner for using the property for off-street parking shall be filed with the city, confirming that the required number of off-street parking spaces will be maintained on the property during the existence of such principal use. No such parking facility shall, at its closest point, be located more than 400 feet from the principal use or building served.
 - (m) Single, two, three and four family buildings. All properties with 1-4 dwelling units in the form of single family detached, duplex, triplex or quadplex shall adhere to exterior storage and screening requirements established in Sec. 36-163(a)

Sec. 36-163. Standards for residential districts.

- (a) *RE, R-1 and R-1A standards.* The following standards are applicable to the RE, R-1 and R-1A Residential districts:
 - (1) *Exterior storage and screening.*
 - a. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
 - b. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
 - c. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, on concrete, blacktop, or similar durable hard surface free of dust.
 - d. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.
 - e. No more than four vehicles including passenger cars, trailers, recreational vehicles, recreational equipment, truck, bus, off-road vehicles, or similar may be parked or stored in any yard area on a residential property at any one time, subject to the following conditions and exceptions:

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1. Vehicles, recreational vehicles, and equipment parked on a trailer shall be counted as one vehicle.
 2. One Class I commercial vehicle may be parked on a residential property at any time.
 3. Class II commercial vehicles are prohibited from being parked or stored on any residential property.
 4. Off-road motor vehicles are prohibited from being parked or stored in the front yard and shall be screened from public view or parked or stored in an enclosed structure.
 5. Up to two items of recreational equipment, as defined and regulated in Sec. 32-39, shall not count towards the total vehicles stored on a property if completely screened, as defined in Sec. 36-1, from the public right of way and abutting properties.

...

(c) *Standards for all residential districts.*

...

(3) *Home occupations.* All home occupations shall meet the following requirements:

- a. The number of employees shall be limited to one person in addition to family members residing within the home;
- b. The area within the dwelling used by the home occupation shall not exceed 20 percent of the dwelling's livable floor area;
- c. On-site sales shall be prohibited, except those clearly incidental to services provided in the dwelling;
- d. Any interior or exterior alterations of a dwelling for a home occupation shall be prohibited, except those customarily found in a dwelling;
- e. Unusual parking and traffic patterns shall not be created, which are not normally found in the neighborhood, and in no case shall customer vehicles be parked on public or private roads;
- f. Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than three square feet in area, and shall be attached to the entrance of the dwelling and, in the case of a rural home occupation; it may be attached to the dwelling or the accessory structure.

Sec. 36-1. Definitions.

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- A. *A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds.*
- B. *A length of twenty feet (20').*

Class II: Any semi truck, tractor, trailer, and all other commercial vehicles not included as a Class I commercial vehicle.

Exterior Storage, means the storage of goods, materials, equipment, vehicles, manufactured products, and similar items not fully enclosed by a building.

Motorcycle, means all two or three wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category

includes motorcycles, motor scooters, mopeds, motor powered bicycles, and three wheel motorcycles.

Off-road motor vehicle, means motor vehicle designed or used for track racing, off-road racing, off-road use or demolition derby

Passenger cars, means all sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Residential Street, means *a* portion of a local street on which a residential use abuts on one or both sides of the street.



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MEMORANDUM

Memo Date: March 10, 2022
Meeting Date: March 17, 2022
To: City of Newport, City Council
From: Nathan Fuerst, City Planner
Subject: Lot Combination and Lot Line Adjustment Subdivision Provisions

Applicant: City of Newport (City Council)

Action Requested:

The City Council is asked to discuss the proposed amendments to the Subdivision Ordinance to formalize the process currently used to permit lot combinations and lot line adjustments in the City.

Background:

City staff have historically received requests to combine or adjust lot boundaries. To date, this has been accomplished through an administrative permit. This is in line with practice in other communities, although commonly the requirements for these processes are found in Cities' subdivision ordinances.

Staff suggest that the City Council consider amending the City's subdivision ordinance to include a process for lot combinations and lot line adjustments. Because they are so similar, and sometimes done concurrently, both lot combinations and lot line adjustments are considered the same process in ordinances. Most often, they are handled through an administrative process which gives staff the opportunity to ensure that requests will create conditions conforming to City ordinances and policies. This is advantageous because it provides for reviews of items that are typically very simple and would be burdensome to bring through an extended review process.

Revisions Proposed:

Staff propose adding a new section to the Subdivision Ordinance (Chapter 28) Article II, Division 1 with the following parts:

- A. **Qualification** – This section defines which projects would qualify for which process, allows the City to require necessary easements, and would require rezoning to take place in instances where there are multiple zoning districts.
- B. **Procedure** – This section establishes the requirements for applications, process for review, and process for appeals. It is formalizing a process that staff have used processed previous requests.
- C. **Recording** – This section requires that the applicant record the new property boundaries within a certain timeframe and requires that to be done before any permits can be issued (for lot line adjustments).

Name: Lot Combination/Adjustment Procedures

Date: March 17, 2022

Page: 2

Next Steps:

The next step would be for the Council to review and approve the ordinance at a regular City Council meeting. Ordinances amending the Subdivision policies in Cities do not require a public hearing or review by the Planning Commission.

Attachments:

Draft Code Sections

- Redlined version – Draft City Code Revisions

Existing Code Sections

- City Code Chapter 28 – Subdivision Ordinance ([link only](#))

ARTICLE II. - PLATTING PROCEDURE

DIVISION 1. - GENERALLY

Sec. 28-37. - Applicability.

All subdivisions are subject to platting requirements unless otherwise provided for in this article. Platting requires two sequential reviews and approvals by council. A preliminary plat is required for overall public infrastructure phasing and capital improvement planning, and a final plat is required for recording each phase or addition.

Sec. 28-38. – Lot Consolidation/Lot Line Adjustment.

(a) Qualification

- (1) Lot consolidation. Two or more parcels, whether recorded platted lots or not, must be consolidated into 1 parcel.
- (2) Lot line adjustment. A lot line may be adjusted by relocating a common boundary.
- (3) Rezoning. If the adjustment or combination would cause 1 of the parcels to have 2 different zoning classifications, the applicant must rezone the property to achieve a consistent zoning classification for the newly created parcel.
- (4) Easements. Any easements that become unnecessary as a result of the combination of parcels must be vacated. In addition, new easements must be established where appropriate.

(b) Procedure

- (1) An application for a Lot Consolidation and/or Lot Line Adjustment, signed by the applicant and property owner, shall be submitted to the City. The application shall be accompanied by the following:
 - a. A certificate of survey detailing the existing and proposed lot lines, any existing structures or improvements on the properties, and setbacks from the current and/or proposed lot lines.
 - b. The required fee as established by the City Council in the City Fee Schedule.
 - c. Other relevant information as may be required by the Zoning Administrator.
- (2) Following receipt of a complete application, City staff will review the application for conformance with the provisions of the Subdivision, Zoning, and other applicable City ordinances and policies.
- (3) Unless a request for additional review time is requested by the City, action on the application shall be made within 60 days.
- (4) The Decision of the Zoning Administrator to approve or deny a lot consolidation and/or lot line adjustment shall be processed according to the provisions of section 36-41 of the Zoning Ordinance.

(c) Recording

- (1) Deadline. The applicant shall record the appropriate documents in the Office of the Washington County Recorder within 120 days after the date of approval. If not recorded within the 120-day period, the approval shall be considered void.
- (2) Building permit. No building permits shall be issued for construction of any structure on any affected lots until the city has received evidence of the document(s) being recorded by the County Recorder.

Secs. 28-3~~8~~⁹--- 28-62. – Reserved

DRAFT