

**CITY OF TONKA BAY
ITEM NO. 4B**

RESOLUTION NO. 15-07

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR FOUR SINGLE FAMILY LOTS ON THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SUNRISE AVE. AND LAKEVIEW AVE. – PID 27.117.23.24.0010

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and

WHEREAS, Alan Chazin Homes (“Applicant” and “Property Owner”) submitted an application for a preliminary plat; and

WHEREAS, the Property Owner owns the property with PID 27.117.23.24.0010 (no address) which is legally described as follows:

LOT 4, AUDITOR’S SUBDIVISION NO. 243, Hennepin County, Minnesota, except that part lying Northwesterly of a line drawn from the most Easterly corner of Lot 23, I.C. Seeley and N.F. Griswold’s Amendment and First Addition to Minnetonka Lake Park to the most Easterly corner of Lot 27 said Amendment and First Addition.

WHEREAS, the Property Owners’ Property is located within the R-1B Shoreland zoning district; and

WHEREAS, the Applicants are requesting a preliminary plat to allow the above-described lot to be subdivided into four new lots; and

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated April 27, 2015 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and

WHEREAS, the City Council reviewed the requests on April 28, 2015, and held a public hearing, following the required notices and publication; and

WHEREAS, neighbors expressed concerns regarding runoff, wetlands and drainage in the area of the Applicant’s proposal; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the preliminary plat request to create four residential lots directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed preliminary plat for single-family lots is consistent with the City's Comprehensive Plan.
2. The proposed lots meet all dimensional requirements in the R-1B district, Shoreland Overlay.
3. The required drainage and utility easements are provided along each lot line.
4. The use of the property for single-family homes is a reasonable use of the property and is intended by the zoning district.
5. The preliminary plat request is in harmony with the general intent of the ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the preliminary plat to allow for the creation of four single family lots; as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested preliminary plat shall include the following conditions:

1. The Applicant shall submit a revised plat showing a front setback of 40 feet on the northeasterly lot line of Lot 1 (along Sunrise Ave.).
2. Each individual parcel shall meet the requirements of surface water treatment/ponding requirements under Section 1070.11 Impervious Surface Coverage and will be reviewed at the time of building application for the individual parcel.
3. The applicant shall identify an erosion and sediment control plan meeting the requirements of Section 7 Subd. E. Furthermore, the application will be required to identify provisions to protect the existing wetland in conformance with Section 1030 Subd. F. Such a plan needs to be submitted and approved prior to issuing a building permit for each individual parcel proposed
4. The applicant shall delineate the wetland on Lot 1 and include this area (and required 25 foot buffer) on the final plat.
5. The applicant shall provide a cash-in-lieu payment for park land dedication in the amount required by the City Council based on the criteria set forth in Section 8 of the Tonka Bay Subdivision Ordinance.
6. Prior to the final plat being delivered to the applicant, all fees shall be paid and a developer's agreement meeting the requirements of Section 9, Subd. A1 shall be submitted.
7. The applicant shall provide the required cash escrow, performance bond or letter of credit as required by Section 9, Subd. A2 of the Tonka Bay Subdivision Ordinance in a form approved by the City prior to approval of the final plat.
8. Monuments shall be installed on all lot corners and surveyor's certificates submitted as specified in Subd. B1-3 prior to the issuance of any building permits or certificates of occupancy on the property.
9. Building of structures shall not occur within any existing or proposed easements on the property.

10. The City Engineer will verify and approve ingress and egress areas for City access to the stormwater treatment areas/system prior to issuing a building permit.
11. The applicant shall submit a final plan within one hundred (100) days after approval of the preliminary plat.
12. The Applicant shall comply with all rules of the Minnehaha Creek Watershed District including but not limited to those rules addressing wetland protection, erosion control and stormwater management.
13. The Applicant shall comply with all rules of the Minnesota Department of Natural Resources including but not limited to Rule No. 6120.3500 Subp. 3.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 12th day of May, 2015.

Motion introduced by Clapp and seconded by Grothe.

Roll call vote:

Ayes –	Anderson, Clapp and Grothe
Nays –	None
Absent –	Ansari and De La Vega

Gerry De La Vega, Mayor

ATTEST:

Joseph Kohlmann, Clerk/Administrator