



CITY OF TONKA BAY MEMORANDUM

To: City Council Members
Lindy Crawford, City Administrator

From: Erin Perdu, AICP, City Planner
Justin Messner, City Engineer

Date: April 20, 2016
City Council Regular Meeting for April 26, 2016

WSB Project No. 01987-430

Request: **Request for final plat approval for the creation of three single family lots and one outlot from the property located at northwest corner of Sunrise Ave and Lakeview Ave, PID: 27.117.23.24.0010**

RECOMMENDATION

Each of the proposed lots meets the minimum standards set forth in the City of Tonka Bay zoning ordinance and therefore no variances are required. Staff believes that the applicant has met the Statutory and City Criteria for approving the preliminary plat. Staff has provided findings of fact for approval starting on page 4.

GENERAL INFORMATION

Applicant: Alan Chazin Homes

Owners: Alan Chazin

Location: Northwest corner of Sunrise and Lakeview Avenues

Existing Land Use / Zoning: Vacant/Undeveloped; zoned R1-B Single Family Residential with a Shoreland Overlay

Surrounding Land Use / Zoning:
 North: Single-Family Residential; zoned R1–B Single Family, Shoreland Overlay
 East: Single-Family Residential; zoned R1–B Single Family, Shoreland Overlay
 South: Single-Family Residential; zoned R1–A, Single Family and R-3 Medium Density Residential, Shoreland Overlay
 West: Single-Family Residential; zoned R-3 Medium Density Residential, Shoreland Overlay

Comprehensive Plan: The Tonka Bay 2009-2030 Comprehensive Plan guides this property for Single Family Residential land use of less than 2.9 dwelling units per acre.

Deadline for Agency Action:	Application Date:	03-29-16
	60 Days:	05-28-16
	Extension Letter Mailed:	N/A
	120 Days:	07-27-16

CONSIDERATIONS RELATING TO THE REQUEST

- 1. Overview.** The Applicant is seeking final plat approval based on the preliminary plat approval granted by the City Council on March 22, 2016. The Applicant is seeking to create three new single family lots and one outlot on the property at the northwest corner of Sunrise Ave and Lakeview Ave. No construction on the lots is proposed at this time.

Preliminary plat approval was granted with the following conditions:

1. 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.
2. Each individual parcel 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(s) need to be submitted and approved prior to issuing a building permit for each individual parcel proposed.
3. The applicant shall transfer ownership of Outlot A to the City of Tonka Bay after the completion of the stormwater improvements indicated on the approved plans.
4. 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.
5. 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.
6. 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.
7. Building of structures shall not occur within any existing or proposed easements on the property.
8. 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.
9. The applicant shall submit a final plan within one hundred (100) days after approval of the preliminary plat.
10. 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.
11. 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.

- 2. Ordinance Authority.**

Section 1030, Subdivision Ordinance, Section 1, Subd. C., requires that any plat shall be approved by the City Council of Tonka Bay as having fulfilled the requirements of the Subdivision Ordinance before being recorded or being of any validity.

Section 1030, Subdivision Ordinance, Section 7 Design Standards includes the criteria for review and approval of all subdivision requests.

3. **Information Required.** Section 6, Subd. C of Section 1030 Subdivision Ordinance includes all required information for submission of a final plat. Staff finds that all required information has been provided.

Section 7 Subd. E and Subd. F of Section 1030 Subdivision Ordinance includes design standards related to Erosion and Sediment Control and Protected Areas. Staff finds that information is not applicable but will be required at the time of building application of each individual parcel being proposed:

The applicant will be required to identify an erosion and sediment control plan and identify provisions to protect the existing wetland in conformance with Section 1030 Subd. E and Subd. F.

4. **Consistency of the Request with the Comprehensive Plan 2009-2030.** The Tonka Bay 2009-2030 Comprehensive Plan guides this property for Single Family Residential land use of less than 2.9 dwelling units per acre. The proposed subdivision is consistent with the Comprehensive Plan.
5. **Conformance to Design Standards.** As stated in the preliminary plat review, all lots proposed for this subdivision meet the required design standards in Section 1030, Section 7 (Design Standards) or will be required to do so at the time of building permit application. The proposed Outlot A does not meet minimum lot standards, but is proposed to be used for stormwater management purposes only. Criteria to be met at the time of building permit application include:
 - a. Each individual parcel will be subject to 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.
 - b. Each individual parcel will be required to satisfy the requirements of Section 6 Subd. B 4 I of Section 1030 Subdivision Ordinance as it relates to site grading and erosion control.

Parkland Dedication Requirements: During preliminary plat approval, it was agreed that the proposed Outlot A would be dedicated to the City in lieu of a parkland dedication fee. Stormwater improvements on this lot are to be installed by the developer prior to dedication to the City.

6. **Resident concerns:** A large number of neighborhood residents appeared at the public hearing for the preliminary plat expressing concerns about the potential for worsening flooding and drainage impacts as a result of the proposed subdivision. The City subsequently held an additional meeting with the neighborhood on April 11th to discuss drainage issues.
7. **Engineering Considerations:** As noted previously, the proposed plan satisfies the requirements of Section 6 Subd. B 4 I of Section 1030 Subdivision Ordinance as it relates to site grading and erosion control. The applicant has prepared an erosion and sediment control plan meeting the requirements of Section 7 Subd. E. Furthermore, the applicant has identified provisions to protect the existing wetland in conformance with Section 1030 Subd. F. The Minnehaha Creek Watershed District has reviewed, approved and issued a permit for the proposed erosion control and floodplain alternation.

8. **Development Agreement:** A development agreement reflecting the conditions in the adopted preliminary plat resolution and including standards for improvements and dedication of Outlot A to the City is included in Exhibit A.

POTENTIAL ACTION

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST and approving the proposed Development Agreement, based on the Applicant’s submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST based on the Applicant’s submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

The 60-day review period for this application expires on 05-28-16. If the Council fails to approve or disapprove the final plat within the review period, or submit a 60-day extension letter, the application is deemed approved.

RECOMMENDATION

Each of the proposed lots meets the minimum standards set forth in the City of Tonka Bay zoning ordinance and therefore no variances are required. Staff believes that the applicant has met the Statutory and City Criteria and therefore recommends **approval of** the final plat with conditions as outlined below.

Template Approval Motion: “I move that we direct staff to prepare a resolution of approval for the requested final plat based on the findings of fact listed in the report. Furthermore, the approval shall include the conditions listed within the staff report as may have been amended here tonight.”

- a. The proposed lots meet the required design standards for lots, easements, impervious surface coverage, erosion and sedimentation control, protected areas and parkland dedication.
- b. The proposed lots include the required basic improvements.

Recommended Conditions:

1. 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.
2. Each individual parcel 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(s) need to be submitted and approved prior to issuing a building permit for each individual parcel proposed.
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7. Building of structures shall not occur within any existing or proposed easements on the property.
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10. 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.