



## CITY OF TONKA BAY MEMORANDUM

**To:** City Council Members  
Lindy Crawford, City Administrator

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

**Date:** February 29, 2016  
City Council Regular Meeting for March 8, 2016

**WSB Project No.** 01987-430

**Request:** **Request for approval of a preliminary plat 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:	01-21-16
	60 Days:	03-21-16
	Extension Letter Mailed:	N/A
	120 Days:	05-20-16

## CONSIDERATIONS RELATING TO THE REQUEST

- 1. Overview.** 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.

Lots within the R1-B Shoreland Overlay Zoning District are required to meet the following minimum dimensional criteria:

- Lot Area: 15,000 square feet;
- Lot Width: 75 feet (per Shoreland Overlay requirements)

- 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. B of Section 1030 Subdivision Ordinance includes all required information for submission of a preliminary plat. Staff finds that all information has been provided with the following exceptions:

- Proposed Design Features (Sect. 3), the following information is not applicable:
  - Layout of proposed streets (none proposed)
  - Locations and widths of proposed alleys and pedestrian ways (none proposed)
  - Locations and size of proposed sewer lines and watermains (none proposed)
  - Areas intended to be dedicated for public use (none proposed)
- Supplementary Information (Sect. 4), the following information is not applicable: 
  - Proposed protective covenants (none proposed)
  - Proposed zoning plan (no changes proposed)
  - Sketch plan of remainder of property (subdivider does not own any adjacent property)
  - Logical plan for future re-subdivisions (lots cannot be further subdivided)
  - Financial statement: no large-scale development is proposed. Thus, staff does not find this statement necessary at this time. If Council wishes, this could be made a condition of preliminary plat approval.
- Supplementary Information (Sect. 4), the following 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 meeting the requirements as it relates to site grading and erosion control.

Section 7 Subd. E and Subd. F of Section 1030 Subdivision Ordinance includes all required information for submission of a preliminary plat. 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**

a. **Lots:** The property is located within the R1-B Single Family Residential Zoning District with a Shoreland Overlay. The proposed lots within the subdivision must adhere to the following dimensional standards:

Standard	Required in R1-B Shoreland Overlay Zoning District	Proposed
Lot Area (net)	15,000 SF	Lot 1: 21,768 sf. Lot 2: 27,774 sf. Lot 3: 22,698 sf.
Lot Width <sup>1</sup>	75 Feet	Lot 1: 107.1' Lot 2: 106.08' Lot 3: 128.21'

All residential lots as proposed meet all dimensional requirements of the R1-B Shoreland Overlay Zoning District. The proposed outlot does *not* meet these standards; however, this lot is proposed to be used for stormwater management and open space purposes and is not developable for residential use.

Lots 1 and 2 are proposed to front Sunrise Ave. while Lot 3 is proposed to front Lakeview Ave. The reversed frontage for Lot 3 is appropriate given the large wetland on the Sunrise Ave. side of that lot. Each lot on the plat shows the appropriate front setback (40 ft.) depending on the location of the front lot line on each lot.

The double frontage lots on the plat (Lots 2 and 3) contain the required additional 20 feet in depth to accommodate screen planting along the back lot line. **Criteria met**

b. **Easements:** The required drainage and utility easements are provided along each lot line. **Criteria met.**

c. **Impervious Surface Coverage:** 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. **Criteria to be met prior to final plat.**

d. **Erosion and Sediment Control:** An Erosion and sediment control plan meet the requirements of Section 7 Subd. E. and has identified provisions to protect the existing wetland in conformance with Section 1030 Subd. F. In addition the applicant has received an Erosion Control and

<sup>1</sup> Note: lot width is measured as the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line (or front setback line)

Floodplain Alteration permit from the Minnehaha Creek Watershed District. **Criteria met.**

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. **Criteria to be met at time of building application(s).**

- e. **Protected Areas:** The delineated wetland area on Lot 3 and Outlot A and the required 25' buffer surrounding it has been indicated on the preliminary plat. The net area of the parcel includes the subtraction of this wetland area. The dimensions of the proposed parcel leave ample buildable area to accommodate a single family dwelling. **Criteria met**
- f. **Park Land Dedication Requirements:** As presented, the plat does not include any land to be dedicated to the City for park land. Given the size of the proposed plat, staff suggests that a cash-in-lieu contribution is more appropriate. The City Council shall determine the amount of cash that should be contributed based upon the market value of the unimproved land according to the Hennepin County Property Tax Listing at the time of filing the final plat. **Criteria to be met prior to final plat.**

**6. Conformance to required basic improvements:**

- a. **General Provisions** 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. The subdivider shall also provide the required cash escrow, performance bond or letter of credit (Section 9, Subd. A2) in a form approved by the City prior to approval of the final plat. **Criteria to be met prior to final plat.**
- b. **Monuments:** 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. **Criteria to be met prior to final plat.**

**7. Resident concerns:** None reported to date.

**8. 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.

**POTENTIAL ACTION**

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST 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 120-day review period for this application expires on 05-20-16. If the Council fails to preliminarily approve or disapprove the plat within the review period, the application is deemed preliminarily 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 preliminary plat with conditions as outlined below.

Template Approval Motion: "I move that we direct staff to prepare a resolution of approval for the requested preliminary 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.
3. 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.
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.