

Tonka Bay City Council Agenda Item
Executive Summary

Title of Item: **PRELIMINARY PLAT:** Application from Alan Chazin of Alan Chazin homes for a preliminary plat for the creation of four single-family home lots within the shoreland area– R-1B zoning –PID: 27-117-23-24-0010

Report Date: **04-21-15**

Meeting Date: **04-28-15**

Staff/Guest Erin Perdu, AICP – City Planner
Reporting: Justin Messner, PE – City Engineer

Summary: | The Applicant is seeking to create four new single family lots on the property at the northwest corner of Sunrise Ave and Lakeview Ave. 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.

Recommendation: | 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 10.

City of Tonka Bay Planning Department
Preliminary Plat Report

To: **City Council**

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

Meeting Date: **04-28-15**

Applicant: Alan Chazin Homes

Owner: Alan Chazin

Location: **Northwest corner of Sunrise Ave. and Lakeview Ave.**

Zoning: **R-1B, Shoreland Overlay**

Introductory Information

<i>Proposed Project:</i>	The Applicant is seeking to create four new single family lots on the property at the northwest corner of Sunrise Ave and Lakeview Ave. No construction on the lots is proposed at this time.
<i>Variance Request(s):</i>	Each of the proposed lots meets the minimum standards of the R-1B Zoning District, Shoreland Overlay, therefore no variances are requested.
<i>Information Required:</i>	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: <ul style="list-style-type: none">▪ Proposed Design Features (Sect. 3), the following information is not applicable:<ul style="list-style-type: none">○ 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:<ul style="list-style-type: none">○ 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.

Findings

Site Data: Lot Size –89,936 square feet
 Existing Use – Vacant
 Existing Zoning – R-1B, Shoreland Overlay
 Property Identification Number (PID): 27-117-23-24-0010

Comp Plan Guidance:

- The comprehensive plan guides this property for single family use.
- The corresponding zoning assigned to this property (R-1B) allows for single family homes.

Lot Area and Lot Width Analysis:

- The lot area requirement in the R-1B District is 15,000 square feet. The proposed lots range in size from 19,038 sf. To 27,557 sf. net area. These areas are exclusive of wetlands on each proposed lot.
- The lot width requirement in the R-1B District is 75 feet. The lot widths of the proposed lots range from 75.6 feet to 101.2 feet as measured at the minimum required building setback line per City Code.

Application Review:

Applicable Code Definitions: Easement. A grant by an owner of land for a specific use by persons other than the owner.

Lot (of Record). A parcel of land, whether subdivided or otherwise

legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building, or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.

Lot Area. The total land area of a horizontal plane within the lot lines.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Lot, Double Frontage. An interior lot having frontage on two (2) streets.

Lot, Frontage. The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way. For lots abutting on two streets, the front shall be the boundary with the shortest length. For lakeshore lots, the boundary abutting the lakeshore shall be considered the front.

Lot, Width. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth at the minimum required building setback line. If no setback line is established, the distance between the side lot lines measured along the public right of way.

Setback. The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

Street Frontage. The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

Applicable Codes:

The proposed preliminary plat application will require City Council approval based on the following provisions of Section 1030 Subdivision Ordinance:

Section 7: Design Standards:

Subd. A (Blocks) – not applicable (no new streets are proposed)

Subd. B (Lots):

1. Area. The minimum lot area, width and depth shall not be less than that established by the Tonka Bay Zoning Ordinance in effect at the time of adoption of the final plat.
2. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.
3. Butt Lots. Butt lots shall be platted at least five (5) feet wider than the average interior lots in the block.

4. Side Lot Lines. Side lot lines shall be approximately at right angles to street lines or radial to curved street lines.
5. Frontage. Every lot as required in the Tonka Bay Zoning Ordinance must have the minimum frontage on a public street other than an alley. Lakeshore lots must have the minimum lot width on the rear lot line.
6. Setback Lines. Setback or building lines shall be shown on the preliminary plat for all lots intended for residential use and shall not be less than the setback required by the Tonka Bay Zoning Ordinance as may be amended.
7. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which if preserved will add attractiveness and stability to the proposed development.
8. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.
9. Political Boundaries. No singular plat shall extend over a political boundary.
10. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets, shall not be permitted except: where lots back on arterial streets or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
11. Turn Around Access. Where proposed residential lots abut a collector or arterial street, they should be platted in such a manner as to encourage turnaround access and egress on each lot.

Subd. C (Streets and Alleys) – not applicable (no new streets or alleys are proposed)

Subd D (Easements)

1. Width and location. An easement for utilities and drainage at least eight (8) feet wide shall be provided along each side and rear line of each lot, and an easement ten (10) feet wide shall be provided adjacent to street right-of-way. If necessary for the extension of water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
2. Continuous Utility Easement Locations. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.

Subd. E (Erosion and Sediment Control)

1. The development shall conform to the natural limitations

presented by topography and soil so as to create the least potential for soil erosion.

2. Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.
3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
4. When soil is exposed, the exposure shall be for the shortest feasible period of time as specified in the development agreement.
5. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. Topsoil shall be restored or provided to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
6. Natural vegetation shall be protected wherever practical.
7. Runoff water shall be diverted to a sedimentation basin before being allowed to enter the natural drainage system.

Subd. F (Protected Areas)

1. Where land proposed for subdivision is deemed environmentally sensitive by the City due to the existence of wetlands, drainageways, water courses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to insure against adverse environmental impact.
2. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign, easement, or dedication of those sensitive areas in the form of outlots.
3. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not require construction on slopes over eighteen (18) percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

Section 8: Park Land Dedication Requirements

Subd. A Dedication Required. Subdividers as a prerequisite to approval of a subdivision shall dedicate to the City of dedicate to the public use, for park or playground purposes, for public open space or trail systems a reasonable part of the land being subdivided or in lieu

thereof a cash equivalent. The form of contribution, cash or land, (or any combination shall be decided by the City.

Subd. B (Land Dedication) and Subd. C (Council Determines) – not applicable due to the size of the proposed subdivision

Subd. D Cash Contribution. When a cash contribution is made in lieu of a dedication of land, the City Council shall determine the amount of cash that should be so contributed, which determination shall be based upon the market value of the unimproved land. “Market Value” shall be determined according to the Hennepin County Property Tax Listing as of the time of filing the final plat.

Subd. E (Planned Parks), F (Park Dedication Not to be Used in Calculating Density), G (Private Open Space) – not applicable due to the size of the proposed subdivision and no private open space proposed.

Subd. H Separate Park Fund. The City shall maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for park or playground, public open space or trail purposes shall be deposited and shall make, from time to time, appropriations from such fund for acquisition of land for park and playground purposes, for developing existing park and playground sites, for public open space and trails, or for debt retirement in connection with land previously acquired for parks and playgrounds, which will benefit the residents of the City.

Subd. I Time of Payment or Contribution. The scheduling or dedication and/or cash payments shall be established in a development agreement between the City and subdivider.

Subd. J Amount to be Dedicated.

1. Reservation of Land. Where proposed park, playground, school site or other public site shown on an adopted plan or official map is embraced in part or in whole by a boundary of a proposed subdivision, and such public sites are not dedicated to the City or Board of Education, such public ground shall be shown as reserved land on the preliminary plat to allow the City/State Agency or the Board of Education the opportunity to consider and take action toward acquisition of such public ground or park or school site by purchase or other means, prior to approval of the final plat.
2. Dedication of Land. Pursuant to Minnesota Statutes as now in existence or hereinafter amended, the City shall require all subdividers/developers requesting platting or replatting of land in the City, to dedicate a percentage of the gross area of all property

subdivided to be dedicated for parks, playgrounds, public open space or linear park and trail systems, or to contribute an equivalent amount of cash based upon the conditions outlined below. Form of contribution, i.e., cash, land or any combination thereof, shall be decided by the City based upon need and conformance with approved City plans. In such cases where the developer is required to dedicate land area, the City shall have the right to determine the geographic location and configuration of such dedication.

- a. Schedule for Dedication of Public Land in All Areas Zoned Residential. All areas zoned residential subdivisions, ten (10) percent of the undeveloped land proposed to be subdivided or such lesser percentage as the City shall determine to be specifically and uniquely attributable to the proposed development or an equivalent amount in cash based upon the fair market value of the undeveloped land as determined by the City at the time of the final plat approval or any combination thereof.
- b. Commercial, Industrial or Other Non-Residential Subdivisions. Seven (7) percent of the undeveloped land proposed to be subdivided or an equivalent amount of cash based upon fair market value of the undeveloped land as determined by the City at the time of the final plat approval or any combination thereof.
- c. The percentage set forth in paragraphs a. and b. shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. No area may be dedicated as parks, playgrounds or public lands until such areas have been approved for the purpose to which they are to be dedicated.
- d. Cash in Lieu of Land. All monies collected from cash contributions shall be placed in a special fund to be spent only on those public uses as allowed by Minnesota Statutes.
- e. Delayed Dedication Payment. Upon petition by the Developer, the Council may approve a delay in the actual dedication of the cash required in lieu of land until such time the development occurs on the property being platted, provided that a proper legal agreement is executed guaranteeing such dedication. Delayed dedication payment shall include eight (8) percent interest per year.

Section 9: Required Basic Improvements,

Subd. A (General Provisions),

1. Before a final plat is delivered by the City to the subdivider, the subdivider of the land covered by said plat shall pay all applicable fees and execute and submit to the City Council a developer's agreement which shall be binding on his or their heirs, personal representatives and assigns, a part of which agreement shall be set

forth that the subdivider will cause no private construction to be made on the lands within said plat, nor shall the subdivider file or cause to be filed any application for building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner and conforming to the requirements as set forth herein.

2. Prior to the delivery of the approved final plat, the subdivider shall deposit with the City Treasurer an amount equal to a minimum of one hundred twenty-five (125) percent of the City engineer's estimated cost of the required improvements within the plat, either in a cash escrow fund performance and indemnity bond, or letter of credit. The surety involved in said financial guarantees shall be approved by the City. The said cash escrow letter of credit or performance and indemnity bond shall be conditioned upon:
 - a. The making and installing of all of the improvements required by the terms and conditions set forth by the City within one (1) year.
 - b. Satisfactory completion of the work and payment therefore, which work was undertaken by the subdivider in accordance with the developer's agreement referred to above.
 - c. The payment by the subdivider to the City of all expenses incurred by the City, which expenses shall include but not be limited to expenses for engineering, fiscal, legal, construction and administration. In instances where a cash escrow is submitted in lieu of a letter of credit or performance and indemnity bond, there shall be a cash escrow agreement which shall be provided that in the event the required improvements are not completed within one (1) year, all amounts held under the cash escrow agreement shall be automatically turned over and delivered to the City and applied by the City to the cost of completing the required improvements. If the funds available within said cash escrow agreement are not sufficient to complete the required improvements, the necessary additional cost to the City shall be assessed against the subdivision. Any balance remaining in the cash escrow fund after such improvements have been made and all expenses therefore have been paid, shall be returned to the subdivider. In instances where a letter of credit is issued in lieu of a cash escrow or performance and indemnity bond is used in lieu of a cash escrow or letter of credit, the said bond shall be in a form acceptable to the City and shall comply with all requirements as set forth in Minnesota Statutes as amended, which Statutes relate to

Surety Bonds.

3. No final plat shall be approved by the Council without first receiving a report signed by the City Engineer and the City Attorney certifying that the improvements described therein together with the agreements and documents required under this Section of the Ordinance, meet the requirements of the City. The City Treasurer shall also certify that all fees required to be paid to the City in connection with the plat have been paid.
4. The City of Tonka Bay shall where appropriate require of a subdivider submission of a Warranty/Maintenance Bond in the amount equal to the original cost of the improvements or such less amount determined by the City Council, which shall be in force for one year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements.
5. Reproducible “as-built drawings” as required by the City Engineer shall be furnished to the City by the subdivider of all required improvements. Such “as-built drawings” shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.
6. All of the required improvements to be installed under the provisions of this Ordinance shall be approved by and subject to the inspection of the City Engineer. All of the City’s expenses incurred as the result of the required improvements shall be paid either directly, indirectly or by reimbursement to the City by the subdivider.

Subd. B (Monuments)

1. Monuments of a permanent character as required by Section 505.02 of Minnesota Statutes as now in existence or hereinafter amended, shall be placed at each corner or angle on the outside boundary of the final plat. The boundary line of the property to be included with the plat is to be fully dimensioned.
2. Pipes or steel rods shall be placed at each lot corner. All United States, State, County or other official benchmarks, monuments, or triangulations in or adjacent to the property, shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
3. To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation will be required. Proof of the second monumentation shall be in the form of a surveyor’s certificate and this requirement shall

additionally be a condition of certificate of occupancy as provided for in the Tonka Bay Zoning Ordinance as may be amended.

Subd. C (Minimum Street Improvements), D (Tree Planting), not applicable (no new streets or tree planting proposed), E (Sanitary Sewer and Water Distribution Improvements), F (Public Utilities) and Subd. G (Election by City to Install Improvements) are not applicable to this application (no new streets, tree plantings or utilities are proposed).

***Preliminary Plat
Criteria Review
(findings of fact):***

Staff's analysis of the preliminary plat application under the review criteria set forth in the City of Tonka Bay Subdivision Ordinance is as follows:

A. Design Standards

1. *Lots:* All four of the proposed lots meet the minimum dimensional requirements (area, width and depth) of the R-1B district, Shoreland overlay.

Each lot on the plat shows the appropriate setback, except for the northeasterly lot line of Lot 1 (along Sunrise Ave.) should be shown as a front setback of 40 feet. There is ample area for the building envelope on the lot to accommodate this additional setback. This setback should be corrected on the final plat

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 to be met prior to final plat.**

2. *Easements:* The required drainage and utility easements are provided along each lot line. **Criteria met.**
3. *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.
4. *Erosion and Sediment Control:* 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. The applicant will be required to identify an erosion and sediment control plan meeting the requirements of Section 7 Subd. E. Furthermore, the applicant will be required to identify provisions to protect the existing wetland in conformance

with Section 1030 Subd. F.

5. *Protected Areas:* A wetland area on Lot 1 and the required 25' buffer surrounding it has been indicated on the preliminary plat. This wetland must be delineated prior to final plat approval so that the City can confirm the buildability of this lot. **Criteria to be met prior to final plat.**
6. *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.**

B. Required Basic Improvements:

1. *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.**

2. *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.**

Resident Concerns:

- Staff is not aware of any concerns raised to this date.

Engineering Reports:

As noted previously, currently no provisions have been proposed 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. The applicant will be required to 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.

Conclusion

Council Options:

The City Council has the following options:

- 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 07-17-15. If the Council fails to preliminarily approve or disapprove the plat within the review period, the application is deemed preliminarily approved.

Template Approval Motion:
(Recommended)

"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."

Template Denial Motion:
(Not recommended)

"I move that we direct staff to prepare a resolution of denial for the requested preliminary plat based on the following findings of fact:"

- *(provide findings to support your conclusion)*

Recommended 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.

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