



**PLANNING COMMISSION AGENDA
MONDAY, SEPTEMBER 23, 2019
7:00 P.M.**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes – August 26, 2019
5. Public Hearing – Subdivision Ordinance Amendments
6. Other
7. Adjourn

CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
 - a. Those wishing to comment are asked to limit their comments to 3 minutes
 - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
 - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.



Memorandum

To: Chair Hansen and Members of the Planning Commission

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: September 18, 2019

Subject: Subdivision ordinance amendments

Attached are two amendments to the City's subdivision code. A public hearing has been scheduled to review the amendments prior to a recommendation to the City Council.

The first amendment amends sections 152.015 and 152.017 of the Subdivision Ordinance. These amendments require the subdivider to submit the preliminary plat of his/her proposed subdivision to the applicable Watershed District for review and approval, stating that final plat approval will not be granted until evidence of Watershed District approval is provided. In addition, the subdivider must provide a copy of the Watershed District approval to the City with their final plat application.

This particular ordinance amendment is in response to comments the City received from the Watershed Districts after reviewing the City's Local Surface Water Management Plan.

The second amendment creates an administrative subdivision process that allows a property owner to subdivide a parcel from one to two lots or to combine two lots into one lot. The resulting lots must comply with all of the terms of the subdivision and zoning ordinances.

The platting process is expensive and this process provides a less expensive way for these types of subdivisions and lot combinations to happen rather than through the formal platting process. While these aren't frequent, these types of requests do come up from time to time. This ordinance will provide the City with the flexibility to address them as needed.

Staff recommends approval of the draft ordinances. If you have any questions, please don't hesitate to contact me at 763-784-6491.

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 152 OF THE SPRING LAKE PARK CODE OF
ORDINANCE RELATING TO SUBDIVISIONS

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Section 152.015 of the Spring Lake Park Code of Ordinance shall hereby be amended as follows:

§ 152.015 PRELIMINARY PLAT; PROCEDURES.

(A) Prior to the preparation of a preliminary plat the subdivider should meet with the Zoning Administrator and the City Engineer regarding city plans for the thoroughfares, parks, utilities, and the like, in the area being subdivided.

(B) The subdivider shall have a preliminary plat prepared on the basis of the city plans, and of the design standards and data required by this chapter.

(C) The subdivider shall then submit to the Zoning Administrator ten copies of a preliminary plat of his/her proposed subdivision, the requirements of which are set forth in this chapter. They shall be filed at least 30 days prior to a regularly scheduled Planning Commission meeting and shall be accompanied by the fees set forth in the fee schedule, as may be amended from time to time. An electronic copy of the preliminary plat, in a format specified by the Zoning Administrator, shall also be submitted.

(D) The subdivider shall submit the preliminary plat of his/her proposed subdivision to the applicable Watershed District(s) for review and approval. Final plat approval will not be granted until evidence of Watershed District approval is provided.

~~(DE)~~ *Notice procedure.* Notice of the public hearing at which the Planning Commission will consider the preliminary plat shall be made by the Zoning Administrator pursuant to M.S. § 462.358, Subd. 3b, as it may be amended from time to time. The owner or subdivider shall also be notified as to the time and place of the public hearing. As required by M.S. § 505.03, as it may be amended from time to time, at least 30 days prior to taking final action on a preliminary plat, the proposed preliminary plat must be presented by the Administrative Officer to the Commissioner of Transportation for review if the plat includes or borders on a trunk highway or state rail bank property. Within five days after receiving a preliminary plat that includes or borders on an existing or proposed county road or state rail bank property, the Administrative Officer must submit it to the County Engineer for review. The Commissioner of Transportation and the County Engineer must report to the city within 30 days with any comments and recommendations they may have. No preliminary plat may be approved by the city until these comments and recommendations are received and considered. Within ten days after approval of the preliminary plat, notice must be sent to the Commissioner and the County Board explaining how their comments and recommendations have been met.

~~(EF)~~ *Public hearing.* At the public hearing set for consideration of the preliminary plat, the Planning Commission shall consider comments to the notice of plat and it shall also review the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, the compatibility with the city Comprehensive Plan and overall city planning.

(~~FG~~) Planning Commission action. At the conclusion of the public hearing set forth in the preceding division, the Planning Commission shall either recommend approval, conditional approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration. The Planning Commission shall not recommend approval of a preliminary plat unless the presentation requirements set forth in § 152.016 have all been met. No lot on the preliminary plat shall be recommended for approval if, in the opinion of the Planning Commission, a lot does not have dedicated road access, or an adequate building site, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the City Council.

(~~GH~~) *City Council action.* The City Council shall consider the Planning Commission's action, if the city has a Planning Commission, at their next regularly scheduled meeting, and shall either approve, approve with conditions, deny or table for future consideration the application. As required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, the Council must either approve or deny the application for a preliminary plat within 120 days after the application has been submitted, unless an extension of time has been agreed to in writing by the subdivider. The 120-day period does not begin to run until the application contains all of the information required by § 152.016. Failure to comply with the time limits for approval in M.S. § 462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of a preliminary plat. The Council shall not approve a preliminary plat unless the presentation requirements set forth in § 152.016 have all been met. No lot on the preliminary plat shall be approved if, in the opinion of the Council, a lot does not have dedicated road access, an adequate building site, or sufficient area for an on-site individual sewage treatment system in areas where public services are not available, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Council shall be stated in writing, setting forth the conditions of approval, reasons for approval or the reasons for denial. Approval shall mean the acceptance of the design as a basis for preparation of the final plat, and the submission of such final plat for approval. Approval by the City Council of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electric service, road gradients and widths and the surface of roads is required prior to the approval of the final plat. The Council may, after notifying the subdivider, employ qualified persons to check and verify each proposal, the costs of such services shall be paid by the subdivider.

Section 2. Section 152.017 of the Spring Lake Park Code of Ordinance shall hereby be amended as follows:

§ 152.017 FINAL PLAT; PROCEDURES.

(A) The owner or subdivider shall file with the Zoning Administrator within one year of the date of approval of the preliminary plat the final plat which shall substantially conform to the preliminary plat as approved and all applicable city regulations and ordinances, state and federal rules, regulations and laws. Final plat approval shall not be granted to any plat which is not filed within the time herein specified, unless an extension is requested in writing and for good cause, granted by the City Council. The final plat shall be presented to the City Council at a scheduled meeting which is at least two weeks after the date of filing with the Zoning Administrator.

(B) The owner or subdivider shall submit the following:

(1) Ten copies of the final plat. This final plat shall incorporate all changes required by the Council. Otherwise it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time. Lots which have

received preliminary approval but are not included on the final plat must be considered as a new subdivision; ~~and~~

(2) An up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require showing title or control in the applicant; ~~and~~

(3) A copy of the permit approval from the applicable Watershed District(s). If a permit is not required by the Watershed District, the owner or subdivider shall provide a letter from the applicable Watershed District(s) stating that no permit is required.

(C) The Zoning Administrator, City Engineer and City Attorney shall check the final plat to see that it is in substantial conformity with the preliminary plat as approved by the City Council at that it meets all applicable city regulations and ordinances, state and federal rules, regulations and laws.

(D) *City Council action.* Final plat approval shall not be granted unless all presentation requirements of § 152.018 have been met and the plat conforms to all applicable city regulations and ordinances, state and federal rules, regulations and laws. The City Council shall approve, deny or table the final plat, and the Clerk shall notify the owner or subdivider of the Board's actions within 60 days of the submittal of the final plat, as required by M.S. § 462.358, Subd. 3b, as it may be amended from time to time, unless an extension of time has been agreed to in writing by the subdivider. Failure to meet the time limit requirements of M.S. § 462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of the final plat. The final plat, if approved, shall then be recorded with the County Recorder by the subdivider. If any irregularity prevents recording of the final plat, the County Auditor shall notify the owner or subdivider. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder within 90 days after the date of approval unless application for an extension of time is made, in writing, during said 90-day period, to the City Council and for good cause granted by the Council

Section 3. This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of October 2019.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 152 OF THE SPRING LAKE PARK CITY
CODE RELATING TO SUBDIVISIONS**

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Chapter 152.005 of the Spring Lake Park City Code shall be amended as follows

SUBDIVISION, ADMINISTRATIVE. A subdivision which results in two (2) or fewer parcels, tracts or lots from one (1) or two (2) existing parcels, tracts or lots.

Section 2. Chapter 152 of the Spring Lake Park City Code shall be amended to add the following sections.

Section 1. ADMINISTRATIVE SUBDIVISIONS; QUALIFICATION

The following shall be considered an administrative subdivision:

- (A) *Lot Boundary Line Adjustment.* Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots. Newly created lots shall conform to the design and performance standards of Chapter 152 and Chapter 153 of the City Code.
- (B) *Lot Split.* The simple division of a single parcel, tract or lot to create no more than two (2) lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with Chapter 152 and Chapter 153 of the City Code.
- (C) *Base Lot Subdivision.* In the case of a request to divide a base lot upon which a two-family dwelling or a townhouse, which is part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of Chapter 152 and Chapter 153 of the City Code.

Section 2. INFORMATION REQUIRED FOR ADMINISTRATIVE SUBDIVISIONS

Whenever any subdivision or land as outlined in Section 1 is proposed, the owner or subdivider shall file an application and secure approval of an administrative subdivision.

The administrative subdivision application shall be considered to be officially filed when the Zoning Administrator has received the application and has determined that the application is complete. The administrative subdivision application will not be deemed complete without evidence of permit approval from the applicable watershed district(s). Administrative subdivisions shall consist of maps and accompanying written documents. The subdivider shall submit one (1) large scale copy, five (5) reduced scale copies (11 inches by 17 inches) and one digital copy in a format accepted by the City with a resolution of 300dpi or greater to include the following information:

- (A) Certificate of survey prepared by a licensed land surveyor, identifying the following:
 - (1) Scale (engineering only) one (1) inch equals one hundred (100) feet.
 - (2) Name and address, including telephone number, of legal owner and/or agent of property.

- (3) North point indication
- (4) Existing boundaries of parcel to be platted with dimensions and area and proposed new property lines with dimensions noted.
- (5) Existing legal description/proposed legal description of new lots.
- (6) Easements of record.
- (7) Delineated wetland boundary, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters, 100 year flood elevations.
- (8) All encroachments, easements or rights-of-way encumbering the property.
- (9) Existing buildings, structures and improvements within the parcel to be platted and those one hundred (100) feet outside the boundaries of the subject parcel.
- (10) Locations, widths and names of all public streets or rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.
- (11) Proposed driveway locations and locations of existing driveways on the same side of the road.
- (12) Location of any existing abandoned wells, drainageways, waterways, water courses, lakes and wetlands.

Section 3. FILING AND REVIEW OF APPLICATION

- (A) The owner or subdivider shall file an administrative subdivision application will all required information and accompanying fee, as set forth in the City's fee schedule.
- (B) Upon receipt of an application, the Zoning Administrator shall refer copies of the complete administrative subdivision application to City staff and consultants for review and the preparation of a report.
- (C) The Zoning Administrator shall have the authority to request additional information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- (D) *Decision.* The Zoning Administrator shall reach a decision on the requested administrative subdivision within one hundred twenty (120) days of complete application, unless the applicant agrees to an extension of the review period.
 - (1) The Zoning Administrator may approve the administrative subdivision with conditions that must be met to insure the administrative subdivision is compliant with the regulations set forth in Chapters 152 and 153 of the City Code, as may be amended, and other applicable requirements.
 - (2) The Zoning Administrator shall prepare findings and deny a subdivision if the administrative subdivision fails to comply with regulations of Chapter 152 and Chapter 153 of the City Code, as may be amended, or other applicable requirements
- (E) *Decision Appeal.* The owner or subdivider may appeal an administrative subdivision denial to the City Council. The appeal must be filed within 30 days following the decision of the Zoning Administrator.

Section 4. RECORDING

If the administrative subdivision is approved by the Zoning Administrator, the administrative subdivision shall then be recorded with the County Recorder by the subdivider. If any irregularity prevents recording of the administrative subdivision, the County Recorder shall notify

the owner or subdivider. The administrative subdivision shall be null and void if it is not recorded with the County Recorder within 90 days after the date of approval.

Section 3. Effective Date. This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of _____, 2019.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk

