

## STAFF REPORT

**Application:** Final plat application for a subdivision and conversion of a resort to a Residential Planned Unit Development (PUD).

**Applicant:** Ken Moe, Captain's Resort LLC/Moe & Gerdes Properties, LLC

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### Background Information:

) **Proposal:** The application is for final plat approval of a preliminary plat/conditional use permit application that was approved at the April 12 meeting of the City Council. The conditions of the preliminary plat approval were:

1. All areas, as noted on the survey from Stoeckel-Jahner surveying (File Number 2686) dated 1-17-2017, marked for conversion from gravel/pavement to green space shall be converted to pervious green space prior to final plat approval.
2. A fence shall be installed consistent with city requirements in the area as noted on the above-mentioned survey that is sufficient to block cars from passing between the PUD property and the adjacent bar/restaurant property. A gate may be installed within this fence to allow for passage of emergency service vehicles or other occasional use.
3. Each of the four units shall be allowed one dock. There shall be a maximum of 2 slips allowed per dwelling unit on their respective dock. The fence shall be installed prior to final plat approval.
4. Check valves shall be installed on the sewer lines serving each individual dwelling unit to prevent backflow of sewage into the units. These shall be installed prior to final plat approval.
5. The City of Glenwood shall approve the Planned Unit Development in relation to its impact on the agreement for sewage treatment with the City of Long Beach.
6. The applicant shall have no more than 120 days from the date of final plat approval to apply for a building permit to reconstruct a dwelling unit on Lot 6. After this date, the use of the lot for a dwelling unit shall be considered abandoned and not buildable without a variance.

) **Location:**

- o Property address: 23597 N LAKESHORE DRIVE
- o Sec/Twp/Range: 11-125-38
- o Parcel number(s): 24-0280-000, 24-0281-000, 24-0282-000

) **Zoning:** RC - Residential & Commercial Transition District

) **Lake Designation:** General Development (Lake Minnewaska)

) **Parcel size:** Approximately 1.2 acre

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### Applicable Statutes/Ordinances:

**City of Long Beach Subdivision Ordinance**

2.02 DEFINITIONS

FINAL APPROVAL: Approval of the final plat by the City Council, as indicated by certification of the plat by the Mayor of the City, constitutes authorization to record a plat.

FINAL PLAT: A drawing or map of a subdivision, meeting all of the requirements of the City and in such form as required by county for the purpose of recording.

3.05 FINAL PLAT CONTENTS.

The owner or subdivider shall submit a final plat, final grading plan, final erosion control plan and final utility plan, together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and Pope County surveyor's plat review regulations, and such final plat shall contain the following information.

A. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing platted subdivisions within Pope County. Proposed names must be verified with the County recorder.

B. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure of any portion of a final plat shall be one foot (1') in seven thousand five hundred feet (7,500').

C. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.

D. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

E. Lots and outlots shall be numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block.

F. The exact locations, widths and names of all streets to be dedicated.

G. Location and width of all easements to be dedicated.

H. Name and address of land surveyor making the plat.

I. Scale of the plat shall be 10, 20, 30, 40, 50, 60 or 100 scale with the scale shown graphically on a bar scale along with the date and north arrow.

J. Statement dedicating all easements as follows. "Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the designated areas marked 'drainage and utility easements'."

K. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows. "Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated."

L. The final grading plan, final erosion control plan and the final utility plan must be prepared in accordance with the current City specifications.

M. A title report prepared by a title company indicating owners and encumbrances on the property and a statement as to which parts of the property are registered (torrens).

N. Construction cost estimates for all required basic improvements.

O. A drawing listing the following information shall be provided with the final plat.

1. Total acreage per lot and block.
2. Gross acres.
3. Net developable acres.
4. Comprehensive plan land use designation.
5. Existing and/or proposed zoning.
6. Gross unit density.
7. Net unit density.
8. Acres of right of way.
9. Acres of wetland.
10. Acreage of each outlot.

P. Other data. Such other information that may be required by the City at the time of final plat approval or shortly thereafter, including, but not limited to.

1. Financial guarantee of cash escrow or letter of credit.

2. A certified mylar copy of the plat evidencing filing of the plat with the County within sixty (60) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by County.

3. Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the City.

4. Deed restrictions and protective covenants which involve a matter of public concern.

5. Permits and plans required by County, MnDOT, Minnesota Pollution Control Agency, Minnesota Department of Health, DNR, etc.

7. Upon adoption and filing of a final plat, the City shall prepare a street address map and distribute it to all required parties.

8. A disk of the recorded plat in ArcView, AutoCadd or other approved digital format for inclusion in the City's base map.

3.06 CERTIFICATION REQUIRED.

A. Certification by registered surveyor in the form required by Minnesota statutes section 505.03, as amended.

B. The names and signatures required by Minnesota statutes section 505.021, as amended, shall appear on the plat.

C. Space for certificates of approval and review to be filled in by the signatures of the mayor and city clerk.

The form of approval of the City Council is as follows:

This day of \_\_\_\_\_, 20 .

Signed:

Mayor

Attest:

City Clerk

3.07 FINAL PLAT PROCESS.

Pursuant to Minnesota statutes 462.358 subdivision 3b, an application for a final plat shall be approved or denied within sixty (60) days from the date of its official and complete submission unless a time waiver is granted by the applicant. Additional City requirements are as follows.

A. Review. After the preliminary plat has been approved, the final plat shall be submitted for review as set forth in the subsections which follow. Such application shall be accompanied by ten (10) large-scale (22" x 34") copies and one (1) reduced scale (8 1/2" x 11") copy of the final plat and related plans. The City may agree to review the preliminary and final plats simultaneously.

Request for final plat approval, as provided within this Subdivision Ordinance, shall be filed with the City on an official application form. Unless modified by the City Council, such application shall be accompanied by a fee as provided for by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the City shall notify the applicant, in writing, within ten (10) days of the date of submission.

B. Recommendation.

1. Five (5) copies of the final plat including all information shall be submitted to the City.

2. The City shall examine the final plat and refer the final plat to the Planning Commission for review. The Planning Commission shall prepare a recommendation as to approval, disapproval or any delay in decision of the final plat, which recommendation shall be conveyed to the subdivider prior to review by the City council.

C. Approval of The City Council.

1. The final plat, together with the recommendations of the Planning Commission and other jurisdictions, shall be submitted to the City Council for approval.

2. If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication and other requirements as indicated by the City Council.

4. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the City Council and reported to the person or persons applying for such approval within ten (10) days of the City Council's action.

D. Special Assessments. When any existing special assessments which have been levied against the property described, they shall be divided and allocated to the respective lots in the proposed plat, the City shall estimate the clerical cost of preparing a revised assessment roll, filing the same with the county auditor, and making such division and allocation, and upon approval by the City Council of such cost, the same shall be paid to the City before the final plat approval.

E. Recording Final Plat. If the final plat is approved by the City Council, the subdivider shall record it with the county recorder within one hundred (100) days after said approval or approval of the final plat shall be considered void, unless a request for time extension is submitted in writing and approved by the City Council. The subdivider shall, immediately upon recording, furnish the City with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be let for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by the county.

F. Recording Final Plats Of Multi-phased Plats: If a preliminary plat is final platted in stages unless otherwise provided in the development contract, all stages must be final platted into lots and blocks, not outlots, within two (2) years after the preliminary plat has been approved by the City Council or the preliminary plat of all phases not so final platted within the two (2) year period shall be void.

4.10 EASEMENTS.

All easements shall be dedicated by appropriate language on the final plat as required by law or by easement document that is recorded with the Pope County recorder and by the provisions of this subdivision ordinance.

A. Drainage and Utility Easements. An easement for drainage and utilities at least ten feet (10') wide along front and rear lot lines and five feet (5') wide along all abutting side lot lines shall be provided. An easement for drainage and utilities not less than ten feet (10') wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. When it is not practical to center easements, the fully required easement width may be required within one property. Said easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the City Council pursuant to established City Code procedures, as may be amended.

B. Continuous Easement Locations. Drainage and 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.

C. Drainage. Drainage and utility easements shall be provided along each side of the centerline of any natural watercourse lake, pond, stream, wetland or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff as necessary.

Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than ten (10) feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is less. All drainage easements shall be so identified on the plat and shall be graded, sodded or left in its natural state if no disturbance is required in accordance with the Subdivision Ordinance requirements, prior to the issuance of building permits for the site.

D. Sight. Sight easements beyond required zoning setback regulations may be required by the City, County, or MN/DOT to protect major intersections on the street and highway system.

E. Trail/Pedestrian Way Easement. In addition to other open space, dedication of easements to provide connections to public trails will be required where determined by the City Council, if the trail or pedestrian way is not located in a right-of-way. Where deemed essential to provide circulation, or access to schools, playgrounds, and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet may be required.

F. Outlot Alternative. The City may at its discretion choose to require outlots rather than drainage and utility easements for wetlands, drainage areas and other natural features.

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**Staff Findings:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

1. The applicant has indicated that the conditions of the preliminary plat approval will be met by the May 10 City Council meeting date (specifically those that must be done prior to final plat approval, as follows):

- a) All areas, as noted on the survey from Stoeckel-Jahner surveying (File Number 2686) dated 1-17-2017, marked for conversion from gravel/pavement to green space shall be converted to pervious green space prior to final plat approval.
  - b) A fence shall be installed consistent with city requirements in the area as noted on the above-mentioned survey that is sufficient to block cars from passing between the PUD property and the adjacent bar/restaurant property. A gate may be installed within this fence to allow for passage of emergency service vehicles or other occasional use.
  - c) Check valves shall be installed on the sewer lines serving each individual dwelling unit to prevent backflow of sewage into the units. These shall be installed prior to final plat approval.
2. The City of Glenwood has approved the Planned Unit Development in relation to its impact on the agreement for sewage treatment with the City of Long Beach.
  3. The applicant has a title opinion for the property that was prepared in 2014. The ordinance requires a "current" title opinion but does not further define what is meant by "current".
  4. The plat does not currently show any drainage or utility easements. These should be shown as required in the ordinance or separate easement documents should be recorded.
  5. The applicant is requesting "preliminary" approval of the final plat in the sense that the City would authorize the City Clerk and Mayor to sign the mylar copies of the final plat once they are created - rather than waiting until the next regular City Council meeting. All other signatures of the final plat, including that of the County Surveyor, County Auditor, owners of the property, banks holding mortgages, etc. would be required before the document could be recorded and lots could be sold.

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**Planning Commission/City Council Direction:** The Planning Commission/City Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

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**Staff Recommendation:** Staff recommends approval of the final plat, provided that the conditions of preliminary plat approval, as noted above, are met by May 10, 2017. Also, the drainage/utility easements should either be shown or recorded as separate easement documents. Staff would recommend that the mayor/clerk of the City only sign the mylars once they have been signed by the property owner(s) and the banks holding mortgages.