

*The City of Howard Lake strives to build upon its good neighbor traditions –
A welcoming community for all, supported by vibrant and engaged businesses and community organizations, involved
citizens, and diverse amenities that provide a well-rounded quality of life.*

Howard Lake Library
TENTATIVE AGENDA
March 12, 2025 – 6:00 pm

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Any additions, deletions, modifications to the agenda will be done at this time.

C. CONSIDER APPROVAL OF MINUTES

- a. [Consider Approval of Parks and Planning Minutes from the meeting on February 12, 2025.](#)

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

- a. Public Hearing for Short Term Rental Application [Open from February Meeting]
 - 5536 County Road 6 SW
 - 5540 County Road 6 SW
- b. [Public Hearing Comprehensive Plan & Zoning Amendment/Conditional Use Permit – Assembly Uses in Downtown District / CUP for Gene Yocum](#)

E. NEW BUSINESS

- a. [Consider Recommendation to Approve/Deny Short Term Rental Applications.](#)
- b. [Approve Amendments allowing Assembly Uses in the Downtown District / Conditional Use Permit for Gene Yocum.](#)
- c.

A.

- a. [Consider Concept Plan for Lake Golf Estates III.](#)

F. OLD BUSINESS

G. ADJOURN



CITY OF HOWARD LAKE

625 8TH Avenue - PO Box 736 - Howard Lake, MN 55349
Phone: 320-543-3670 | cityadmin@howard-lake.mn.us | www.howard-lake.mn.us

HOWARD LAKE PARKS AND PLANNING COMMISSION
Howard Lake Library Community Room
817 8th Ave
February 12, 2025 – 6:00 pm

MEETING MINUTES

MEMBERS PRESENT

April Debner
Molly Hibbard
Jason Deiter
Gene Gilbert
Vern Kleve
Neil Weber

MEMEBERS ABSENT

Barb Guenigsman

OTHERS PRESENT

Nick Haggemiller, City Administrator
Meagan Theisen, Assistant City Administrator

A. CALL TO ORDER

Chair Debner called the meeting to order at 6:00 pm.

B. APPROVAL OF AGENDA

The agenda was approved as presented. Commissioner Kleve moved to approve the agenda. The motion was seconded by Commissioner Hibbard and passed unanimously.

C. APPROVAL OF MEETING MINUTES

Commissioner Kleve moved to approve the Minutes from the Parks and Planning Meeting on January 15, 2025. The motion was seconded by Commissioner Deiter and passed unanimously.

D. PRESENTATIONS, PUBLIC HEARINGS & RELATED APPROVALS

- a. **Public Hearing for Short Term Rental Application at 5536 & 5540 County Road 6 SW**
Parks and Planning Chair, Debner, reviewed the guidelines for a public hearing. Debner then closed the regular meeting and opened the Public Hearing at 6:03 pm.

Haggemiller reviewed the staff report and invited the applicants, the Coles, to address the Parks and Planning Commission.

Colleen Cole addressed the Commission. She stated there was some confusion when they were completing the application, noting that they did not mean to list Allen Scheper as the property manager. Also, that they had asked the City, County and State for rules for renting and that they had been told that there are no City regulations for renting property.

Haggemiller shared that wording may have been the issue, as the City does not have a long term rental ordinance at this time, but the short term rental ordinance had been passed in 2022.

Cole shared that the garage would be available for guest parking, indoor and outdoor. She also stated that Joe and herself would be the property managers.

Jill Weaver, KW Realtor representing Allen Scheper, address the commission and the Coles asking how long they had plans to convert these units into Short Term Rentals, as her client had just moved into the property in December.

Cole stated these plans had been in the works for about 6 months.

Rod Werner, 5580 County Road 6 SW, shared that he is happy that the City has an ordinance for Short Term Rentals.

Weaver stated they were never made aware of plans to make two of the three units in this triplex short term rentals upon the sale of the unit to her client.

Cole stated that disclosures were stated in the closing documents and that Joe Cole had told Allen Scheper directly of these plans.

Weaver stated that they had no knowledge of these plans.

Debner asked if anyone had any additional comments.

Commissioner Deiter asked if there is separate dock space or shared dock space for the three units.

Joe Cole stated the dock space is shared with all three units.

Debner tabled the Public Hearing at 6:37 pm and reopened the regular meeting.

E. NEW BUSINESS

a. Consider Recommendation to Approve/Deny Short Term Rental Application

Tabled.

b. Consider Resolution of Support for DNR Grant for Memorial Park Enhancements

Haggenmiller presented the staff report, providing details of park improvements needed at Memorial Park and requesting the Parks and Planning Commissions support in submitting the grant.

Commissioner Weber requested clarification on plans for the grandstands.

Commissioner Hibbard moved to approve the Resolution to Support the submission of the DNR Grant for Memorial Park Enhancements. The motion was seconded by Commissioner Kleve and passed unanimously.

F. OLD BUSINESS

None

G. ADJOURN

Commissioner Weber moved to adjourn The Parks and Planning Commission meeting at 7:11 pm. The motion was seconded by Commissioner Hibbard and passed unanimously.

Chair, April Debner

Secretary, Meagan Theisen

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the City of Howard Lake Planning Commission will be holding a public hearing on March 12, 2025 at 6:00 pm. The public hearing will be conducted at City Hall located at 625 8th Avenue in Howard Lake.

The purpose of the public hearing is to consider comprehensive plan and zoning amendments and a conditional use permit at 610 8th Avenue S to allow for the property to be utilized as a place of assembly (religious institution).

All interested parties are encouraged to attend the public hearing. Additional information regarding the hearing may be obtained by contacting the City of Howard Lake at 625 8th Avenue, Howard Lake, MN 55349 or (320) 543-3670.



HOWARD LAKE PARKS & PLANNING MEETING

March 12, 2025

AGENDA ITEM: Consider Application for Short Term Rental at 5536 & 5540 County Road 6

SECTION: Old Business [Public Hearing continued from 2.12.25]

FROM: Nick Haggemiller, City Administrator
Joseph and Colleen Cole

Background: The Parks and Planning Commission opened a public hearing regarding Short Term Rental (STR) Properties located at 5536 and 5540 County Road 6 on February 12, 2025. The Commission ultimately continued the public hearing due to an incomplete application and the need for clarification on several aspects of the application.

Outstanding Issues:

The application does not identify an authorized agent residing within 30 miles of the property, as required by Section D.8 of the 2022 Short Term Rental Ordinance, which requires that an authorized agent live within 30 miles of the rental property.

The application does not demonstrate that there are 7 parking spots as required by the 2022 Short Term Rental Ordinance, Section E.3, which requires one parking space for each bedroom. An interior inspection will be required to determine bedrooms and quantify necessary parking spaces.

Application Processing

Discussing the application process and status with the city attorney, we have been advised that the planning commission must make a determination based on the current status of the application. ***For the reasons listed above, the city attorney is advising the planning commission deny the application. Doing so, will bring forward the attached resolution to the city council for final action on the matter.*** At the time this staff report was written a letter had been provided to the applicant noting the deficiencies in their application and no further submittals had been provided. The recommendation to deny based on the status of the application at the time of the initial public hearing. However, it does not preclude the owner from reapplying with full and proper evidence of concurrence of the ordinance.

Planning Commission Chairperson Prompts:

1. Solicit any additional public comment.
 2. Close Public Hearing.
 3. Ask for discussion and action of the planning commission.
-

FINANCIAL: There is a \$300 fee for this application.

LEGAL: The application, its status and proposed recommendation to deny the application has been reviewed and brought forward by the city attorney.

PLANNING COMMISSION ACTION REQUESTED: The planning commission is recommended to deny the approval of the short term rental application as presented by applicant Joseph and Colleen Cole.

ATTACHMENTS:

1. Cole Letter 2.18.25
2. Draft Resolution (Information Only - City Council Action)



CITY OF HOWARD LAKE

Nicholas A. Haggemiller, City Administrator

625 8TH Avenue - PO Box 736 - Howard Lake, MN 55349

Phone: 320-543-3670 | cityadmin@howard-lake.mn.us | www.howard-lake.mn.us

February 18, 2025

Joseph and Collen Cole
6501 106th Ave
Brooklyn Park MN 55445

Mr. & Mrs. Cole –

Please accept the following correspondence as an official response to your short-term rental application at 5536 and 5540 County Road 6 SW, Howard Lake, Minnesota.

On February 12, 2025 the Planning Commission held the public hearing on the matter and ultimately tabled the public hearing and related action citing the application to be incomplete. The following items will need to be addressed prior to approval:

1. Pay nonrefundable application fee of \$300 (\$150/unit) plus provide a \$1,000 Consultant Escrow Fee
2. Identify a local property manager residing within 30 miles of the property, consent to background check.
3. Provide clearances for you as owners as well as the owner of the third unit on site to consent to criminal background check.
4. Provide a parking plan that that matches proposed occupancy including:
 - a. Space for 8 vehicles.
 - b. Up to 4 trailers.
 - c. Signage dedicating parking to guests and owners of each unit.
 - d. At least 2 handicap accessible parking spots.
5. Consent to a full interior inspection of the units.

Please note that the final approval will require you to have the items listed above in place including paved parking expansions if necessary. Additionally, the property will be regulated as a interim use permit with the following conditions:

1. Limiting the number of trailers, boats, atvs etc., to be allowed on site.
2. Prohibiting any/all guests from exterior accommodations such as RVs, campers, tents.
3. Strict compliance with the city's nuisance ordinance as defined in the Nuisance Abatement Ordinance and the Short Term Rental Ordinance.
4. Acknowledgement of annual approval through the interim use permit process.

As noted above, the application as it stands to date is deemed incomplete. Further, it is our understanding that the property has been and is being used as a short term rental in violation of city ordinance. All activities must cease until approvals are given. Failure to do so may result in legal action in which, if found to be merited by District Court, all fees incurred by the city will be assessed to the property.

Please review and if you have any questions please contact me directly.

Thank you! For the City,

Nick Haggemiller
City Administrator

CITY OF HOWARD LAKE

**RESOLUTION NO. 25-XX
A RESOLUTION REJECTING THE SHORT TERM RENTAL APPLICATION FOR
5536 & 5540 COUNTY ROAD 6**

WHEREAS, the City of Howard Lake approved Ordinance #22-04 on June 20, 2022 Regulating Short Term Rental properties within the city of Howard Lake; and,

WHEREAS, the Ordinance requires conditions to be in compliance with Ordinance #22-04 before approval of an Interim Use Permit (IUP); and,

WHEREAS, the applicant submitted the Short Term Rental Application on January 12, 2025; and,

WHEREAS, the application received does not identify an authorized agent residing within 30 miles of the property, as required by Section D.8 of the Short Term Rental Ordinance; and,

WHEREAS, the application does not demonstrate that there are 7 parking spots, as required in the Short Term Rental Ordinance, Section E.3 which requires one parking space per bedroom; and,

WHEREAS, the parking spaces must be designated for the rental spaces, as to not interfere with the private residences; and,

WHEREAS, the Parks and Planning Commission held a public hearing for the short term rentals and the public hearing was continued to March 12; and,

NOW, THEREFORE, BE IT RESOLVED that the City of Howard Lake is authorized to reject any application that does not meet all ordinance requirements:

1. The application does not identify an authorized agent residing within 30 miles of the property, as required by Section D.8 of the 2022 Short Term Rental Ordinance, which requires that an authorized agent live within 30 miles of the rental property.
2. The application does not demonstrate that there are 7 parking spots as required by the 2022 Short Term Rental Ordinance, Section E.3, which requires one parking space for each bedroom. There appear to be seven bedrooms in the two units, requiring 7 off-street parking spots available to the two units. It is possible that there are less than 7 physical bedrooms in the two units—but the plan that the owner submitted shows what appear to be 7 bedrooms. Whether there are actually 7 physical rooms that are used as bedrooms may not be the determining factor here given that the owner is proposing to put beds in rooms that may not normally be used as bedrooms. When a physical inspection of the home is performed the person inspecting the premises should match up the physical rooms with the layout of the units that shows where the beds are proposed and get pictures of the areas where the beds are shown on plans so that the City can address the issue of whether these rooms can be classified as separate bedrooms.

Adopted by the City Council this 17th day of March, 2025.

Approved:

Attest:

Pete Zimmerman, Mayor

Nick Haggenmiller, City Administrator

DRAFT



City of
Howard Lake
MINNESOTA

To: Honorable Howard Lake Parks & Planning Commission

From: Nate Sparks

Date: March 6, 2025

Re: Public Hearing
Comprehensive Plan & Zoning Amendment / Conditional Use Permit
610 8th Avenue

BACKGROUND

Gene Yocum of the Blessed Hope Seventh Day Adventist Church has made an application for amendments to the Comprehensive Plan and Zoning Ordinance and a conditional use permit to allow for a religious institution to be placed in the B-2, Downtown Area Business District. The Downtown District does not currently include uses such as this.

COMPREHENSIVE PLAN

The current Comprehensive Plan guides two commercial districts, B1 General Business and B2 Downtown Business. The code is dated and in need of revision to reflect current and more likely uses of properties. As the Planning Commission has updated the comprehensive plan, considerable thought has been applied to uses, specifically on US12 and adjacent to the highway such as 8th Avenue.

This development request is requiring us to complete these considerations while also addressing a use not previously considered, a religious institution. This topic has ample precedent that suggests the City consider permitting the activity as a small assembly regulated through a conditional use permit.

ZONING ORDINANCE

The Zoning Ordinance states that this property is B-2, Downtown Area Commercial. This allows for a mix of retail commercial type uses. It does not allow for certain institutional uses.

APPLICANT'S REQUEST

The applicant is seeking to include a certain type of institutional use within the B-2 Zoning District. This would allow for his organization to utilize the property at 610 8th Avenue as an institutional use.

ANALYSIS

Zoning/Comprehensive Plan Review

The purpose of the City's governing documents (Comprehensive Plan, Zoning Ordinance, and Downtown Design Standards) is to principally preserve the City's Downtown Area for commercial retail uses such as stores, restaurants, and other such uses. Other uses are permitted but the use being sought by the applicant is not directly included. The applicant is proposing to establish a religious entity which is most frequently considered an "assembly" space by many revised local zoning ordinances.

Proposed Amendments

City Staff finds that the applicant's request is not necessarily inconsistent with the Comprehensive Plan. The existing planning documents are focused on preserving the highest traffic corridors and traditional commercial districts for retail type uses, as these are the only areas where these uses can survive.

In other areas, such as 8th Street by the Post Office and City Hall, these uses would not be inconsistent and could be found to be acceptable. *Since this would be situational, it would be ideal for the City to split the existing Downtown District into two. One for just commercial uses and one that allows all types of uses.*

It would be advised that uses that may be incompatible with the downtown style atmosphere (on-street parking, shared public parking lots, zero lot line development, etc.) would only be allowed via conditional use. This would allow for review of a use and allow for incompatible uses to be not allowed.

The Comprehensive Plan should be amended to include this concept, as well, to avoid a rezoning to an incompatible district.

Zoning Amendment

The primary zoning amendment is to split the B-2, Downtown Area District into two. B-2A, which would be commercial only. Then B-2B which would allow for commercial, institutional, and other such uses with some of the other uses being allowed a CUP.

Conditional Use Permit

The applicant is proposing a "small assembly" use which will not be very impactful to Downtown parking or create any issues. Therefore, it would be appropriate to grant the CUP.

Proposed Area

The area proposed for the B-2A District is depicted below:



The area outside of the blue box would be B-2B.

This map change would be placed within both the Comprehensive Plan and the Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing and forward a recommendation of approval to the City Council.

ATTACHMENT

1. Yocum Development Application
2. Draft Ordinance



DEVELOPMENT APPLICATION

Date Filed:

Received By:

Escrow:

Date Completed:

Base Fee:

Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the City Administrator, and prior to acceptance of required processing fees and escrows.

Property Information:

Property Identification Number (PID#)/Zoning District:
 Street Address:

Applicant Information:

Name:	<input type="text" value="Gene Yocum"/>	Business Name:	<input type="text" value="Blessed Hope Seventh-Day Adver"/>
Address:	<input type="text" value="8232 Hwy 65 NE"/>	City/State/Zip:	<input type="text" value="Spring Lake Park, MN"/>
Telephone:	<input type="text" value="763-370-0011"/>	Email:	<input type="text" value="Gene.Yocum@mnsda.com"/>

Request:

- | | | | |
|-------------------------------------|-------------------------------------|-------------------------------|--------------------------|
| Comprehensive Plan Amendment | <input type="checkbox"/> | Site and Building Plan Review | <input type="checkbox"/> |
| Ordinance Amendment (text or map) | <input type="checkbox"/> | Subdivision Sketch Review | <input type="checkbox"/> |
| Conditional or Interim Use Permit | <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> |
| Administrative Permit | <input type="checkbox"/> | Final Plat | <input type="checkbox"/> |
| Variance /Appeal | <input type="checkbox"/> | Minor Subdivision | <input type="checkbox"/> |
| PUD (concept plan/development plan) | <input type="checkbox"/> | Curb/sidewalk Construction | <input type="checkbox"/> |
| Fence Construction | <input type="checkbox"/> | Construction, placement (ROW) | <input type="checkbox"/> |
| Other: <u>Text change Amendment</u> | <input checked="" type="checkbox"/> | Sign Construction/Placement | <input type="checkbox"/> |

Description of Request:

Request text change amendment which allows places of worship as a permitted use.

Please attach any additional information pertaining to the above requests.

APPLICATION FEES AND EXPENSES: The undersigned agree that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are responsibility of the applicant and property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes 429.81. All fees and expenses are due whether the application is approved or denied.

Applicant: Signed by: Gene Yocum Date: 1/30/2025
9AA65E5B96BB48A...

Property Owner: Signed by: Mike Halvorson Date: 1/29/2025
9653F19C6049455...

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Signed by: Gene Yocum Date: 1/30/2025
9AA65E5B96BB48A...

Property Owner: Signed by: Mike Halvorson Date: 1/29/2025
9653F19C6049455...

For Office Use only:

Proposed Planning Commission Date: _____ Proposed Council Date: _____

Approval: Planning Commission Approval Date: _____ City Council Approval Date: _____

DRAFT REVISIONS – DOWNTOWN DISTRICT

CHAPTER 71

B-2, DOWNTOWN AREA BUSINESS DISTRICTS

SECTION:

- 01-71-1 : Purpose
- 01-71-2 : Permitted Uses
- 01-71-3 : Permitted Accessory Uses
- 01-71-4: Conditional Uses
- 01-71-5 : Interim Uses
- 01-71-6 : Uses by Administrative Permit
- 01-71-7: Lot Requirements and Setbacks

01-71-1 : PURPOSE: The purpose of the B-2A, Downtown Area Business District is to provide specifically for the regulations of high intensity commercial uses located within the downtown area defined by the Comprehensive Plan.

The purpose of the B-2B, Downtown Area Mixed Use District is to provide for a mix of commercial, community, and recreational uses appropriate for location near the commercial uses within the Business Subdistrict.

01-71-2 : PERMITTED USES: In addition to other permitted uses in this District identified elsewhere in this Article, the following are permitted uses in a B-2 District:

- A. ~~Antique or gift shop.~~
- B. ~~Auto accessory store.~~
- C. ~~Bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales.~~
- D. ~~Bakery goods and baking of goods for retail sales on the premises.~~
- E. ~~Bank, savings and loan, savings credit unions and other financial institutions.~~
- F. ~~Barber shops.~~
- G. ~~Beauty parlors.~~
- H. ~~Bicycle sales and repair.~~

- I. — Body piercing establishments.
- J. — Books, office supplies or stationery stores.
- K. — Camera and photography sales and service.
- L. — Carpet, rugs and tile.
- M. — Clothing stores, retail and rental.
- N. — Coin and philatelic stores.
- O. — Commercial recreation, indoor.
- P. — Copy and printing services.
- Q. — Delicatessen.
- R. — Drug store.
- S. — Dry goods store.
- T. — Electrical appliance stores including incidental repair and assembly but not fabricating or manufacturing.
- U. — Florist shop.
- V. — Frozen food store, but not including a locker plant.
- W. — Funeral homes and mortuaries.
- X. — Furniture stores.
- Y. — Garden supply stores.
- Z. — Gift or novelty stores.
- AA. — Governmental and public utility buildings and structures.
- BB. — Grocery stores.
- CC. — Hardware.
- DD. — Hobby stores.
- EE. — Jewelry stores.

~~FF. — Laundromats, self-service washing and drying.~~

~~GG. — Locksmiths.~~

HH. — ~~Meat market.~~

II. — ~~Off-site service businesses.~~

JJ. — ~~Offices, general and clinical.~~

KK. — ~~On-site service businesses.~~

LL. — ~~Paint and wallpaper sales.~~

MM. — ~~Plumbing, television, radio, electrical sales and including accessory repair.~~

NN. — ~~Prepared food, delivery and/or take out only.~~

OO. — ~~Private clubs or lodges serving food and beverages, on and off sale liquor.~~

PP. — ~~Public garages and parking lots.~~

QQ. — ~~Public utility collection offices.~~

RR. — ~~Restaurants, cafes, on and off sale liquor.~~

SS. — ~~Retail stores.~~

TT. — ~~Tattoo parlors.~~

UU. — ~~Theaters, not of the outdoor drive-in type.~~

VV. — ~~Travel bureaus, transportation ticket offices.~~

VV. — ~~Video rental.~~

A. PERMITTED USES IN THE B-2A DISTRICT:

- 1) Retail commercial such as grocery, hardware, drug, clothing, jewelry, and furniture stores.
- 2) Restaurants and cafes.
- 3) Taverns, brewpubs and bars.
- 4) On-site service shops such as laundry, barber, beauty shops, massage establishments, dry cleaning, shoe repair, and photography services.
- 5) Professional service offices such realtors, architects, and attorneys.
- 6) Hotels.
- 7) Office Business General or Clinical
- 8) Off-sale liquor store.
- 9) Residential dwelling units provided they are located above the first floor of a building.

B. PERMITTED USES IN THE B-2B DISTRICT:

- 1) All uses permitted in the B-2A District
- 2) Off-Site Service Business
- 3) Public Garages & Parking Lots
- 4) Governmental & Public Utility Offices

01-71-3 : PERMITTED ACCESSORY USES: In addition to other permitted accessory uses in this District identified elsewhere in this Article, the following are permitted accessory uses in a B-2 District:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by Chapter 20 of this Article.
- C. Keeping of animals as regulated by Chapter 22 of this Article.
- D. Off-street parking and loading as regulated by Chapter 19 of this Article, but not including semi-trailer trucks, except in designated loading areas not to exceed four (4) hours.
- E. Secondary or accessory use antennas or satellites as regulated by Chapter 23 of this Article.
- F. Signs as regulated by Chapter 24 of this Article.

01-71-4 : CONDITIONAL USES: In addition to other conditional uses in this District identified elsewhere in this Article, the following are conditional uses in a B-2 District and require a conditional use permit based upon procedures set forth in and regulated by Chapter 5 of this Article. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in Sections 01-05-3 and 01-05-4 of this Article.

- ~~A. Community preschool, latch key and adult education facilities provided that:

 - ~~1. Licensing: The employees and facility are licensed by the State Department of Human Services and comply with the minimum requirements of the Department of Welfare.~~
 - ~~2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.~~
 - ~~3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
 - ~~4. Attendance: The attendance of children in the latch key and preschool program is on a long term scheduled enrollment program instead of on a~~~~

~~temporary, sporadic basis.~~

- ~~5. Lot Requirements And Setbacks: The proposed site for a community preschool, latch-key and adult education facility must have a minimum lot area as determined by the Minnesota Department of Welfare. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latch-key and adult education facility must meet the minimum setback requirements of the respective zoning district.~~
- ~~6. Sewer And Water: All community preschool, latch-key and adult education facilities shall have access to Municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.~~
- ~~7. Screening: Where the community preschool, latch-key and adult education facility is in or abuts any residential use or zoned property, the community preschool, latch-key and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in Section 01-20-5 of this Article.~~
- ~~8. Parking:
 - ~~a. When a community preschool, latch-key and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.~~
 - ~~b. There shall be adequate short-term parking or drop off area provided within close proximity to the main entrance. Short-term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short-term parking or drop off area shall not conflict with off-street parking access and shall not conflict with pedestrian movement.~~
 - ~~c. Parking and loading areas shall be separate from any outdoor play area.~~~~
- ~~9. Community Preschool, Latch-Key And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latch-key and adult education facility shall be submitted to the City for review by the Building Official to ensure the structure is in compliance with the State Fire and Building Codes. The facility shall meet the following conditions:
 - ~~a. The architectural appearance and functional plan of the building and~~~~

~~site shall not be so dissimilar to the existing buildings or area as to cause impairment of property values or constitute a blighting influence within a reasonable distance of the lot.~~

~~b. When the community preschool, latch-key and adult education facility is a use within a multi-tenant building, it shall be located in a portion of the building separated from the other uses located within the structure.~~

~~c. The community preschool, latch-key and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latch-key and adult education operation and would affect the health, safety and welfare of the community preschool, latch-key and adult education participants.~~

~~B. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of Chapter 25 of this Article.~~

~~C. Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by Chapter 26 of this Article.~~

~~D. Fitness centers, dance studios provided that:~~

~~1. Adequate off street parking and off street loading shall be provided in compliance with Chapter 19 of this Article.~~

~~2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

~~3. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.~~

~~E. Mixed Uses: Buildings combining residential and non-residential uses allowed in this District, provided that:~~

~~1. The residential and non-residential uses shall not conflict in any manner.~~

~~2. The residential building standards as outlined in the R-4 District are met.~~

~~F. Personal wireless service antennas not located on an existing structure or tower, as regulated by Chapter 23 of this Article.~~

~~G. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:~~

~~1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of~~

~~multiple occupancy buildings.~~

- ~~2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.~~
- ~~3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.~~
- ~~4. All applicable requirements of this code regarding the keeping and care of animals are satisfactorily met.~~
- ~~5. No commercial boarding or kenneling of animals shall be allowed.~~
- ~~6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.~~
- ~~7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.~~
- ~~8. All animals to be sold are acquired from a licensed animal broker.~~

~~H. Properties with more than one principal structure provided that:~~

- ~~1. A property owners' association is established for operation and maintenance of the buildings and property. Said agreement shall be subject to the review and acceptability of the City Attorney.~~

~~I. Veterinary clinics provided that:~~

- ~~1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.~~
- ~~2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.~~
- ~~3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - ~~a. The number of animals boarded shall not exceed twenty (20).~~
 - ~~b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.~~
 - ~~c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of~~~~

~~completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees and seventy five (75) degrees Fahrenheit.~~

- ~~d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.~~
- ~~e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.~~
- ~~f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.~~
- ~~g. The appropriate license is obtained from the City Clerk and the conditions of Chapter 22 of this Article are met.~~
- ~~h. All state health department and Minnesota pollution control agency requirements for such facilities are met.~~

A. CONDITIONAL USES IN THE B-2A DISTRICT:

- 1) Brewery with Taproom
- 2) Microdistillery with Cocktail Room

B. CONDITIONAL USES IN THE B-2B DISTRICT:

- 1) All conditional uses in the B-2A District.
- 2) Recreational Business
- 3) Private Clubs and Lodges
- 4) Banquet Halls
- 5) Funeral Homes
- 6) Theaters
- 7) Assembly Uses
- 8) Day Care Center
- 9) Pet Store
- 10) Veterinary Clinic

01-71-5 : INTERIM USES: In addition to other interim uses within this District identified elsewhere in this Article, and subject to applicable provisions of this Article, the following are interim uses in the B-2 district and are governed by Chapter 6 of this Article:

- A. Agriculture feed and supply, grain elevator, and related facilities.
- B. WECS as regulated by Chapter 29 of this Article.

01-71-6 : USES BY ADMINISTRATIVE PERMIT: In addition to other uses
Howard Lake

specifically identified elsewhere in this Article, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of Chapter 8 of this Article, the following are uses allowed in a B-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by Chapter 26 of this Article.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
 - 1. The area so occupied shall not exceed ten percent (10%) of the principal building.
 - 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
- 3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 19 of this Article, except as may be exempted for cause by the Zoning Administrator.
- C. Other uses of the same general character as those listed as a permitted use in this district.
- D. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this Article.
- E. Seating accessory to bakery, bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales provided that:
 - 1. No accessory drive through facilities shall be permitted.
 - 2. No sale or consumption of on/off sale liquor shall be permitted.
 - 3. The area dedicated to seating shall be limited to three hundred (300) square feet of floor area.
 - 4. Adequate off street parking and off street loading shall be provided in compliance with Chapter 17 of this Article.
 - 5. Only one business in a shopping center may obtain an administrative permit for accessory seating.
- F. Temporary, outdoor promotional and sales events and sales provided that:
 - 1. The event shall not exceed the period specified in the administrative permit. In no case shall the event exceed thirty (30) consecutive calendar

days per event.

2. There shall be no more than two (2) events per calendar year per property.
 3. Signage related to the event shall be in compliance with the temporary sign standards of Chapter 24 of this Article and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.
- G. Temporary structures as regulated by Chapter 17 of this Article.

01-71-7 : LOT REQUIREMENTS AND SETBACKS: The following minimum requirements shall be observed in a B-2 district subject to additional requirements, exceptions and modifications set forth in this Article:

- A. Lot Area: None.
- B. Lot Width: Thirty feet (30').
- C. Setbacks:
 1. Front Yard: None.
 2. Rear Yard: None, except when abutting a residential district, then twenty-five feet (25').
 3. Side Yard: None, except when abutting a residential district, then twenty-five feet (25').



City of
Howard Lake
MINNESOTA

To: Honorable Howard Lake Parks & Planning Commission

From: Nate Sparks

Date: March 6, 2025

Re: Concept Plan Review – Lake Golf Phase III

ADMINISTRATOR INTRODUCTION

The last new residential plat brought forward was in 2019 with the Villas development in Terning Trails. For a refresher of the general platting process, the full ordinance has been attached to this staff report. An abbreviated summary is included within this staff report. Essentially, the applicant, JP Brooks will be required to meet the full intent of an exhaustive Subdivision Ordinance as outlined in Section 05-03 Procedures for Filing and Review.

The first step in this process is to provide a Sketch or Concept Plan for consideration. These are open to discussion and consideration by the Planning Commission. However, staff is quick to guide the Planning Commission to consider the general parameters and not “get into the weeds” at this point as sketch plans are intentionally high level and lacking of details. Specifically the following must be met:

SECTION 05-03-01 SKETCH PLAN:

In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance, and the requirements and limitations imposed by other City ordinances, plans and/or policies prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the Zoning Official prior to filling a preliminary plat. Approval of a sketch plan shall not be considered binding in regard to subsequent plat review. The Zoning Official, notably in the case of multi-phased projects, shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and comment.

The sketch plan submission shall include, but not be limited to the following:

- A. Formal request for subdivision.
- B. Five (5) copies of the plat sketch at a scale not less than one (1) inch equals one hundred (100) feet.
- C. An 8-1/2 x 11 inch reduction of the sketch plan.
- D. Payment of application fee as established by City Council resolution.
- E. Escrow deposit to pay review costs of City Staff and consultants.
- F. In cases of multi-phased subdivisions, applicable preliminary plat submission information as outline in Section 05-06-02 of this Ordinance.

Additional Notes:

The City is currently out of buildable residential parcels. Over the last several years, we have worked with various developers, home builders and sought to identify landowners willing to sell property at reasonable values to promote development. This has been incredibly difficult.

Through the update of our Comprehensive Plan, the Parks and Planning Commission completed a design charrette that included the former golf course property. This concept plan showed mixed housing including single family, multi-family and generally more green space and larger parcels. This proposed sketch plan brought forward by JP Brooks is adjacent to the former golf course in the Lake Golf Estates III outlot. This area was previously approved for single family development with smaller parcels. Therefore, the developer is bringing forward the intended development for this area.

Collectively, the planning commission will be asked to review the concept plan but is encouraged to remain receptive to the overall subdivision process recognizing at this point, it is intentionally “high level” as intended.

BACKGROUND

JPB Land LLC has made an application for a concept plan review for Lake Golf Estates Third Addition. Lake Golf III was preliminary platted in the past as a single family neighborhood. The concept plan contemplates 27 single family homes on the 8 acre parcel. The parcel is currently

COMPREHENSIVE PLAN

The Comprehensive Plan identifies this property as being Low Density Residential. This designation allows single family residences up to four units per acre. The concept plan would be for 3.4 units per acre.

ZONING ORDINANCE

The property is zoned R-1A, which is a single family zoning designation.

APPLICANT'S REQUEST

The applicant is seeking to develop the property as a Planned Unit Development with alternative zoning standards. This will allow for a mix of single family housing styles. There are lots proposed for both 65 and 55 feet in width. The lots would range in size from around 7,000 square feet to about 20,000 square feet. The average lot size would be over 11,000 square feet.

ANALYSIS

Zoning

The applicant would be seeking a PUD to have a variety of lot sizes. The development would be meeting the density requirements of the Comprehensive Plan.

Shoreland Ordinance

The development is within the Shoreland Ordinance. The DNR has reviewed the plan and did not have any issues with the proposed development.

Park Dedication

Park dedication would be required at the time of final plat.

Streets & Circulation

The proposed right-of-way is 50 feet in width. The City's standards are 60 feet. The City Engineer will review and provide comment. Sidewalks should be considered for placement on one side of the street for pedestrian circulation.

Grading & Drainage

Grading and drainage will need to be reviewed by the City Engineer at the time of preliminary plat.

STAFF RECOMMENDATION

Staff recommends the Planning Commission provide comments to the applicant on the concept plan. Generally, Staff finds the plan to be acceptable, at this stage.

ATTACHMENTS

1. Concept Plan
2. Subdivision Ordinance (FULL)

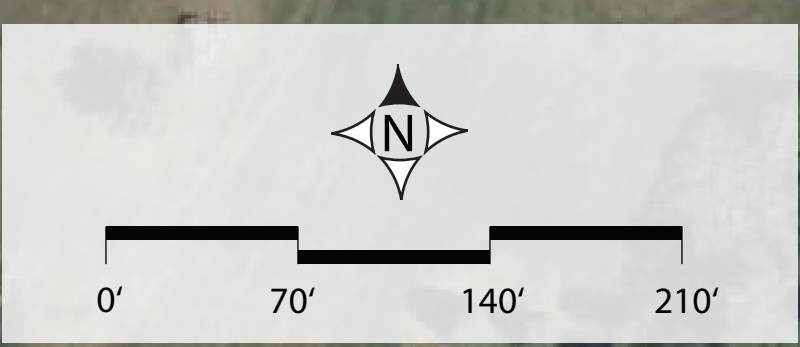
ILLUSTRATIVE NEIGHBORHOOD PLAN



Project Boundary

CONCEPT DATA	
Site Zoning:	ASR-1A
Gross Site Area:	8.1 ac
Public R/W:	1.1ac 50' wide public right-of-way
Net developable:	7.0ac
Total Lots:	27 lots
55' single family:	9 lots
65' single family:	18 lots
Overall Gross Density:	3.4 lots/ac (27 lots / 8.0 gross site acres)
Overall Net density:	3.9 lots/ac (27 lots / 7.0 net developable acres)
Aerial photography from state of Minnesota; Topography from State LiDAR	

LEGEND	
	55' - Single Family
	65' - Single Family



HOWARD LAKE

SECTION 05-03 PROCEDURES FOR FILING AND REVIEW

- 05-03-01 Pre-Application Meeting
- 05-03-02 Preliminary Plat
- 05-03-03 Final Plat

SECTION 05-03-01 SKETCH PLAN:

In order to insure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance, and the requirements and limitations imposed by other City ordinances, plans and/or policies prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the Zoning Official prior to filling a preliminary plat. Approval of a sketch plan shall not be considered binding in regard to subsequent plat review. The Zoning Official, notably in the case of multi-phased projects , shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for review and comment.

The sketch plan submission shall include, but not be limited to the following:

- A. Formal request for subdivision.
- B. Five (5) copies of the plat sketch at a scale not less than one (1) inch equals one hundred (100) feet.
- C. An 8-1/2 x 11 inch reduction of the sketch plan.
- D. Payment of application fee as established by City Council resolution.
- E. Escrow deposit to pay review costs of City Staff and consultants.
- F. In cases of multi-phased subdivisions, applicable preliminary plat submission information as outline in Section 05-06-02 of this Ordinance.

SECTION 05-03-02 PRELIMINARY PLAT:

- A. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted

by the applicant. If applicable, processing of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant.

- B. After the pre-application meeting and following City review of the sketch plan, the applicant shall prepare a request for subdivision, as provided within this Ordinance, and shall be filed with the City on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by five (5) large scale copies and one(1) reduced scale (not less than 11" x 17") copy of a preliminary plat and supportive information in conformity with requirements of this Ordinance. If, in the opinion of the Zoning Official, reduced scale drawing(s) (11" x 17") is determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The request for subdivision shall be placed on the agenda of the first possible Planning Commission meeting occurring after fifteen (15) working days from the date of submission.

- C. The applicant shall supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with an Opinion of Title and any unrecorded documents whereby the petitioners acquire a legal ownership or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision.

- D. The applicant shall submit any necessary applications for variances from the provisions of this Ordinance, as set out in Section 05-10-02. The preliminary plat shall be considered as being officially submitted only when all of the information requirements are complied with and the appropriate fees paid.

- E. Upon receipt of the completed application as outlined in B, C and D above, the City shall set a public hearing following proper hearing notification as applicable. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the boundary of the property in question (public

right-of-way shall not be included in the five hundred (500) foot measurement). The Zoning Official shall have the right to provide additional property owners notification beyond the five hundred (500) foot distance if it is judged that the requests will have impact upon additional properties. In the case of a proposed subdivision which abuts a municipal corporate boundary, notices shall be sent to the appropriate Township Board of Supervisors. Records of the County Assessor shall be deemed sufficient for determining the location and ownership of all such properties. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceeding.

- F. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Section provided a bona fide attempt has been made to comply with the notice requirements of this Section.
- G. The Zoning Official shall instruct staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the City Council. This may include the City Planner, City Engineer, City Building Official, the City Attorney, or public or private utility departments, among others.
- H. The City shall refer copies of the preliminary plat to County, State or other public jurisdictions for their review and comment, where appropriate and when required.
- I. The City Council, Planning Commission, and City Staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- J. The applicant or a designated representative thereof shall appear before the Planning Commission at the public hearing in order to answer questions concerning the proposed request.
- K. The Planning Commission shall report its findings and make its recommendation to the City Council no later than thirty (30) days after the close of public hearing described in E above. If the Planning Commission has not acted upon the

preliminary plat within thirty (30) days following the close of public hearing, the Council may act on the preliminary plat without the Planning Commission's recommendation.

L. City Council Action:

1. Upon completion of the report and recommendation of the Planning Commission, the request shall be placed on the agenda of the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
2. Upon receiving the report and recommendation of the Planning Commission and City Staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
3. If, upon receiving said reports and recommendations of the Planning Commission and City Staff, the City Council finds that specific inconsistencies exist in the review process and thus the final decision of the City Council will differ from the recommendation of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
4. Approval of the preliminary plat by the City Council shall require passage by three-fifth's (3/5's) vote. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this Ordinance to be indicated on the final plat. The City Council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare and convenience of the City.
5. If the preliminary plat is not approved by the City Council, the reasons for such action shall be recorded in the proceedings of the Council and shall be transmitted to the applicant.

6. The City Council reserves the right to decline approval of a preliminary plat if due regard is not shown for the preservation of all natural features, such as topography, trees, water courses, scenic points, prehistoric and historical spots, and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
7. Following City Council approval of a preliminary plat, the applicant must submit a final plat to the City within one hundred (100) days of preliminary plat approval unless otherwise specified as part of a Development Agreement. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless request for time extension is submitted in writing by the applicant thirty (30) days prior to the lapse of approval and subsequently approved by the City Council.
8. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The City may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the City, is of such scope as to constitute a new preliminary plat. A filing fee as established by City Council resolution shall be charged for the amendment processing.

SECTION 05-03-03 FINAL PLAT:

- A. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow. The City may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications and revisions required by the City. Otherwise, it shall strictly conform to the approved preliminary plat.
- B. All final plats shall comply with the provisions of Minnesota Statutes and requirements of this Ordinance.
- C. The applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and an Opinion of Title.
- D. The applicant shall submit with the final plat certification to the City that there are no delinquent property taxes,

special assessments, interest, and City utility fees due upon the parcel of land to which the subdivision application relates.

E. Review of a Final Plat:

1. Pursuant to Minnesota Statutes 15.99, as may be amended, an application for a final plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is provided by the City or a time waiver is granted by the applicant. If applicable, processing of the application through required State or Federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. If the final plat is not approved, the reasons for such action shall be recorded in the official proceedings of the City and shall be transmitted to the applicant.
2. Five (5) large scale copies of the final plat and one (1) reduced scale (not less than 11" x 17") copy of the final plat shall be submitted by the applicant. If, in the opinion of the Zoning Official, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. In the event that the final plat is referred to the Planning Commission for recommendation, additional large scale copies of the plat may be required. Upon receipt of a final plat, copies shall be referred to the City Council, appropriate City staff, and to all applicable utility companies, County, and State agencies. One (1) copy, with Abstract of Title or Registered Property Certificate and opinion title shall be referred to the City Attorney.
3. The City Council may refer the final plat to the Planning Commission for recommendation if they find the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved. In such cases, the Planning Commission shall submit a report thereon to the City Council within thirty (30) days.
4. The City staff receiving final plat copies shall as appropriate submit reports to the City Council within

ten (10) working days, documenting and expressing their recommendation on the final plat.

5. Prior to approval of a final plat, the applicant shall have executed a Development Agreement with the City, which controls the installation of all required improvements and assures compliance with all conditions of approval. Said agreement will require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.
6. Approval of a final plat by the City Council shall require passage by three-fifth's (3/5's) vote.
7. Upon receiving an approved final plat in conformance with the requirements of the City, the designated representatives of the City shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Registrar of Deeds within sixty (60) days, or the approved final plat shall be considered void.
8. The applicant shall, within thirty (30) days of recording, furnish the City with three (3) blue or black line prints and one (1) mylar of the final plat showing evidence of the recording. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.
9. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation of the recognition of the preliminary plat is not required to maintain its approval. In the event a Zoning Ordinance amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one hundred (100) days, such person shall file a written request for an extension of the preliminary plat approval with the Zoning Official and receive City Council approval prior to the end of the one hundred (100) days. Said applicant's request shall specify and the City Council shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

