

Section 526 - Zoning: site plan review

The following subsection 526 is hereby enacted and adopted as part of the Hopkins City Code, effective August 26, 2004.

526.00 Purpose. This section establishes site plan review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this section. These procedures are established to promote high quality development to ensure the long-term stability of residential neighborhoods and enhance the built and natural environment within the city as new development and redevelopment activities occur. The specific goals of the city are:

1. To ensure the application of quality design principles within new and redevelopment projects.
2. To protect the long-term public interest by ensuring the internal and external relationship of property improvements.
3. To ensure the active participation and review of site plans by the affected public.
4. To mitigate to the extent possible adverse impacts of one development upon another.
5. To ensure new development contains elements of internal cohesiveness to promote good neighborhood atmosphere.
6. Implement the Comprehensive Plan.
7. Promote the orderly and safe flow of vehicular and pedestrian traffic.
8. Protect public safety.

526.01 Site Plan Review. Subdivision 1. Purpose. It is the intent of this section to serve the public interest by promoting a high standard of development within the City. Without first obtaining site plan approval it shall be unlawful to do any of the following:

- a) construct or enlarge a building.
- b) move a building to any lot within the city;
- c) expand or change the use of a building or parcel of land or modify a building, accessory structure or land feature in any manner which results in a greater intensity of use, including the construction of additional parking.

Subd. 2. Exceptions. Notwithstanding the provision of Subdivision 1 of this section, the following shall not require site plan approval:

- a) changes in the leasable space on the interior of a multi-tenant building where the change does not intensify the use, require additional parking, or result in an inability to maintain required performance standards as specified in subsection 18 of this ordinance; or

- b) the construction, enlargement, or the moving into the City, of one-through four-family residential structures.
- c) enlargement of a building by less than 20 percent of its gross floor area, provided that there is no variance involved, that the Planning Department has conducted an administrative review and the enlargement is under 10,000 square feet.
- d) any project that is limited to reconstruction, replacement, or remodeling of materials on less than 50 percent of any part of the exterior of an existing building.

526.02 Subd. 1. Application. The application for a site plan review must contain at least the following data: The Planning department may waive inclusion of one or more of the items if not relevant to an individual application:

- a) a plat or map of the property showing the proposed improvements prepared by a Registered Land Surveyor;
- b) a plat or map of the property showing the existing improvements;
- c) site plan showing location of all buildings, additions, and structures with dimensions;
- d) complete landscaping plans containing all information and standards set forth in the adopted city landscape ordinance, including species and showing planting size, pathway system, width and material, screening fences with detail, lighting system, and recreational features, if any;
- e) drainage plan indicating existing and proposed drainage patterns showing catch basins and underground improvement;
- f) a plan showing existing and proposed utility systems for sanitary sewer, water, gas, telephone, and electric which shall all be underground for new construction and indicating public or private ownership of utilities;
- g) off-street parking, drives and access plan;
- h) off-street loading plan, if any is necessary;
- i) such other information as may be required by the Planning department.
- j) a plan showing the location of trash container, screening and type of material for screening of the trash container and pick-up plan

- k) plan for adjustment to existing right-of-way, easements, utilities and new dedications; and
- l) architectural plan showing exterior elevations of proposed structures, entrances, heights, floor plans and material to be used on the exterior.
- m) height, size, design and appearance of all elevations of the proposed building or addition facing any public thoroughfare or other area owned or operated by the public;
- n) description of the construction and the material proposed to be used;
- o) grade of the lot in relation to the street;
- p) location and surfacing of all proposed parking facilities;
- q) all access to public sidewalks, streets and alleys available to occupants and users;
- r) description of the function plan or the proposed structure when erected;
- s) storm water management plan;
- t) potential for adversely affecting historic places or affecting known or discovered archeological sites.
- u) areas requiring environmental review under state or federal law;
- v) potential of affecting threatened or endangered species or their habitat.
- w) temporary and permanent erosion control and sediment plan;

Subd. 2. Filing. Applications for site plan review shall be filed with the Planning department with such filing fee as may be from time to time established by resolution of the City Council. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

Subd. 3. Ownership. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or supply written authorization from the owner(s) of the property in question to proceed with the requested site plan approval.

Subd. 4. Additional information. The Planning Commission, City staff, and City Council shall have the authority to request additional information from the applicant concerning operational factors or to require expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this subdivision. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of site plan approval.

Subd. 5. Expiration. A site plan approval expires one year after it has been granted unless the use for which the approval had been granted is in effect. Extensions may be granted provided the applicant submit a letter to the Planning department requesting an extension 30 days before the expiration of said approval. The letter shall state the facts of the request, showing a good-faith attempt to utilize the approval, and it shall also state the additional time being requested to begin the proposed construction. The Planning Department may grant the extension if it is determined that construction will be commenced within the one-year extension period. Only one such extension may be granted. A second request for a time extension shall be presented to the City Council for consideration.

Subd. 6. Public hearing. The Planning Commission shall conduct a public hearing to consider the applicant for site plan approval. At least ten (10) days before the date of a public hearing a notice of said hearing shall be mailed by the City to the owners of all property within three hundred fifty (350) feet of the subject property. The assessing records shall be deemed sufficient for determining the location and ownership of all such properties. The notice of public hearing shall include the time and place of the hearing, the specific request to be considered, any proposed use of the property different than its existing use, the legal description of the property, the property's street address, and the property's current zoning classification if applicable. The Planning Commission shall hold the public hearing on the application at its first regular meeting following appropriate legal notice. The applicant and/or its representative shall appear before the Planning Commission at this hearing to answer questions regarding the request.

Subd. 7. Commission recommendation. Within fifty (50) days following the submission of a completed application for a site plan review, the Planning Commission shall forward a recommendation on the application to the City Council, and it shall recommend approval of the application as submitted, approval of the application subject to certain modifications or conditions therein, or disapproval of the application. The Commission's recommendation shall be in resolution form stating said finding of fact in support or opposition to the request as filed or amended. If no action on an application is taken by the Planning Commission within fifty (50) days and there has been no delay caused or requested by the applicant, or the City has not notified the applicant the item will be continued for up to an additional 60 days, the application shall be forwarded to the City Council without comment. Final approval of the site plan requires a simple majority vote of the City Council.

Subd. 8. Specific project. Site and building plans shall be valid only for the project for which approval is granted. Construction of all site elements shall be in substantial compliance with the plans and specifications approved by the Planning Commission and City Council.

Subd. 9. Multiple applications. Any site plan review application, which is accompanied by a request for a conditional use permit, variance, Comprehensive Plan amendment, preliminary/final plat and/or for a zoning map amendment to this ordinance shall be considered by the Planning Commission concurrently with the site plan review application.

Subd. 10. Conditions. The Planning Commission and City Council may impose conditions in granting approval of the site plan to promote the intent of this section or to protect adjacent properties.

Subd. 11. Preliminary concept plan. The applicant may request a preliminary meeting with the Planning Commission in connection with a site plan review application to explore the concept ideas and all other pertinent general information. The request shall be accompanied with at least the information as required by the Planning department.

Subd. 12. The Planning Commission may recommend and the City Council may impose as a condition of site plan approval, such conditions and restrictions as deemed necessary to protect the public interest and to secure compliance with the requirements of the ordinance. The conditions may include the execution and submission of a development agreement with a supporting financial guarantee that the subject property will be constructed, developed and maintained in conformance with the plans, specifications and standards.

Subd. 13. Development agreement. A site plan review approval may be conditioned upon a development agreement to be signed by the City and the applicant. Any costs incurred in preparing the development agreement are the responsibility of the applicant.

Subd. 14. Amendments. Holders of an approved site plan may propose amendment to the plan at any time following the procedures for a new review as set forth in this section, except where administrative approval may be granted by the Planning Department. No significant changes in the circumstances or scope of the site plan shall be undertaken without approval of those amendments by the City. The Planning department shall determine what constitutes significant change. Changes include, but are not limited to, expansion of structures and/or premises, different and/or additional signage, operation or modification resulting in increased external activities, the location, sitting and heights for buildings and structures, landscape plan, traffic or other circumstances not foreseen at the time the final plan was approved. The Planning Commission may recommend, following the procedures for hearing and review set forth in this section, and the City Council may approve significant changes and modifications to the site plan, including the application of additional or revised conditions.

Subd. 15. Evaluation Criteria. The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance and the following standards:

526.03 Subd. 1. Standards. In evaluating a site plan review application and the granting of a site plan review approval, the Planning Commission and City Council shall consider and require compliance with the following standards, conditions and requirements:

- a) the consistency with the elements and objectives of the City's development plan, including the Comprehensive Plan, public facilities, capital improvement plans, and any other relevant plans at the time of the request;
- b) consistency with this ordinance;
- c) creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
- d) creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - 1) an internal sense of order for the buildings and uses of the site and provision of a desirable environment for occupants, visitors and the general community;
 - 2) the amount and location of open space and landscaping;
 - 3) material, textures, colors and details of construction and expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - 4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangements and amount of parking.
- e) promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading;
- f) protection of adjacent and neighboring properties through reasonable provision for surface water drainage sound and sight buffers, preservation of view. Light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses and;
- g) the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor tend to or actually diminish and impair property values within the neighborhood.

h) traffic impacts such as increases in vehicular traffic, changes in traffic movements, traffic congestion, interference with other transportation systems or pedestrian traffic, and traffic hazards shall be considered by the Planning Commission and City Council in evaluating an application for a site plan review. The applicant shall demonstrate the proposed site plan shall not cause unacceptable increases in vehicular traffic, traffic congestion or interference with other transportation systems or pedestrian traffic, and will not create traffic hazards or excessive traffic through residential areas or otherwise cause adverse effects on residential areas or dwellings. The City staff may require the applicant to submit a traffic study prepared by a traffic consultant approved by the City to demonstrate the applicant's compliance with the requirements of this paragraph. As a condition of the approval of a site plan, the City Council may require the applicant to incorporate in the applicant's proposal and construct such traffic control measures and improvements as the City Council may deem necessary, including but not limited to direction signalization, channelization, stand-by turn lanes, sidewalks, removal of access points to public streets and moving of access points to public streets.