

CITY OF EMILY  
AGENDA  
PLANNING AND ZONING COMMISSION

FEBRUARY 8, 2006  
7:00 PM

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1. Call to Order
2. Roll Call
3. Election of a Chair and Vice-Chair
4. Public Hearings

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Conditional Use Permit for Exceed 10 Cubic Yards  
of Grading in the Shore Impact Zone  
Application 05-166  
Joe Braidic, Applicant  
\* \* \* \* \*

5. Additions or Deletions to the Agenda
6. Open Forum
7. New Business
  1. Metes and Bounds Subdivision, Elizabeth Bleeker
8. Adjournment

## 7. New Business

**STAFF REPORT**  
**Metes and Bounds Lot Split**  
**Elizabeth Bleeker**

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**Application:** Metes and Bounds Subdivision

**Applicant:** Elizabeth Bleeker

**Background Information:** Although this application technically involves two lot splits, only one new lot is being created. The applicant proposes to split a property on the north side of Lake Emily and adjacent to County Road 1 into two lots. In order to make two conforming lots, the applicant will be splitting a sliver of property from the parcel immediately east of the primary parcel that is being split. The sliver of land will be combined with the new property to make a conforming lot.

There is a bluff on the property that reduces the available building area; however, both lots have sufficient buildable space to be conforming lots.

**Applicable Statutes:**

The applicant is required to meet all lot and use requirements of the Shoreline Residential Zone (Section 5.9 of the Land Use Ordinance):

	<b>GD Lake</b>	<b>RD Lake</b>	<b>ND Lake</b>
Lot width at OHW – feet, minimum	100	150	200
Lot width at Building Setback – feet, minimum	100	150	200
Buildable lot area, dwelling, single family – square feet, minimum	20,000	40,000	80,000
Setback, right of way, County or State road, feet, minimum	50	50	50
Setback, side yard – feet, minimum	10	10	10
Setback, OHW of lake – feet, minimum	75	100	150
Setback, ISTS from OHW - feet, minimum	50	50	75
Setback, wetland – feet, minimum	25	25	25
Impervious coverage - percent maximum	20%	20%	15%

**Applicable portions of the subdivision ordinance (Section 9) are listed below. Please refer to the Land Use and Subdivision Ordinance for full details.**

**9.4** Design Layout Standards - Minimum.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 12% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
5. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Emily Zoning and Subdivision Ordinance.
7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right of way.
9. Street requirements are not applicable to this subdivision.
10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:

Watermain.....	20 feet
Sanitary Sewer .....	40 feet
Storm Sewer.....	20 feet
Electrical, telephone or cable television .....	10 feet
Drainageway .....	10 feet
11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

**Staff Findings:** The staff proposes the following findings of fact for the Planning Commission to consider:

1. The applicant proposes to split a parcel in order to create two new parcels. A sliver of the parcel to the east is being combined with this split in order to make both parcels conforming.
  - a. Proposed Tract A is 35,658 square feet with 21,323 square feet of buildable space.
  - b. Proposed Tract B is 36,487 square feet with 22,342 square feet of buildable space.
  - c. The remnant parcel is approximately 8.1 acres. The buildable space has not been calculated; however, it does exceed the minimum 20,000 square feet of buildable space required.
2. Both proposed lots exceed the minimum shoreline requirement of 100 feet and the minimum lot width of 100 feet.
3. The land is properly zoned Shoreline Residential for shoreline development. The lot size and configuration is comparable and compatible with other parcels on Lake Emily.
4. The parcels do not have any unnecessary jogs or angles.
5. There are currently no structures on the proposed two lots.
6. Both exceed the minimum 33 feet of access to a public right-of-way.
7. A variance will not be required to develop these proposed properties.
8. Because the ground is frozen, the applicant was unable to have soil borings performed to ensure that the lots are capable of supporting a primary and secondary septic. However, the applicant has submitted a document from a sewage treatment system designer that indicates the lots will be able to support a sewage treatment system based on the characteristics of adjacent lots.
9. There are no utility easements proposed for the lots.
10. The applicant is not proposing any new roads. However, the lot split will increase the amount of right-of-way for Highway 1, which is partially on private property.

**Planning Commission Direction:** The Planning Commission, when reviewing metes and bounds lot splits, has the ability to approve the lot split with conditions based on the above findings. The Commission may also deny the lot split based on findings. If there is not sufficient information to make a decision, the Commission may table the application and request additional information. The Planning Commission makes the final decision on a metes and bounds subdivision application.

**Staff Recommendation:** The new lots meet all requirements of the Ordinance and a variance will not be required for construction on the lots. Based on the findings-of-fact, staff recommends approving the lot split with the following condition:

1. The metes and bounds lot split shall be filed with Crow Wing County within one year of approval.