

CITY OF EMILY
MEETING MINUTES
PLANNING AND ZONING COMMISSION

May 3, 2006 - 7:00 PM

1. Call to Order – 7:00 PM
2. Roll Call

Planning Commission: Bob Swanson, Bonnie Fairchild (chair), Jim Nordvall, John McConnell

Staff: Charles Marohn (Zoning Administrator)

3. Public Hearings

Zoning to Rural Preservation, City of Emily (Richard Harrison property)

Planning & Zoning Administrator Marohn reviews the staff report and recommendation.

Commissioner McConnell asks about light manufacturing in this zone. He stated that he is concerned about these uses which may be allowed in this zoning classification.

There was discussion of where light manufacturing would be allowed; and what the Comprehensive Plan and the Commercial Growth Plan contained within it. Consideration was given to whether or not the Commercial Transition zone should be expanded.

Planning & Zoning Administrator Marohn stated that this should not be a problem. There are not a lot of commercial applications being requested.

Commissioner McConnell discusses the Tekkar situation and expresses a desire to provide a method for them to expand.

Planning & Zoning Administrator Marohn suggests discussing this at the end of the meeting.

Mr. Richard Harrison stated that he places covenants on the property which prohibits commercial uses.

Motion by Commissioner McConnell, seconded by Commissioner Swanson, to approve the rezoning based on the following findings of fact:

1. **The request is consistent with the Future Land Use Map contained within the Comprehensive Plan.**
2. **The rezoning of this area will not lead to an impact of any sensitive environmental areas.**
3. **The current owner is Richard Harrison. This request is a condition placed upon the Preliminary Plat of the 4th Addition to the Lake Mary Plat.**
4. **There is no verification of soil types or the engineering capabilities of the soil, although it is not suspected that there will be any significant limitations.**
5. **There has been no indication of the presence of rare plant and animal species on this site.**
6. **Although the site has a significant amount of topographic change, it is developable under the Rural Preservation standards.**
7. **The proposed area contains deciduous and coniferous trees.**
8. **Each proposed property abuts a minimum of 33-feet of public right of way on South Shore Drive.**
9. **There are no public costs or easements needed for public utilities or additional public services.**
10. **No areas of significant historical or ecological value have been identified on this site.**
11. **The approval of this request will not result in conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.**
12. **Because this request is consistent with the Future Land Use map, approving the request would not be considered spot zoning.**

Passed unanimously.

Rezoning to Commercial Transition, City of Emily (Donna Jones property)

Planning & Zoning Administrator Marohn reviews the staff report.

Commissioner Nordvall asked if the other lot is to the north or south of the house.

Ms. Donna Jones stated that it is to the south.

Commissioner McConnell asks who owns the property to the south.

Ms. Jones states that Dave Tutch does.

Motion by Commissioner Nordvall, seconded by Commissioner Swanson, to approve the Rezoning of property owned by Ms. Donna Jones to Commercial Transition, based upon the following findings of fact:

- 1. The future land use map and comprehensive plan propose the Commercial Transition (CT) Zone for the subject property.**
- 2. The rezoning of this area is unlikely to impact any sensitive environmental areas.**
- 3. The current owner is Donna Jones. The property is located at 40095 Evergreen Drive.**
- 4. There is an existing sewage treatment system on the property and municipal sewer is going to be available at the site.**
- 5. There has been no indication of the presence of rare plant and animal species on this site.**
- 6. The property has ample room to be developed under the Commercial Transition provisions.**
- 7. Each proposed property abuts a minimum of 33-feet of public right of way on Evergreen Drive.**
- 8. There are no public costs or easements needed for public utilities or additional public services caused by the proposed zoning.**
- 9. No areas of significant historical or ecological value have been identified on this site.**
- 10. There is unlikely to be conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.**
- 11. Because the proposed zone is consistent with the comprehensive plans and adjacent properties, approving the request would not be considered spot zoning.**

Passed unanimously.

Rezoning to Rural Preservation and Neighborhood Residential, City of Emily

There was discussion by the Planning & Zoning Commission on making changes to the ordinance for light manufacturing, light industrial and warehousing prior to making these zoning changes.

The Commission directed staff to hold a hearing next month on removing these items from the RP Districts.

Motion to table made by Commissioner McConnell, seconded by Commissioner Swanson. Passed unanimously.

Commissioner McConnell stated that the wetland across from Highway 1 is not shown. It needs to be shown there.

The Commission discussed whether wetlands should or should not be shown on the zoning map.

Ordinance Amendment to Establish a Bluff Setback in the CW and SR zones, City of Emily

Planning & Zoning Administrator Marohn reviews the staff report.

Motion by Commissioner McConnell to approve the ordinance amendment, seconded by Commissioner Nordvall; based upon the following findings of fact:

1. **The implementation of bluff setback requirements is consistent with the goals of the comprehensive plan.**
2. **The bluff setback requirements would likely be an additional tool to preserve natural sensitive areas.**
3. **The bluff setback requirements would assist to reserve and restore areas having significant historical or ecological value.**

Passed unanimously.

Conditional Use Permit for a Rural Conservation Subdivision, Application 06-20, Harriet Smith, Wood Lake Lodge LLC

Planning & Zoning Administrator Marohn reviews the staff report and recommends hearing from the applicant.

Mr. Jay Smedberg presents his views and stated that they did not realize that the Rural Conservation Subdivision was a possibility when they were putting their other proposal together. He passed out a sketch of a new subdivision that would meet the Rural Conservation Subdivision standards.

There were questions from the Commission on Lot B.

Mr. Smedberg stated that Lot B would be for use for access for fire protection and also to provide a boat launching area for the development. Docks could be shared between properties.

The Commission raised questions about the boathouse.

Mr. Smedberg stated that there was a pre-existing permit. It was for storage of equipment only.

Planning & Zoning Administrator Marohn agrees that there may have been some type of approval for the boathouse equipment storage.

Chair Fairchild requestd that Planning & Zoning Administrator Marohn present the old permit and the ordinance for discussion next month.

Commissioner Nordvall stated that this is a much better plan that what was requested before.

Planning & Zonig Administrator Marohn states that the preliminary plat and conditional use permit can be heard next month.

Motion to table by Commissioner Nordvall, seconded by Commissioner McConnell. Passed unanimously.

5. Additions or Deletions to the Agenda
6. Open Forum
7. Approval of Minutes
 - a. March 2006 minutes

Motion to approve by Commisiner Nordvall, seconded by Commssioner Swanson to approve the March 2006 Planning & Zoning Commission minutes as presented.

Passed unanimously.

- b. April 2006 minutes

Motion to approve by Commissioner Nordvall, seconded by Commissioner Swanson to approve the April 2006 Planning & Zoning Commission minutes as presented.

Passed unanimously.

8. Planning and Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Violations/ General Enforcement Actions
 - d. Feedback Surveys
 - e. Council Action
 - f. ISTS Compliance Testing
 - g. Review of CUP and Variance Condition Compliance

9. New Business
 - a. Recreational Buffer Overlay Zone

Planning & Zoning Administrator Marohn presents a potential draft of the recreation overlay district map. He discussed the impacts of the shoreline overlay area.

Mr. Cy Kruse presents some concepts for what type of twin homes would fit into this zone.

The Commission held discussion of overlay the overlay district. The issues are impervious coverage and density. There was a general consensus that 2 units/acre would be acceptable around the golf course where higher density is compensated by the increased open space. The impervious surface coverage would need to be specified.

Planning & Zoning Administrator Marohn was directed by the Commission to check to see if the water body in the southwest portion of the map is a lake or a wetland.

- b. Leuck Variance Review

Mr. Mike Peters, was present to speak on behalf of Mr. Leuck. He made a request to change the location and size of the structure that was approved by a variance. The new location is two feet further back from the lake and moved on the opposite side of the property. The deck has been reduced in the new proposal.

The Commission held discussion on whether this proposal is consistent with the previous variance approval. There was a general consensus amongst the Commission that it is. Staff is directed to accept the amendment and issue the permit as per the updated proposal.

- c. Conservation Design Workshop

Planning & Zoning Administrator Marohn passes out a flyer on conservation subdivision workshop to be held.

- d. Trailer Park Sign

Planning & Zoning Administrator Marohn was directed to order the removal of the sign at the RV Park on Highway 6 due to disrepair.

10. Old Business
 - a. Metes and Bounds Subdivision, Elizabeth Bleeker – verification of survey
 - b. Utility Overlay Zone
 - c. Metes and Bounds Subdivision, Donna Jones

Planning & Zoning Administrator Marohn reviews the staff report.

Motion to approve by Commissioner McConnell, seconded by Commissioner Nordvall.

Passed unanimously.

- d. Building height ordinance amendment
- e. Alternative Shoreline Standards

11. Adjournment – 9:47 PM

Respectfully Submitted,

Charles L. Marohn, Jr.
Planning and Zoning Administrator