

## STAFF REPORT

**Application:** Final Plat of Birch Beach

**Applicant:** Daniel Springman

**Background Information:** In September of 2002, the City of Emily approved the preliminary plat of Birch Beach. The final plat is the last step in the subdivision process used to certify that all requirements and conditions have been fulfilled.

**Applicable Statutes:** To obtain final plat approval, an applicant must fulfill the final plat requirements contained in the Ordinance and must meet any conditions imposed by the City during the preliminary plat approval. Conditions imposed by the city during preliminary plat approval include:

1. Approval is contingent upon addressing any comments received from the City Attorney relating to the proposed covenants.
2. The applicant shall submit sewer designs prior to, or at the same time as, submitting an application for a final plat.

**Staff Findings:** Your Staff offers the following findings for your consideration:

1. The City Attorney has had no comments on the proposed covenants.
2. The City has received a plat check certification from a licensed surveyor.
3. The City has received sewer certifications and designs for the PUD.

**Planning Commission Direction:** The Planning Commission should certify that the conditions for final plat approval have been met and then recommend approval to the City Council. If the Commission can not certify that these items have been met, they should identify the outstanding items and, based on their significance, either recommend approval with conditions or table the application until all items have been completed.

**Staff Recommendation:** We believe that all items have been completed and we recommend that the Commission approve the final plat and forward it to the Council for their consideration. We recommend the following conditions be included with that approval:

1. The final plat shall be filed within 12 months of City approval or the approval shall be voided.
2. If the City Attorney does provide comments on the covenants within the next 30 days, those will be incorporated into the official covenants for the PUD.

Also note that the applicant shall be required, upon approval of the final plat, to pay a \$11,115 park dedication fee. This is 5% of the value of the land to be subdivided.

## **P&Z Administrator's Report**

- A. December/January Permits: There have been no permits issued by the Planning and Zoning office since our last meeting. A complete summary of 2002 P&Z activity is available on-line at [www.communitygrowth.com](http://www.communitygrowth.com). Click on the link to the Emily page and look under "Staff Reports".
- B. December/January Correspondence: The following correspondence was sent or received by your Staff since the last Planning and Zoning meeting:
1. December 2 email to and from Denise Flaherty regarding development in the downtown area
  2. December 6 email to and from William Smith regarding ISTS on an inherited property
  3. December 6 email to and from Marge Jenson regarding comprehensive planning questions

Please read over the correspondence and provide any feedback or direction you deem relevant. All correspondence within the Zoning Department is public information.

### C. Potential Violations/Enforcement Actions

1. Kieffer – We responded to the inquiry made by John Erickson, attorney for Linda Kieffer. We had not received any feedback or update from Mr. Erickson so we sent another letter in January. Mr. Erickson has responded and indicated that Ms. Kieffer is taking care of the situation without his assistance. We continue to believe that this issue is going to take some time to resolve.
2. Black – After the Black variance was denied, the Black's appealed the City's decision to District Court. The League of Minnesota Cities has provided an attorney named Susan Sager to work on our behalf. Your Staff has met with Ms. Sager and has provided her with a timeline of events and a response to the assertions of Gerald Brine, attorney for the Blacks. They are included in this report. Please review them and feel free to provide any information you believe we have missed.
3. R. Moritz – The site has been restored. Your Staff verified this. This violation is resolved.
4. A. Moritz – The violation has ceased, although we have not formally resolved the issue. We do not anticipate further violation by Mr. Moritz.
5. Adamson – We have verified that the signs have been removed as per our discussion last year. This matter has been resolved.
6. Orndorff/Burchett – The property owners have removed the excess campers from the property as per our agreement. We find that this matter has been resolved.

7. Cornerstone Christian Church and School – We have been contacted by the insurance company for the church. We indicated to them the problems with discharging the boiler during frost conditions. We sent a letter to support our statements over the phone and are awaiting word back from the church.
8. Leon Becker – Mr. Becker has submitted an ISTS application and design. We are waiting for Mr. Becker to install his new system.
9. Joseph and Marla Lahr – The Lahrs were at the November meeting and this item was resolved there.
10. Thomas and Betsy Doberstein – The matter with the Dobersteins remains unresolved. They had contacted the zoning office to try and find a place to move the trailer, but have not responded to any of our subsequent attempts to contact them. Your Staff would like one more month to try and establish a two-way dialogue with the Dobersteins to see if we can resolve this matter without resorting to additional measures.
11. Nick Fairbanks – The City Attorney has met with Mr. Fairbank's attorney. They are requesting that they be allowed to submit information for the March meeting. The City Attorney has recommended that we wait to receive this information and then make a recommendation to the City Council on how to proceed.
12. Dave Figi – The attorney for Mr. Figi is also the attorney for Mr. Fairbanks. The City Attorney has the same recommendation for Mr. Figi.
13. Kyle Peterson – The Commission approved the permit in December. This issue has been resolved.
14. Michael and Patricia Czock – It was reported to us that the Czocks have a trailer placed well within the lake setback on Butterfield Lake. We have sent them a letter requesting that this trailer be moved within the next sixty days. We have not had any contact from the Czochs.

#### D. Council Action

At their December 10, 2002 meeting, the Council accepted your recommendation on the Bartel variance. At their December 23, 2002 meeting, the City Council accepted your recommendation to approve the Comprehensive Plan.