

**CITY OF EMILY
MEETING MINUTES
PLANNING AND ZONING COMMISSION
August 6, 2005**

1. Call to Order – 7:02 PM

2. Roll Call

Commissioners: Bonnie Fairchild, John McConnell (Acting Chairman), Marie Reineck

Staff: Charles Marohn (Planning and Zoning Administrator), Barb Hubbard
(Zoning Clerk)

3. Public Hearings

**Rezoning of Parcels Adjacent to Lakes and Waterways to
Shoreline Residential
City of Emily**

Administrator Marohn reviews the staff report.

Thomas Lommen states that last year when the new regulations were adopted there was a matrix of what can be done on the property. Does this meeting solidify that?

Administrator Marohn states that the matrix does show what can be done on lots within a particular zone. The list cannot be changed tonight.

Acting Chairman McConnell asks what the issue is.

Thomas Lommen states that he lives in a trailer house and they are not able to upgrade it.

Acting Chairman McConnell states that this was not changed in the new ordinance. There has always been a minimum lot width.

Thomas Lommen states that camping is allowed and refers to Section 7.13, which is not in the ordinance.

Commissioner Reineck states that this has been changed to 7.12.

Thomas Lommen discusses open storage as being excluded. You can't store a boat or a trailer outside.

Acting Chairman McConnell states that it means you can't store an old couch or a washing machine. A boat is allowed. A trailer is allowed.

Administrator Marohn reads Section 7.4 about outside storage.

Thomas Lommen asks if they can replace the trailer.

Administrator Marohn states that it could be replaced so long as it is the exact same size.

David Johnson, Wood Lake, states that on the maps the colors are dark green, light green and grey. The dark green is forest preservation and the light green is forest residential. Is this a change so that residences can be built in the area?

Administrator Marohn explains the zoning classifications.

Johnson states that they are shoreline owners. Wants to know how it would be advertised?

Administrator Marohn discusses public notification of zoning changes and where information is available.

Thomas Lommen asks if there is a distance for notification.

Acting Chairman McConnell requests some changes in the map to deal with deep lots that are zoned all Shoreline Residential. Administrator Marohn removes those properties.

Acting Chairman McConnell closes the public hearing. Requests a motion.

Motion by Commissioner Reineck to accept the rezonings except for those properties removed due to their size or depth. The motion is seconded by Commissioner Fairchild. The motion passed unanimously.

**Rezoning of Parcel #21015210000009 from Forest Preservation to Forest Residential
City of Emily**

Acting Chairman McConnell states that we made a mistake. The property is not government owned, and so we are going to change it from Forest Preservation to Forest Residential.

Commissioner Reineck makes a motion to recommend approval. The motion was seconded by Commissioner Fairchild. The motion passed unanimously.

4. Additions or Deletions to the Agenda

a. None

5. Open Forum

Thomas Lommen asks if we are going to correct the matrix (camping and recreational vehicles references to 7.13)

Acting Chairman McConnell instructs Administrator Marohn to correct the reference in the Ordinance.

Joe Bistido, President of Emily Lakes Association, asks if there is a way to build condominiums on residential property. If a resort were purchased, could they build condominiums?

Acting Chairman McConnell states that for commercial property, it is possible.

Joe Bistido states that it would put more pressure on the water and that concerns him.

Acting Chairman McConnell states that it would likely be less than it is now.

Joe Bistido states that there have been changes made at Ruth Lake Resort and wants to know if there have been permits issued.

Administrator Marohn explains the background of the recreation room and the accessory structure.

Joe Bistido states that his brother is staying in the recreation room next week. Would like to make a complaint about it. Is concerned about milfoil in the lake. The garage has now gone up and he is concerned that it will have living quarters. They have not told the truth on the recreation room. Are we going to believe them with this?

Acting Chairman McConnell states that the complaint has been noted and instructs the Staff to respond to it.

6. Approval of Minutes

a. July 2005 Minutes

Acting Chairman McConnell is listed as making a motion and then voting against it. States that he did not make the motion. Commissioner Reineck and Commissioner Fairchild believe that Commissioner Brannan made the motion.

Motion to approve the minutes by Commissioner Fairchild with change to Commissioner Brannan. The motion is seconded by Commissioner Reineck. The motion passed unanimously.

7. Planning and Zoning Administrator's Report

c. Violations/General Enforcement Actions

Administrator Marohn updates the Commission on the status of the Stiner and Kotval violations.

Administrator Marohn instructed to keep the letter on file, Administrator Marohn to follow up and indicate that they can continue using it but not for human habitation

Administrator Marohn reviews the Tutch violations. Discusses options for grating or ditching.

Ms. Tutch states that they are hoping it will be resolved.

Don Perlich states that he does not understand how a dip will work.

Administrator Marohn explains how the grating would work.

Tutch states that they are willing to do whatever it takes. Also offers to block and dam up the driveway to Mr. Perlich's if Mr. Perlich would like to put in his own driveway.

Acting Chairman McConnell states that it sounds like things are resolved. States that we need to release the hold and let them proceed. We need to monitor it next month.

Motion by Commissioner Reineck to lift the hold on Tutch's property, seconded by Commissioner Fairchild. The motion passed unanimously.

Ms. Tutch asks if Administrator Marohn will copy the paving company.

9. Old Business

a. Wood Lake Lodge, LLC/Kavali Woods Metes and Bounds Lot Split

Administrator Marohn reviews the staff report and the letter.

Paul Sandelin – Attorney for the applicant - reviews information from the previous Commission meeting.. Stated that there were to come back with a revised plan showing the road vacated. They have prepared a petition to vacate the road, which is to be done in the future.

Acting Chairman McConnell asks what the access to the property will be.

Administrator Marohn states that it will be an easement.

Jay Smedberg states that it has always been a private drive and it will continue to be.

Acting Chairman McConnell states that the fire department may need to get a truck in there. Will this provide for that?

Attorney Sandelin states that the discussion we had last month was to vacate that road. What is provided for width is not certain. It would probably be around 20 feet.

Jay Smedberg states that during construction there will need to be access by vehicles larger than a fire truck.

Attorney Sandelin states that an association will be created for maintenance of the road. These documents have been prepared already.

Commissioner Fairchild asks if they can review the questions in the letter.

Attorney Sandelin states that he received the letter, but the Smith's have not.

Acting Chairman McConnell asks if we can go forward with road vacation now.

Administrator Marohn states that it could. States that any development of this property is going to need a road vacation.

Acting Chairman McConnell states that we should recommend to the Council that this happen.

Attorney Sandelin reviews the staff report. Item one is something they will do. Item two has been done. Items three and four would be provided by the surveyor. Item five would also be provided by the surveyor. They understand that items six and seven go without saying.

Jay Smedberg reviews the July 28 letter. States that a previous owner planted a bunch of saplings. The clearing work that was done was to take out some trees to improve the forest canopy. The Smiths plan to replant to improve the canopy. The 25% number they are probably close to. The amount of clearing in the shore impact zone was minimal. Most of it took place well away from the water. The trees had diameters of three to eight inches and were not going to grow any further without clearing. Will remove the slash with an approved permit.

Acting Chairman McConnell states that it does not look like they were there to burn. It was put into the wetland.

Jay Smedberg states that this slash will be removed. The Smiths will follow all of the Ordinances. All of the lots have shoreline and lot sizes two to five times larger than the other properties on Wood Lake. Tract D has 700 feet of shoreline. They will each have one spot to access the lake. This will be by city Ordinance. There are people who are looking for prime access and looking for a beach and others that are looking for a view. It is anticipated that these purchasers will be the latter. The deck on the south side of the dwelling is not shown on the site plan. It was done by previous owners as the Smith's have not made any changes to the property. Asks if they want it on the survey.

Discussion on the survey and what should be on it.

Jay Smedberg states that the original survey was done as part of a lot split and was probably not relevant to that survey, and so it was not located. The construction is consistent with the rest of the building.

Attorney Sandelin states that they will put it on the site plan.

Jay Smedberg states that the garage on Tract C will be a tuck under garage. We can demonstrate in a stormwater management plan how the stormwater will run to the west and not to the east. Discusses the access to Tract D. The road follows the 1200/1202 contour. There will be a tuck under garage. There will be some excavating to make it work as there is a four foot drop over sixteen feet in the cross section.

Acting Chairman McConnell asks how it is going to be held up.

Jay Smedberg states that Administrator Marohn is going to be able to review this on each individual property, and this can be reviewed as part of each building permit. It is technically feasible to build on this type of a grade.

Commissioner Fairchild asks how far the road is from the OHW on Tract D.

Jay Smedberg states that it is 29 feet at the building, so it is roughly 32 feet to the edge of the garage. This construction will require a variance and so an examination can happen at that time.

Acting Chairman McConnell states that is probably too late.

Jay Smedberg states that looking at the big picture, this is a 2.5 acre lot. It is reasonable that a house can be located on this lot in a way that minimizes impacts. We are showing sites now, but it may make more sense later to adjust where that will be. In general terms, it is achievable.

Commissioner Fairchild asks about sewage treatment on Tract D.

Jay Smedberg states that sewage treatment sites have been selected and designs have been done on all of the sites. Those should be on file with the City. Tract D was the easiest to design because there is some gradual sloping there.

Commissioner Fairchild states that she has been to the site and believes it is beautiful. The biggest problem is with Tract D. The building is within the shore impact zone.

Jay Smedberg asked if she walked the ridge.

Commissioner Fairchild states that she did. Asks if they know how many variances they want.

Attorney Sandelin states that they don't know until they get into it.

Jay Smedberg states that there would be a variance for a garage on Tract A. The variance would be from the OHW, but they will maintain the wetland setback. There is a variance for the house on Tract D, which will be the most challenging site on the property.

Acting Chairman McConnell states that if this were a PUD, would any variances be needed.

Administrator Marohn explains how a variance works and the process to be followed. A PUD would resolve many of the issues with preplanning and a reduction in the need for variances.

Jay Smedberg states that the Smiths looked at this last fall. If they were to pursue this route, they would economically be forced to build inexpensively and to the maximum density.

Attorney Sandelin states that this was discussed last month. There is no guarantee that there would be variances. At the end of the meeting, the Planning Commission directed us to come back with a modified plan, not a PUD. To go back to that discussion now seems to be counterproductive.

Acting Chairman McConnell states that a PUD was his thought a month ago, and it still is.

Commissioner Fairchild states that giving a variance on Tract D is something we don't do. Wants to work with them but can't do that. Would like to see this property developed nicely. There should be one nice lake access, which would be low impact. There would be no messing with the sensitive areas except for some trails and it would be a beautiful development. There is no reason that putting up a PUD means cheap homes. I could not give you a variance to build in Tract D.

Attorney Sandelin states that they came back with what they were asked to do.

Jay Smedberg states that Tom Fitzpatrick made it clear that we needed to decide on the adjustments. We left last month with that being done.

Commissioner Fairchild states that now with the road vacation, a PUD becomes a more attractive option. There is more area.

Attorney Sandelin states that a PUD would not be consistent with the neighborhood.

Acting Chairman McConnell asks why not.

Attorney Sandelin states that he does not believe there are other clustered homes out there.

Jay Smedberg states that he cannot make a decision on that for the Smiths.

Acting Chairman McConnell states that his opinion is that why would we do this as a variance if we can do it without.

Attorney Sandelin states that if a PUD required a variance, what would the difference be?

Commissioner Fairchild states that it would probably not be as severe. It would be able to stay out of the shore impact zone. Does not want to speculate because we have not seen a plan.

Commissioner Reineck states that she sees their side of the story and disagrees with some of the things being said tonight by the Commission. We can come to an agreement.

Commissioner Fairchild asks if Commissioner Reineck has been out there.

Commissioner Reineck states that she has not but has seen pictures. Can see where the problems arise. Commissioner Reineck states that it should be tabled until we have a full board and the Smiths have a chance to review the letter.

Attorney Sandelin states that if it is tabled, they will respect that and not demand an approval because time has run out.

Commissioner Reineck makes a motion to table the metes and bounds application. The motion is seconded by Commissioner Fairchild. The motion passed unanimously.

8. New Business

a. Building height

Acting Chairman McConnell states that he would like to see something around 20 feet.

Commissioner Fairchild asks why this was changed.

Administrator Marohn explains the reasoning for the height limitation in the R3 Zone. Need to limit guest houses on small lots and reduce the number of guest house conflicts.

Acting Chairman McConnell states that he would like to see around like 20feet, with only one story, so that an RV can be put in there instead of putting it outside.

Commissioner Fairchild states that we should leave it the way it is.

Discussion on how the height limitation in the R3 and Commercial Shoreline Zone should be used.

Motion by Commissioner Reineck to table and to bring this back next month, seconded by Commissioner Fairchild. The motion passed unanimously

Commission accepts with regrets the resignation of Commissioner Reineck. Acting Chairman McConnell directs Administrator Marohn to inform the City Council and to request appointment of a replacement.

10. Adjournment -

Commissioner Reineck motions to adjourn the meeting. Commissioner Fairchild seconds the motion. The motion passed unanimously.

9:43 PM

Respectfully Submitted,

Charles Marohn
Planning and Zoning Administrator