

**CITY OF EMILY
MEETING MINUTES
PLANNING AND ZONING COMMISSION**

September 3, 2003 - 7:00 PM

1. Call to Order – 7:00
2. Roll Call

Commission: Si Brannan, Jim Nordvall (chairman), John McConnell, Tony Kile, Lorna Clodfelder

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

3. Public Hearings

Preliminary Plat for Bemis Country Second Addition - Residential Subdivision, Ken Schwartz, Investors Together, Inc., Application 03-111

Marohn reviews the staff report and the recommended conditions.

Commissioner McConnell states that the zoning map is from the shoreline act and it says that for 1,000 feet around it shall be zoned R-1 or R-2. States that some of the parcels are in the R-2 zone and some are in RR zone. If we consider the 1,000 feet, then most of these are out of not in it.

Marohn states that the Commission discussed the zoning previously and agreed that the R-2 zone extended to Whitetail Drive.

Commissioner McConnell states that we should establish the zoning.

Marohn states that this could be done at the next meeting. It was discussed in the past already and the interpretation of the commission was that R-2 zone extended through the entire property.

Ken Schwartz, applicant, states that the road should be considered the boundary line. He understands Commissioner McConnell's concern but thinks the road is the natural boundary line.

Commissioner Kile states that extending the zoning classification through the subdivision is no problem.

Marohn states that we could add a condition that states that the property needs to be rezoned prior to final approval.

Commissioner Brannan asks if we know where the 1,000 foot line is.

Commissioner McConnell shows him where he has computed the line.

Chairman Nordvall asks if the entire property were determined to be R-2, then would the lots be conforming?

Marohn states that they would be.

Motion by Commissioner Brannan to approve as amended, seconded by Commissioner McConnell based on the following findings of fact:

1. The property is properly zoned for residential use.
2. All lot sizes conform to the minimum 40,000 square feet requirement.
3. There are no existing structures on the property.
4. The properties all contain adequate area for two sewage disposal areas.

5. The lots are not riparian and therefore shoreline requirements do not apply.
6. The proposed roadway – referred to as “Bemis Court” - dead-ends within the subdivision. The property to the south of the proposed subdivision is already developed as part of Bemis Country, and thus the termination does not prohibit future development of the property.
7. Each lot has at least 33 feet of access to public right-of-way.
8. Street grades meet the minimum standards of the Ordinance.
9. No new access points have been added along CSAH 1 to conform to the provisions of the Ordinance.
10. Proposed roadways contain the required amount of right-of-way, which is to be dedicated to the public.
11. The street intersection conforms to the requirements of the ordinance.
12. No lots will require variances for residential development.
13. There is no direct discharge of stormwater to the wetland.
14. Erosion control devices are proposed to be included with the road construction and site preparation.
15. The setback from County Highway 1 is 50 feet as per the current Ordinance, and the setback from Whitetail Drive and all other City roads is 30 feet. All lots are build-able with these requirements.
16. The site plan includes provisions for stormwater management from the new road – Bemis Court. However, it appears that run-off from impervious surface on Lots 9 and 7 will drain into Lot 8, and run-off from Lots 3 and 4 will drain into three adjacent lots in Block 2 to the south.

With the following amended conditions included in the motion to approve:

1. The developer shall confirm the name of the street – Bemis Court - with the county surveyor’s office.
2. The street design shall be reviewed by the City Engineer. Final plat approval shall be contingent on acceptance of the design by the City Engineer.
3. The developers shall either construct the roads prior to final platting or shall enter into a developers agreement for construction of the roadway. The developers agreement shall be prepared prior to final plat approval.
4. The developer shall prepare a more detailed stormwater management plan for the entire subdivision that clearly depicts all natural drainage ways and on-site stormwater retention areas. A 50-year, 24-hour rain event shall be contained within the subdivision under build-out conditions.
5. The zoning classification of the property shall be clarified through a public hearing prior to final plat approval.

Motion passes unanimously.

Schwartz states that he showed the Commission two drawings two months ago and the one that is presented tonight is the one everyone stated was the one that they wanted.

Variance to Construct within the Lake Setback, Properties, Etc. Application 03-99

Marohn reviews the staff report.

Commissioner McConnell states that the staff conditions should reflect the fact that this is no longer an addition. Also, staff finding three should state a height since there is none currently there. He recommends a one story height and states that they should set the building back another ten feet.

Commissioner Kile states that the applicants are running into trees if they place the structure further back.

Chairman Nordvall asks if any of the water issues were resolved. He states that there is a requirement for a stormwater management plan.

Commissioner Clodfelder asks which lots are included in this.

Mr. Grohndahl, applicant, answers lots 29 thru 32. States that they have been consolidated.

Motion by Commissioner Clodfelder to approve the variance as amended, seconded by Commissioner Kile based on the following findings of fact:

1. **The current use on this parcel is consistent with adjacent parcels.**
2. **The structure is a permitted use in the R3 District.**
3. **The structure does not alter or detract from the essential character of surrounding area.**
4. **The property meets the minimum requirements for the R3 District, which stipulates a minimum lot area of 20,000 feet and shoreline footage of 100 feet on a GD lake.**
5. **The proposed cabin meets all side-yard and road setbacks.**
6. **The building envelope on this parcel is so small that it does not allow reasonable use of the property without encroachment into the lake setback.**

With the following amended conditions included in the motion to approve:

1. **No trees shall be removed as part of the construction of the new cabin.**
2. **The cabin shall be fully screened with native vegetation so as not to detract from the natural shoreline from any angle.**
3. **The structure shall be single-story.**
4. **The cabin shall not have any accessory decks, patios, porches, or other structures attached to it.**
5. **The applicant shall submit a storm-water management plan for dealing with the run-off generated from the cabin and subsequent increase in impervious surface.**
6. **All four lots (lots 29, 30, 31 and 32) shall be consolidated into one lot.**
7. **Additional vegetative screening of the cabin from the shoreline is recommended to filter storm-water run-off and to contribute to the scenic and ecological value of the shoreline. Screening should be done in accordance with Best Management Practices for shoreline properties.**

Motion passes unanimously.

4. Additions or Deletions to the Agenda – The following additions were made:
 - 7b. Tutch RV Park Variance
 - 7c. Cheryl Chapman, appeal of staff's interpretation of the ordinance
 - 7d. Karkhoff, staff clarification on privy installation
 - 7e. Paul Jorgenson

5. Approval of Minutes

- a. July Minutes – Marohn is to clarify the amendments that were made to the June minutes.
Motion by Commissioner Clodfelder to approve minutes with clarified amendments, seconded by Commissioner Brannan.

Motion passes unanimously.

- b. August Minutes – Tony, John. PU

Motion by Commissioner Kile to approve minutes, seconded by Commissioner McConnell.

Motion passes unanimously.

6. Planning and Zoning Administrator's Report
 - a. August Permits
 - b. August Correspondence
 - c. General Enforcement Actions
 - d. Council Action

Marohn to send a letter to Springman clarifying that the word "duplex" does not represent what the property is and to get an agreement that the property is not be used for rentals. Furthermore, the building must be in single family ownership. The Commission would like to request a deed restriction.

Commissioner McConnell points out that the letter to Tutch and Cummings had the wrong conditions. The eighth condition was wrong. Marohn to send an updated letter to Tutch and Cummings.

7. New Business – none
 - a. Tierney Potential Violation
 - b. Tutch RV Park Variance
 - c. Cheryl Chapman, appeal of staff's interpretation of the ordinance
 - d. Karkhoff, staff clarification on privy installation
 - e. Paul Jorgenson

7b. Tutch RV Park Variance

Dave Tutch, applicant, states that they presented things last month for the variance. Barb Hubbard caught in the conditions that the building could only be a single story. It was intended to be a two-story building. They have held off on construction until they could get a clarification from the board.

Chairman Nordvall asks if there are any other changes other than the height.

Tutch states no. States that sometimes the conditions don't get read.

Commissioner McConnell states that there were no elevations submitted and asks if the applicants have read over the other conditions.

Tutch states that they have. They are thankful to Hubbard for catching the matter before the building was constructed.

Motion by Commissioner McConnell to change condition four to not exceed 25-feet in height, seconded by Commissioner Clodfelder.

Motion passes unanimously.

- 7c. Cheryl Chapman, appeal of staff's interpretation of the ordinance.
- 7d. Karkhoff, staff clarification on privy installation.
- 7e. Paul Jorgenson

None of these individual have shown up.

8. Old Business - none
9. Open Forum

Rusty Schmidt, BRW, present to speak about project on Roosevelt Lake and pervious pavers. Presents plan and discusses it with the Commission. States that they meet the fill requirements within the shore impact zone and within the setback. Has proposed granite pavers in the setback as a patio now and would like to keep them but would be willing to go to pervious pavers.

Commissioner McConnell asks if they have talked to the DNR.

Schmidt states that he has not on this project but has on other projects. States that he is going to apply for an aquatic vegetation grant.

Commission discusses options. Agrees on a walkway with some landings surrounded by turf.

10. Adjournment 9:16

Respectfully Submitted,

Charles Marohn
Planning and Zoning Administrator