

**CITY OF EMILY  
AGENDA  
PLANNING AND ZONING COMMISSION**

**March 7, 2007, 7:00 PM**

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

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Final Plat of Greenview Townhomes  
Greenville Homes, LLC  
Application 07-03

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Minor Ordinance Amendments  
City of Emily

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4. Additions or Deletions to the Agenda
5. Open Forum
6. Approval of Minutes
  - a. February 2007 Regular Meeting
7. Planning and Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
8. New Business
  - a. Sale of Tax Forfeited Lots
9. Old Business
  - a. Utility Overlay Zone
  - b. Alternative Shoreline Standards
  - c. Engineering of Roads Standards
10. Adjournment

## STAFF REPORT

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**Application:** Final Plat of Greenview Townhomes

**Applicant:** Greenview Homes, LLC

**Agenda Item:** 4(a)

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**Background:** In December, the City of Emily approved the preliminary plat of Greenview Townhomes. The proposal would create four duplexes (eight units in total) on 3.67 acres on the south side of County Highway 1, just east of the Yost Road intersection. The development lies along the Emily Greens golf course. Included in the development are eight storage units to be utilized by the owners of the eight dwelling units.

The property is zoned Neighborhood Residential and also lies within the Recreation Overlay District.

The final plat is the last step in the subdivision process. The preliminary plat was approved, subject to the following conditions:

1. The right-of-way for County Road 1 be dedicated to the public as part of the subdivision.
2. The applicant shall address any concerns that may be presented by the County Engineer's office prior to final plat submission.
3. The applicant shall obtain the required MPCA stormwater permit and provide a copy of the permit and submittals to the City.

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**Applicable Regulation:** The steps for approval of a final plat are contained in Section 9.3 of the ordinance.

1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
2. Design standards in conformance with the City of Emily Zoning and Subdivision Ordinance.
3. Preparation by a Registered Land Surveyor. Signatures of Mayor, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
5. Drainage and utility easements over natural drainageways and significant wetlands.
6. Reservation of private streets in Outlots.
7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
  - A. The Association shall consist of all benefited lot owners.
  - B. The Association shall be responsible for all costs of maintenance and replacement.
  - C. The costs shall be uniformly divided by lots served.
  - D. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
  - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
  - F. Provisions shall be made for emergency access or emergency maintenance by the City with subsequent reimbursement by the Association.

8. Concurrent documents
  - A. Title Opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
  - B. Financial security acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements.
  - C. Development contract acceptable to the City Attorney, if required.
9. All unpaid assessments shall be paid at the time the final plat, final condominium plat, or metes and bounds lot split is filed.

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**Staff Findings:** The Staff provides the following findings for the Planning Commission's consideration:

1. The final plat conforms to the approved preliminary plat.
  - a. The final plat dedicates "to the public for public use forever County Highway No. 1, the road as shown on the plat".
  - b. The County Engineer has presented no concerns with the proposed subdivision.
  - c. The applicant has prepared a stormwater management plan and applied for an NPDES stormwater management permit.
2. As demonstrated in the preliminary plat phase, the subdivision design conforms to the design standards of the Ordinance.
3. The final plat has been prepared by Chris Hoglund, a licensed land surveyor.
4. The standard required signatures are on the final plat and the applicant has provided title insurance. The title insurance is provided to Cyril F. Kruse III and Mary Kruse, although Mary Kruse is not listed as a party of interest on the final plat. The final plat does include Joseph J. Anderson, Vice President of US Bank, who is not included in the title insurance. This has been forwarded to the City Attorney for an opinion.
5. Land required to be dedicated to the public along County Road No. 1 has been dedicated as part of the subdivision.
6. The required utility easement for the sanitary sewer connection has been provided.
7. There are no private streets proposed with the subdivision.
8. There have not been any association documents presented as part of the subdivision. The creation of an association for management of the common space is required.
9. Title insurance, in lieu of a title opinion, has been provided. It is being reviewed by the City Attorney.
10. The development is required to connect to the municipal sewer system. As such, there is a requirement for a financial security based on a cost estimate by the City Engineer. There has been no development agreement presented or financial security proposed.
11. There are no outstanding assessments on the property.

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**Planning Commission Direction:** The Planning Commission can develop findings to recommend approval of the final plat. The final plat cannot be denied if all of the requirements have been met, but can be denied if they have not. The Planning Commission has the ability to table the application to gather additional information.

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**Staff Recommendation:** There are three concerns with finalizing this plat. The first is clarifying the title work, which should be fairly straightforward. We anticipate having an answer from the City Attorney prior to the meeting.

The second involves the construction of the necessary sanitary sewer connection. The applicant has two options in regards to completing this work. The first would be to complete the improvements prior to final plat approval. The second would be to enter into a development

agreement with the City and provide a financial security that would be 125% of the cost of the needed improvements. While the City Engineer has received the plans for review, there has been no developer's agreement presented or approach proposed for addressing this requirement.

The final concern would be the homeowners association documentation. This documentation would be required as part of creating the development and ensuring its continued operation, but is yet to be presented.

It is possible that these items may be resolved by the meeting, but without their resolution, we are recommending that the final plat be tabled.

## STAFF REPORT

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**Application:** Minor Ordinance Amendments

**Applicant:** City of Emily

**Agenda Item:** 4(b)

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**Background:** The proposed ordinance modifications are minor, non-controversial amendments designed to clean up the text of the ordinance. Please simply remove any items you do not wish to amend and they can be the subject of a future hearing, if needed.

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**Ordinance Amendment Proposal:** We propose to make the following amendments (additions underline and deletions shown as strike through):

- **Section II:** This Ordinance is established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes ~~1983~~ Sections 462.351 to 461.364, the Municipal Shoreland Act, Minnesota Statutes ~~1973~~ Section 379, Minnesota Statutes ~~1980~~ Sections 462.351 to 462.364, The Land Subdivision and Condominiums Acts, Chapters 462, 505, 515, 515A and 515B and Policies in Minnesota Statutes, Section 105,115 and 116, and any Amendments thereto. This Ordinance hereby repeals Ordinance #901, Ordinance #904 and Ordinance 507 for the City of Emily.
- Section 5.2, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.3, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.4, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.5, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.6, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.7, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.8, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.9, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.10, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.11, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.12, Subdivision 2, 3, 4, 5 and 6 are to be omitted.
- Section 5.13 Land Use Matrix
  1. The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional and excluded uses within the City of Emily.

2. All uses are considered prohibited unless specifically allowed in this Code, even if they are not listed specifically under excluded uses.
3. All accessory uses require a permit, unless otherwise indicated.

Table 1 (shown on the following pages) would then be included in Section 5.13.

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**Planning Commission Direction:** The Planning Commission can recommend approval of these changes, but is not under any obligation to do so. Your staff recommends that the changes be made as they would greatly simplify the ordinance, providing a document that is more user-friendly, has fewer pages and is going to be easier to maintain over time.

## 7. P&Z Administrator's Report

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A. Permits: The following permits were issued by the Planning and Zoning office since the last meeting:

|   | Name:       | Address:              | Type:         | Permit Fee:    |
|---|-------------|-----------------------|---------------|----------------|
| 1 | Jan Adamson | 39919 State Highway 6 | Sign          | \$50           |
|   |             |                       | <b>TOTAL:</b> | <b>\$50.00</b> |

B. Correspondence. The following correspondence was sent or received by the Planning and Zoning office since the last meeting:

|   | Date:   | To:           | From:          | RE:   |
|---|---------|---------------|----------------|---|
| 1 | 2/7/07  | City of Emily | Lonny Thomas   | Preliminary Plat of Pine Shadows Addition       |
| 2 | 2/9/07  | Steve Qualley | Lonny Thomas   | Minnie Lake Shore Road Construction             |
| 3 | 2/13/07 | Chris Scott   | Charles Marohn | Northern Lights over Lake Roosevelt Development |
| 4 | 2/16/07 | Lonny Thomas  | Steve Qualley  | Minnie Lake Shore Road Construction             |

## **New Business**

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### a. Sale of Tax Forfeited Lots

The City has received a notice from Crow Wing County indicating that Lots 67 and 68 of the Pinehurst subdivision (north side of Dahler Lake) are to be put on the County's land sale. They have given the City 60 days to object to the land sale, and then a subsequent 6 months to purchase the property. The City Council has referred this to the Planning Commission for study.

Dahler is a General Development lake. While each lot has adequate area to make it a buildable lot, at only 60-feet wide, the lots are non-conforming. If combined, however, they would make a conforming and buildable lot.

The properties do have some steep slopes along the shoreline, but there is ample building space outside of these areas.

We recommend that the City not object to the land sale, but request that the parcels be combined and sold as one lot.