

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

April 4, 2007, 7:00 PM

1. Call to Order
2. Roll Call

Commission: Bill Spies, Bonnie Fairchild (chair), Si Brannan, Bonnie Kile, Art Patterson

City Council: George Pepek (Mayor), Kent Rees (Council Liaison)

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

3. Public Hearings

Vacation of Public Right-of-Way, Patrick Cave and Patrick Anderson

Administrator Marohn presents the staff report.

Patrick Anderson, present. Discusses his need to build a septic system and the need to have this property to do it.

Patrick Cave, states that the previous council guaranteed that the property would never be used as a public right-of-way. States that individuals have bought across the road and speculate that they can use this property as public. We have been guaranteed that it would ever happen.

Commissioner Kile asks if this property was to be used for fire access.

Anderson states that it could not be used in that way.

Cave states that from the road there is a steep climb up and then a sharp decline. There is only a remote possibility that a firefighter would use this strip.

Administrator Marohn states that the sewer system issue would need more investigation if that were a compelling concern for the Planning Commission.

Guy Vogel, states that he owns the development across the road. States that there are feasible ways to put an access in there.

Commissioner Patterson suggests that it be tabled until a sewer design can be provided.

Motion by Commissioner Patterson, seconded by Commissioner Kile, to table pending a review by Zoning Administrator of sewage treatment system claim.

Commissioner Brannan asks Administrator Marohn to research how many other places on the lake would be feasible for an access.

Passed unanimously.

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

Administrator Marohn presents the staff report.

Kruse thanks the City. States that a lot of hard work has been done and is appreciative.

Motion by Commissioner Spies to recommend acceptance of the preliminary plat, seconded by Commissioner Kile, based on the following findings of fact:

- 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 title work has been completed and accepted by the City Attorney.**
- 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. 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. The amount of the financial security is \$54,571.88.**
- 10. There are no outstanding assessments on the property.**

Passed unanimously.

Administrator Marohn to verify that the garages are properly defined within the declaration.

Preliminary Plat of Pine Shadows Addition, Dan Miller, Whitetail Properties
Application 07-05

Administrator Marohn presents the staff report.

Commissioner Spies points out that the lot sizes are backwards on Lot 1 and Lot 2 of Block 2.

Kevin McCormick, SEH, states that they have worked with the City Engineer to realign the road. The roadway has grades of less than 8%. Would like to amend the portion where they would provide plans and specifications to the City Engineer.

Administrator Marohn clarifies that the condition would not require plans and specs but would require what the City Engineer would need for design.

Steve Whitney, states that he lives next door to the cul-de-sac. States that it is right underneath the window. Would like it moved away from his house and would provide better access.

Don Atwater, states that they would prefer that the cul-de-sac be moved over.

Motion by Commissioner Brannan, seconded by Commissioner Patterson, to recommend approval of the preliminary plat based on the following findings of fact:

- 1. The land is properly zoned Shoreline Residential and Rural Preservation, which provide for the type of development being proposed.**

2. The Ordinance indicates a minimum buildable lot area in each zoning classification, but does not indicate a total minimum size of each lot. The twelve riparian lots each contain more than the minimum required buildable lot area of 20,000 square feet and the five non-riparian lots contain more than the minimum required buildable lot area of two acres, as shown in the following table:

Lot Number	Buildable Area	Minimum Required Buildable Area	Size of Lot	Minimum Required Size of Lot
Lot 1, Block 1	41,077 sf	20,000 sf	62,222 sf	Not defined
Lot 2, Block 1	31,536 sf	20,000 sf	39,985 sf	Not defined
Lot 3, Block 1	27,337 sf	20,000 sf	39,964 sf	Not defined
Lot 4, Block 1	31,607 sf	20,000 sf	43,328 sf	Not defined
Lot 5, Block 1	23,421 sf	20,000 sf	49,028 sf	Not defined
Lot 6, Block 1	34,559 sf	20,000 sf	61,071 sf	Not defined
Lot 7, Block 1	48,773 sf	20,000 sf	71,890 sf	Not defined
Lot 8, Block 1	41,571 sf	20,000 sf	54,437 sf	Not defined
Lot 9, Block 1	41,149 sf	20,000 sf	79,171 sf	Not defined
Lot 10, Block 1	45,641 sf	20,000 sf	61,956 sf	Not defined
Lot 11, Block 1	77,555 sf	20,000 sf	96,601 sf	Not defined
Lot 12, Block 1	85,519 sf	20,000 sf	102,043 sf	Not defined
Lot 1, Block 2	2.0 acres	2 acres	2.1 acres	Not defined
Lot 2, Block 2	2.0 acres	2 acres	2.1 acres	Not defined
Lot 3, Block 2	2.0 acres	2 acres	2.0 acres	Not defined
Lot 4, Block 2	2.0 acres	2 acres	2.0 acres	Not defined

The buildable area excludes all lands that are below the ordinary high water mark, all wetlands, all bluffs and all lands with slopes exceeding 25 percent. There are no lands subject to flooding or lands with elevated water tables on the property. Each proposed lot contains adequate area so as to construct a single family dwelling with room for primary and alternate sewage treatment systems.

3. As indicated by the location of perspective dwellings, each proposed lot can be developed with only minimal alteration required.
4. There are no structures, non-conforming or otherwise, on the property.
5. Each lot has adequate area for the construction of two sewage treatment systems. The adequacy of the soils to accept and treat the wastewater has been demonstrated by spot checks within the development.
6. Aquatic conditions are unsuitable for lake access from Lot 12 and most of Lot 11, both in Block 1. Slope conditions on Lot 1, Block 1, make lake access problematic. Conditions included with this approval area adequate to address these issues. There is adequate lake access for all other parcels.
7. The layout of the development is compatible with the layout of adjacent parcels.
 - a. The through-road provides for the development of the properties to the north. A shed is located near where a potential road extension would be. The structure has minimal value, particularly compared to the development value of the property. The location of the shed is not an impediment to development of the properties to the north.
 - b. The properties to the east and south are already developed.
 - c. There is increased accessibility to the property to the west as a result of the development.
8. Lot lines meet standard configurations and do not contain any unwarranted jogs or angles.
9. Each property abuts more than the required 33-feet of public right-of-way along either the proposed Pine Shadow Drive.
10. Drainage and utility easements have been provided.
11. All proposed lots are buildable without need for a variance for structures or sewage treatment location.
12. The preliminary plat is signed by a licensed surveyor indicating that it meets Minnesota survey standards.
13. A stormwater pollution prevention plan has been prepared and submitted with the application.

with consideration of the following conditions:

1. Provisions shall be provided for lake access for Lots 11 and 12 of Block 1 outside of areas with significant aquatic vegetation. If the access is to be consolidated on the southwest side of Lot 11, the proposed property line shall be staked to provide for a field inspection to ensure adequate setback from Lot 10 and the aquatic vegetation.
2. Provisions shall be provided for lake access for Lot 1, Block 1, outside of the bluff area.
3. So as to limit the impacts from developing within steep slope areas, a deed restriction and/or conservation easement shall be provided that would limit any clearing of vegetation, except to accommodate a trail or walkway for lake access as provided for within the Ordinance, within the following shoreline setbacks:

Lot Number	Required No-Clearing Area (Setback from OHW)
Lot 1, Block 1	Outside of Bluff
Lot 2, Block 1	75 feet
Lot 3, Block 1	75 feet
Lot 4, Block 1	205 feet
Lot 5, Block 1	185 feet
Lot 6, Block 1	160 feet
Lot 7, Block 1	200 feet
Lot 8, Block 1	190 feet
Lot 9, Block 1	200 feet
Lot 10, Block 1	220 feet
Lot 11, Block 1	75 feet
Lot 12, Block 1	75 feet

4. With the exception of Lot 1, no driveway within the subdivision shall be constructed that traverses an area identified as having greater than 25% slope. This shall be recorded as a deed restriction or provided for in some other enforceable mechanism acceptable to the Planning Commission.
5. The proposed easement across the Starry property shall be dedicated to the public and shall be a minimum of 66 feet in width.
6. A roadway design shall be prepared and submitted to the City Engineer for review and comment. The designed shall be modified to a form acceptable to the Engineer. The engineer is to decide on the type of turn around to be provided.
7. The applicant shall obtain the required MPCA stormwater permit and provide a copy of the permit to the City.
8. Within 60 days of this approval, or prior to the submission of a final plat application, the applicant shall reimburse the City for all expenses incurred in processing this application, and the previous preliminary plat application, that exceed the original application fee.

Passed unanimously.

4. Additions or Deletions to the Agenda
5. Open Forum
6. Approval of Minutes
 - a. March 2007 Regular Meeting – To be brought back in May.
7. Planning and Zoning Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Enforcement Actions
 - d. Feedback Surveys

- e. Council Action
- f. ISTS Compliance Testing
- g. CUP and Variance Review

- 8. New Business
 - a. Andy Anderson CUP Discussion

Anderson present. States that he was contacted about putting in a new business and wants to know what he can do.

Administrator Marohn reviews the staff comments.

Commissioner Brannan states that he got on the Planning Commission right after the big fight on extractions. Personal opinion is that this would be a benefit to the City of Emily. It would bring a lot of business in and employ people, but the big question is with the people who were afraid that it would drain the lakes. It would require some proof on how the water situation would be handled and how the noise would be addressed.

Discussion amongst the Planning Commission.

Commissioner Kile states that the issue would need to be studied before going forward.

Commissioner Brannan states that we would need to find what people are concerned about and then address those issues before we proceed.

Chair Fairchild states that her concern is the property around this and those people's ability to build homes.

Administrator Marohn is to provide at the next meeting:

- An education session for the Planning Commission on extractive uses and accessory uses,
- A public/Commission visioning session to document concerns with extractive uses and related issues,
- An outline of potential solutions and ordinance modifications.
- Must provide for public notification.

- b. Resolution on Tax Increment Financing

Administrator Marohn reviews the staff comments.

Motion to adopt the resolution made by Commissioner Kile, seconded by Commissioner Patterson. Passed unanimously.

- 9. Old Business
 - a. Utility Overlay Zone
 - b. Alternative Shoreline Standards
 - c. Engineering of Roads Standards

Mayor Pepek, passes out a letter from Dan Heggerston on economic development issues. Encourages the Planning Commission to examine the ordinances and make sure they are not too restrictive to provide for expansion. The Comprehensive Plan is restrictive and we should see if there are things that we should look at.

- 10. Adjournment – 9:10 PM

Respectfully Submitted,

Charles Marohn, City Planner