

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**

4 **May 7, 2024**

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6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Johnson at 6:00 pm.

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9 **2.** Pledge of allegiance was recited.

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11 **3. ROLL CALL**

12 PRESENT: Dave Johnson, Chairman, Lynn Bartel, Denise Vukelich, Patrick Rheaume, Mark
13 Mosman, and Faye Hughes

14 Council: Greg Koch (Liaison) Gary Hanson, (Council)

15 Staff: Brittney Cotner, Zoning Administrator (Sourcewell), Kayode Adiatu, Zoning
16 Administrator (Sourcewell) and Sue Fahrendorff, Zoning Clerk

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18 **4. ADDITIONS OR DELETIONS TO AGENDA**

19 None

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22 **MOTION MADE BY COMMISSIONER RHEAUME TO ADOPT THE AGENDA AS**
23 **PRESENTED. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
24 **FAVOR. MOTION CARRIED 4-0.**

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26 **5. OPEN FORUM**

27 None

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30 **6. PUBLIC HEARINGS**

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32 a. Rezone Application 24-01 to consider a change in zoning for a portion of the subject
33 property located at 40099 Hite Ln (PID 21270704). The request is to change a portion of
34 the lot from "Neighborhood Residential" to "Shoreline Residential". Owner/Applicant:
35 Eugene Selyukov.
36 Cotner provided background information and stated she believes this was a holdover
37 from an old access point to the shoreline. The portion of the property that is
38 Neighborhood Residential (NR) is approximately 100 feet X 60 feet and the remaining
39 parcel is zoned Shoreline Residential (SR) and is consistent with the neighboring
40 properties. The request is to rezone the NR portion of the lot to SR, which will bring it in
41 line with the full lot, making it all one zoning district of Shoreline Residential.
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MOTION MADE BY COMMISSIONER VUKELICH TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL TO CHANGE A PORTION OF THE LOT FROM NEIGHBORHOOD RESIDENTIAL TO SHORELINE RESIDENTIAL. SECONDED BY COMMISSIONER BARTEL. MOTION AMENDED TO INCLUDE THE 8 FINDING OF FACTS

- 1. The subject property is located at 40099 Hite Lane (PID 21270704).
- 2. The request is to rezone a 0.44-acre section of their 2.43-acre property located at tract from "Neighborhood Residential" to "Shoreline Residential".
- 3. The properties adjacent to the subject property are zoned "Neighborhood Residential" (north) and "Shoreline Residential" (east and west).
- 4. The property as a whole meets the minimum lot size and width requirements of the "Shoreline Residential".
- 5. Aside from a bluff on the shoreline area which will not be impacted, there are no known natural sensitive areas on the subject property.
- 6. The topography of the subject property is relatively level aside from the noted bluff along the shoreline.
- 7. The future land use map identifies the subject property as "Low Density Residential".
- 8. The rezone would be consistent with the goals within the comprehensive plan of seeking housing options for all ages and incomes as well as building a strong year-round economy. **ALL VOTED IN FAVOR. MOTION CARRIED 5-0**

- b. Ordinance Amendment Application 24-02 to consider modification to section 152.034 "Water Resource (WR)" of the City of Emily City Code. Applicant: City of Emily. Cotner stated this is a unique section where WR is under the Zoning District section of the ordinance, however, it never appears anywhere else in the ordinance. Cotner stated she assumes the WR district was slowly phased out or was a Zoning District that was anticipated but never happened, therefore it has no intention in the city code. Cotner recommended the Planning Commission eliminate Water Resource from the City Code.

MOTION MADE BY COMMISSIONER RHEAUME TO RECOMMEND THE CITY COUNCIL ELIMINATE SECTION 152.034 WATER RESOURCE SECTION WORDING FROM THE CITY CODE. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0

- c. Ordinance Amendment Application 24-03 to consider modification to section 152.042 "Highway Mixed-Use (HMU)" of the City of Emily City Code. Applicant: City of Emily. Cotner stated the modification of the HMU definition is a recommendation to the Planning Commission from the Land Use Ordinance Subcommittee with the intent to move it forward to the City Council for approval. Modification wording is as follows:
To create and maintain a land use district which gives opportunity for residential and commercial development along highway access corridors. The creation of this district should work within the goals of the comprehensive plan, not diminishing the natural beauty of the area. Screening and larger lots will be required to minimize visibility from roadways and neighboring lots. Single Family residential development is likely the primary use, with secondary use being commercial or a home occupation.

96 **MOTION MADE BY COMMISSIONER RHEAUME TO RECOMMEND TO CITY**
 97 **COUNCIL THE APPROVAL OF ORDINANCE AMENDMENT 24-03;**
 98 **MODIFICATION OF SECTION 152.042 HIGHWAY MIXED-USE. SECONDED BY**
 99 **COMMISSIONER VUKELICH. AMENDMENT TO MOTION TO CORRECT TYPO.**
 100 **ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
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- 102 d. Modification to an existing Final Plat (application number 09-3327) from 2009. The
 103 request is to modify the approved conditions to construct and operate a conservation
 104 subdivision. The original approval was issued in November 2009. Owner/Applicant:
 105 Northern Lights over Roosevelt Lake Homeowners Association.

106 Cotner provided background information. This is a modification of an existing Plat
 107 from 2009, which was brought before the Planning Commission in October 2023, but
 108 was denied due to lack of response from MnDOT. The HOA has now received a letter
 109 from MnDOT addressing these two issues and are now requesting the Planning
 110 Commission revisit their request regarding docks and lift storage location and the
 111 north approach/drop off area be allowed to have daytime parking only.

112 **Commissioner Johnson recused himself from the Planning Commission**
 113 **meeting for Public Hearing d.**

114 Commissioner Rheaume-Vice Chair asked for public comments. Members of the
 115 public addressed the Planning Commission regarding historical background
 116 information, current public safety concerns, parking area, and dock storage on
 117 shoreline. Andy Toczek, incoming HOA President, stated only the boat docking will be
 118 stored on the shoreline. The HOA will require all boat lifts to be professionally
 119 removed and stored on their owners property.

120 The Planning Commission discussed the dock site and is in agreement that the lifts
 121 should not be stored on the shoreline. Discussion regarding the installation of a small
 122 berm at the top of the foot path to prevent water from the asphalt driveway to run
 123 towards the lake and addition of wood chips on the trail path.

124 Commissioner Rheaume stated the following items should be considered:

- 125 • No mowing in the shoreline impact zone to keep in its natural state.
- 126 • Wood chips need to be added to the trail path.
- 127 • Winter storage of docks should be kept on the pathway rather than right on
 128 shoreline.
- 129 • Daytime parking only in the drop off area for ATV's/Golf Carts/Side by Sides.
- 130 • Efforts must be taken to divert the water from the access path going directly
 131 into the lake.

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MOTION BY COMMISSIONER MOSMAN TO RECOMMEND APPROVAL TO THE CITY COUNCIL, EMAIL LETTER FROM MnDOT DATED APRIL 3, 2024 REGARDING THE ACCESS FROM THE PLAT, DAYTIME PARKING ONLY AS PROPOSED BY THE ASSOCIATION FOR ATV, GOLF CARTS AND SIDE X SIDES IN THE DROP OFF AREA AND DOCK STORAGE ON THE PATH AND BEHIND THE ICE RIDGE. SECONDED BY COMMISSIONER BARTEL. ALL VOTED IN FAVOR, MOTION CARRIED 4-0.

7. APPROVAL OF MINUTES

- a. February 6, 2024 Regular Meeting minutes.

MOTION BY COMMISSIONER BARTEL TO APPROVE MARCH 6, 2024 REGULAR MEETING MINUTES WITH CORRECTION TO SECTION 9 LINE 74 SPELLING CORRECTION OF METES. SECONDED BY COMMISSION VUKELICH. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

8. NEW BUSINESS

None

9. OLD BUSINESS

None

10. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE

Cotner provided an update on the Land Use Ordinance Subcommittee meeting. The committee will focus on animal husbandry ordinance at the next meeting.

11. P & Z ADMINISTRATOR'S REPORT


Cotner stated this was her last Planning Commission meeting as she will be moving to a different position within Sourcewell. Introduction of Kayode Adiatu as the interim Zoning Administrator.

182 **12. ADJOURNMENT**

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184 **MOTION BY COMMISSIONER BARTEL TO ADJOURN THE MEETING,**
185 **SECONDED BY COMMISSIONER MOSMAN . ALL VOTED IN FAVOR 5-0.**
186 **MOTION CARRIED**

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188 The meeting adjourned at 6:55 pm.

189 Respectfully submitted,

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195 Sue Fahrendorff,
196 Zoning Clerk

DRAFT