

1 **MINUTES**2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**4
5 **October 3, 2023**6
7 **1. CALL TO ORDER**8 The meeting was called to order by Commissioner Spiess at 6:00 pm.
9 Pledge of allegiance was recited.10
11 **ROLL CALL**12 PRESENT: Bill Spiess Vice Chairman, Lynn Bartel, Denise Vukelich, Patrick Rheaume and Faye
13 Hughes. Dave Johnson-absent.

14 Council: Greg Koch (Liaison)

15 Staff: Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Zoning Clerk
1617 **ADDITIONS OR DELETIONS TO AGENDA**18
19 None20
21 **2. OPEN FORUM**22
23 None24
25 **3. PUBLIC HEARINGS**

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- 27 a. Modification to an existing previously approved Final Plat (application number 09-
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- 28 3327) from 2009. The request is to modify the approved conditions placed on the
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- 29 approval to construct and operate a common interest community subdivision. Original
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- 30 approval was issued in November, 2009. Owner/Applicant: Northern Lights over
-
- 31 Roosevelt Lake Homeowners Association.

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33 Cotner provided background information:34 The applicant is requested to modify the conditions of an existing final plat approved in
35 2009. The first request is to change the conditions to allow for parking within the “drop
36 off” area. The second request is to allow their docking to be stored on the shoreline.
37 Cotner notified the DNR and MnDOT on September 12, 2023. MnDOT stated they
38 would add the parking situation to their agenda, however as of the Planning Commission
39 meeting date, she has not heard any additional details from MnDOT. Cotner stated
40 MnDOT does have 60 days to respond to requests.
4142 Planning Commissioners discussed the drop off area is within the MnDOT Right-of-Way
43 (ROW) and MnDOT does not allow parking in that area. They also stated the dock
44 winter storage should not be on the shoreline, because that is also part of the MnDOT
45 ROW. The decision to allow parking or dock storage within the ROW is up to MnDOT,
46 not the City of Emily.
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48 Mike Gates, Northern Lights over Roosevelt Homeowner Association President, state the
49 reason the HOA is asking for these modifications is due to safety concerns. He stated there is no
50 safe way to cross HWY 6.

51 The HOA is asking that the dock storage be allowed on the shoreline of the lake, instead of
52 storing off site. He stated the removal of the docking system adds significant costs for the HOA.
53

54 Commissioner Spiess stated the HOA does have access to the common interest areas
55 however, MnDOT owns a ROW easement, therefore MnDOT rules apply as if they own the
56 property.
57

58 Commissioner Rheume had concerns regarding lack of maintenance and erosion on the trail
59 going down to the dock area. He also asked how the docks would be stored on the shoreline.
60 Mr. Gates stated they would be stacked on top of each other. Commissioner Rheume stated he
61 measured the drop off parking area and there would only be room for possibly 4 vehicles at one
62 time, without parking on the grassy area. Mr. Gates stated there had never been more than 2 or
63 3 vehicles at a time parked in the area. Mr. Gates also stated he knows the area is only allowed as
64 a drop off area, however the crossing of HWY 6 is unsafe, therefore for safety reasons vehicles
65 are parked in the drop off area.
66

67 Public comments/questions included:

- 68 • Safety concerns regarding the crossing of HWY 6
- 69 • Requesting temporary parking in the drop off area.
- 70 • Requesting the City of Emily to allow the HOA to winter store the docks on the
71 shoreline. *-Per the Planning Commission, the City of Emily cannot go against the*
72 *recommendations of MnDOT.*
- 73 • Would the HOA be allowed to put the stacked dock sections in the walkway area instead
74 of on the shoreline. *-Per Cotner, the HOA could ask MnDOT for this request.*
- 75 • Can the HOA contact MnDOT directly-*Cotner will provide MnDOT contact information*
76 *to the HOA President.*
- 77 • Darril Wegscheid stated the developer(s) of Northern Lights over Roosevelt Lake failed
78 to disclose the background information/history of this development to potential buyers
79 as well as the new developer that recently took over the development. He stated when
80 this development was first introduced, there were several citizens that tried to prevent
81 the safety issues that are now a concern. Many debates took place regarding safe access
82 to the docks on Roosevelt Lake among other concerns. Mr. Wegscheid stated the
83 agreement between the DNR, MnDOT and the developer was a package deal. The City of
84 Emily cannot modify any part of this agreement without the approval of the DNR &
85 MnDOT. If the HOA requests modifications, it is within MnDOT & DNR right to rescind
86 the agreement.
- 87 • Lynn Kosloske asked if Old HWY 6 (south of the drop off area) was part of the MnDOT
88 easement. Ms. Kosloske stated there are cars/vehicles parked along that road, so why
89 couldn't the HOA be allowed to park in their drop off area.
- 90 • Council Member Gary Hanson stated that Old HWY 6 was turned over to the City of
91 Emily by MnDOT, therefore it's now a city street. Parking is allowed on city streets. Mr.
92 Hanson stated the city cannot override MnDOT's ruling, and the HOA needs to wait until
93 the Zoning Administrator hears from MnDOT. He also stated that it's within MnDOT's
94 right to reopen this agreement, which could result in a new study that would possibly
95 take 2 years. A new study of this agreement could result in a decision by MnDOT to
96 cancel the findings of the previous agreement. If that is the case, the HOA may not be
97 allowed to have docks on Roosevelt Lake.

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- Commissioner Hughes asked Cotner if contacting MnDOT regarding the ROW drop off concerns, would trigger MnDOT to reopen this agreement. The HOA would need to request MnDOT to reexamine the agreement. Cotner also stated, MnDOT would require the developer to adhere to all the conditions from the original 2009 agreement and those conditions would need to be met and enforced. (example would be to construct turn lanes on HWY 6, at Smokey Hollow Road intersection.)

MOTION MADE BY COMMISSIONER RHEAUME TO CLOSE PUBLIC HEARING. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR, MOTION CARRIED. 5-0.

MOTION MADE BY COMMISSIONER SPIESS TO DENY THE MODIFICATION OF FINAL PLAT APPLICATION NO 09-3327 UNTIL PLANNING COMMISSION RECEIVES A RESOLUTION FROM MNDOT. SECONDED BY COMMISSIONER HUGHES. ALL VOTED IN FAVOR, MOTION CARRIED 5-0.

- b. Ordinance Amendment Application Ord-23-03 to consider amending section "Appendix A: Table of Uses". Recommended changes are from the Land Use Ordinance Review Subcommittee. Owner/Applicant: City of Emily

MOTION MADE BY COMMISSIONER BARTEL TO TABLE PUBLIC HEARING 6-b ORDINANCE AMENDMENT APPLICATION 23-03 UNTIL THE NOVEMBER 8, 2023 PLANNING COMMISSION MEETING. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR MOTION CARRIED 5-0

4. APPROVAL OF MINUTES

- a. September 5, 2023, regular meeting.

MOTION BY COMMISSIONER VUKELICH TO APPROVE SEPTEMBER 5, 2023 MINUTES AS PRESENTED. SECONDED BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR. MOTION CARRIED 5-0

- b. September 15, 2023 Special Meeting minutes

MOTION BY COMMISSIONER VUKELICH TO APPROVE SEPTEMBER 15, 2023 SPECIAL MEETING MINUTES AS PRESENTED. SECONDED BY COMMISSIONER RHEAUME. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.

5. NEW BUSINESS

- a. Ordinance Review Request to consider amending section 152.003 "Rules of Construction; Definitions" as it relates to the definition of Bluff. Review was requested by Carilyn Gallagher.

Cotner provide background information regarding the request. Per our ordinance regarding the definition of a bluff, Section B states any area with an average slope of less than 18 percent over a distance of 50 feet or more, shall be considered part of the bluff. Carilyn Gallagher, property owner, requested a permit and submitted a detailed survey that referred

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148 to our ordinance that called out an area of her 4 acre parcel as a bluff by this definition.
149 Ms. Gallagher is requesting the Planning Commission discuss the bluff definition as it's
150 written in our ordinance and see if the Planning Commission would be willing to be open to a
151 modification.

152
153 Cotner will make arrangements with Ms. Gallagher to allow site visits by Planning
154 Commissioners to view her property.

- 155
156 b. Kelly Hodge Permit Extension Expiration of September 1, 2023. Consideration of
157 Enforcement Actions.

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159 **MOTION MADE BY COMMISSIONER SPIESS TO ALLOW A FINAL 30 DAY**
160 **EXTENSION TO COMPLETE EXTERIOR SIDING OTHERWISE IT WILL BE**
161 **SENT TO THE CITY COUNCIL FOR LEGAL ACTION. SECONDED BY**
162 **COMMISSIONER HUGHES. ALL VOTED IN FAVOR. MOTION CARRIED 5-0.**
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165 **6. OLD BUSINESS**

166 None

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169 **7. SUBCOMMITTEE DISCUSSION UPDATE**

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171 The Land Use Ordinance (LUO) Subcommittee did not meet in October. It will resume in
172 November 2023.

173 Council Member; Planning & Zoning Liaison Greg Koch stated the LUO Subcommittee made a
174 lot of necessary changes and cleared up many inconsistencies to the Matrix. Committee
175 members are Dave Johnson, Bill Spiess, Greg Koch and Gary Hanson.

176
177 **8. P & Z ADMINISTRATOR'S REPORT**

178
179 Cotner stated she received a few violation notices that she has addressed. One violation is
180 regarding a tiny home on a property on Mill Road. She is also monitoring permit expirations
181 that are coming due.

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183 **9. ADJOURNMENT**

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

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189 The meeting adjourned at 7:18 pm.

190
191 Respectfully submitted,

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193 

194
195 Sue Fahrendorff,
196 Zoning Clerk