

Planning Commission

May 14th, 2020

MINUTES

PRESENT: Scott Johnson, Warren Peschl
Remotely: Jerry Lang, Art Buhs, Dan Gottwalt, Al Brenny, Mary Jo Holewa,
Gerry Feld.

Staff: Roxanne Achman, Karen Loehrer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Jerry seconded and the motion carried.
3. Art moved to approve the minutes from the April 9th, 2020 meeting. Gerry seconded and the motion carried.
4. File #20-147, Randall Schaper requesting approval of a two lot minor preliminary plat entitled "Schaper Addition" in the R-3 Residential District. Pursuant to Section 10.7. The affected property is described as follows: Lots 12, 13 & 14, Auditors Subdivision of A-B-C Acres, Section 16, Watab Township.

Roxanne showed an aerial of the proposed plat. The existing parcel is 2.65 acres. The owner is requesting to split an additional residential lot from the existing lot. The R-3 District allows for 21,000sf lots. The proposed Lot 1 is 1.92 acres and Lot 2 is .65 acres (28,273sf). There is no wetland on the property. Lot 1 is within the floodplain and shoreland districts and meets the requirements of those districts. The access will be shared with Lot 1. There will be a 15ft utility easement to the power pole on the north side of Lot 1. Watab has provided an acknowledgement form.

Rand Schaper, 8605 NE River Rd, Rice, stated he is requesting approval of this 2 lot plat.

No one spoke in favor, opposition or with general comments. Art moved to close the public hearing. Jerry seconded and the motion carried.

Gerry moved to approve this preliminary plat. Art seconded and the motion carried.

5. File #20-126, John Polcher requesting a conditional use permit to construct a storage structure without a single family dwelling or other principal building in the R-2 Residential District. Pursuant to Sections 7.5.4P, 9.1.2B(1) and 11.6. The affected property is described as follows: Part of NE1/4 SW1/4, Section 11, Watab Township.

Roxanne showed an aerial of the property. The applicant's home is on an adjacent lot south of this parcel. A septic location has been identified. The proposed structure will be screened from neighboring property. There was a question if there were any burial mounds on this property. Roxanne stated that nothing has been identified.

John Polcher, 125 Sharon Place NW, stated that he is requesting to put up a pole shed on this property which is north of his house for storage.

Roxanne read an email from Mike Barringer, 180 Heron Rd in favor of this request.

John stated that he has no knowledge of any burial grounds on this property.

Jerry moved to close the public hearing. Dan seconded and the motion carried.

Gerry moved that the request meets Section 7.5.4, pages 26&27, Section 9.1.2(B)(1), pages 1-4 and 11.6 pages 9-12.

In reviewing Section 11.6 the vote was as follows:

- 1) Art stated that the use of this property for a storage structure without a dwelling should not create a burden on the existing parks, schools or other public facilities that serve or are proposed to serve the area since there will be limited use of the property. The applicant's home is on the adjacent lot to the south. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Warren stated that storage structures are allowed to be placed on lots in the R-2, Residential District without a single family home, provided a conditional use permit is obtained, a septic site is identified and/or the property owner owns an adjacent lot with a residential dwelling on it. There is significant screening on all sides by trees. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Art stated that storage structures are common in the R-2, Residential District. The structure will not be dissimilar in appearance to others in the area. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.

- 4) Dan stated that storage structures are common in Residential Districts. A septic site has been identified for a future dwelling if the owner should ever choose to build on it. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Gerry cited items C and E under Section 2.1.1. and added the development conditions to File #20-126. Mr. Polcher stated that he had seen the proposed development conditions and agrees with them. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that the use is in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential. The site is zoned R-2 and the construction of storage structure without a principal structure would not be in conflict with the Plan. He cited Quality of Life Goal #1: Livability and Goal #2: Housing Stock, Land Use Goal #1: Planning for Growth. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Art stated that the construction of a storage structure on this site is not expected to generate additional traffic to the area. The vote was unanimous that use will not cause traffic hazards or congestion.
- 8) Mary Jo stated that there are no wetlands being impacted by the proposed structure. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Art moved to approve File #20-126. Jerry seconded and the motion carried.

6. File #20-148, Curtis and Kellijo Fernholz requesting a conditional use permit to use an alternative flood proofing elevation method in the R-2 Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the Development Code. The affected property is described as follows: part of Gov't Lot 1, Section 34, East Langola Township.

Roxanne stated that the applicant proposes to move the existing garage to the east and replace the existing house using fill to elevate the structures. Fill will need to extend out at the RFP level 15ft from the structure base. There is a flowage easement that exists just east of the garage location. Two structures nearest the lake will be removed. This proposal will bring the site into compliance.

Curtis Fernholz, 12300 West Lake Rd stated that are requesting to bring in fill to raise the garage and house out of the floodplain.

Roxanne received an email from Frank Hard in favor of this request and from James Hovda in support.

Art moved to close the public hearing. Gerry seconded and the motion carried.

Gerry moved that the request meets Section 11.6 page 9-12 and Sections 5.2, 5.3 and 5.4 of Ord. 196 Floodplain Ordinance. Dan seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the placement of a storage structure and home on fill will not create any additional burden to the area. This will be an asset to the area. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Art stated that the use of the property will not be changing. Flood proofing of structures within the flood plain is required and helps to prevent future damage to the area in the event of a flood. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Al stated that the home and storage structure will be similar to others in the neighborhood. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Dan stated the the primary use of the site will remain as a residential lot. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Mary Jo stated that the request is consistent with the Development Code. She cited items A & C of Section 2.1.1 and added the development conditions to File #20-148. Curtis stated that he has reviewed the development conditions and agrees with them. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential for semi-rural housing that is not expected to be annexed into a city. He cited Environment & Natural Resources Goal #1: Stewardship. Policy #2: Development Review and Quality of Life Goal #2: Housing Stock. Policy #2: Life Cycle Housing. The vote was unanimous that the use is not in conflict with the land use plan of the county.
- 7) Art stated that the use of the lot will not be changing and will have no effect on traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Gerry stated that constructing this home will not impact wetlands. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Warren moved to approve File #20-148. Mary Jo seconded and the motion carried.

7. File #20-070, David and Marie Hechsel requesting a conditional use permit to use an alternative flood proofing elevation method in the R-2 Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the Development Code. The affected property

is described as follows: Part of Gov't Lot 4, Section 35, East Langola Township

Roxanne stated that this property is located in Langola Township on North Freedom Rd. The request is to construct a storage structure above the regulatory flood protection elevation. The property is 3 legal non-conforming lots. The structure will have flood vents installed and has submitted plans from a licensed engineer.

Marie Hechsel, 18 North Freedom Rd, stated that they are requesting a conditional use permit to use an alternative flood proofing method for a storage structure using flood venting.

Roxanne received a phone call from Duane Cekalla in support of this request. Letters in support were received from Cheryl Graham and James Hovda.

Jerry moved to close the public hearing. Dan seconded and the motion carried.

Gerry moved that the request meets Section 11.6 page 9-12 and Sections 5.2, 5.3 and 5.4 of Ord. 196 Floodplain Ordinance. Warren seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Mary Jo stated that flood proofing a storage structure will not create any additional burden to the area. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Warren stated that the use will not be changing. Flood proofing of structures within the flood plain is required and helps to prevent future damage to the area in the event of a flood. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Al stated that the storage structure will be similar to others in the neighborhood. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Dan stated that the use will remain a residential lot. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited items E & F of Section 2.1.1 and added the development conditions to File #20-070. Marie stated that she has reviewed the development conditions and agrees with them. The vote was unanimous that the use is

- consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential for semi-rural housing that is not expected to be annexed into a city. He cited Environment & Natural Resources Goal #1: Stewardship. Policy #2: Development Review and Quality of Life Goal #2: Housing Stock. Policy #2: Life Cycle Housing. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
 - 7) Mary Jo stated that the use of the lot will not be changing and will have no effect on traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.
 - 8) Jerry stated that constructing this storage structure will not impact wetlands. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Art moved to approve File #20-070. Gerry seconded and the motion carried.

8. Roxanne asked the commission if they wanted to continue the phone meetings or meet together with social distancing? All members agreed to meet together. The May 28th meeting will be held in the county boardroom. The applicant will still attend the meeting remotely to keep the number of people to 10.
9. Updated Development Codes will be distributed at that meeting.
10. Warren moved to adjourn at 7:46 p.m. Jerry seconded and the motion carried.

Respectfully submitted,

Karen Loehrer
Administrative Secretary