

Planning Commission
MINUTES
July 9th, 2020

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

Staff: Roxanne Achman, Karen Loehrer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Art moved to approve the agenda. Jerry seconded and the motion carried.
3. Warren moved to approve the minutes from the June 25th, 2020 meeting. Dan seconded and the motion carried.
4. File #20-317, Phase 2 LLC requesting to amend Conditional Use Permit #04-030 for a Multiple Unit Development (MUD) within The Cove in order to remove and combine several lots within the MUD and to allow for shoreland alterations. Pursuant to Sections 7.14.8 and 11.6, The affected property is described as follows: Lots 1-4 and Lots 10-11, Block 1, and Outlot G, The Cove, Section 27, Watab Township.

Roxanne stated that she would go through the requests together. The request is to amend Conditional Use Permit No. 04-030 in order to combine four villa lots into two, remove the commercial lot, a common lot and Outlots F & G, which were to be 10 villas and an access road. The applicant removed rip-rap from the application. The next request is to rezone lot 11, block 1 from B-1 to R-3 and the last request is for a preliminary plat of 6 lots.

This area is considered a MUD, a multiple unit development which is a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. She stated that this request doesn't include apartment buildings. The request is to remove part of

the MUD from The Cove development and replat it. This would combine 4 lots into 2 lots. The overall density of The Cove would be reduced by 12 units. Each lot is allowed a mooring slip up to 9.

Nathan Landwehr, 6625 55th St NW, stated he is requesting to amend the conditional use permit to combine lots.

Roxanne stated that the Watab Township board discussed this at their meeting and are in favor with this amendment.

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

Gerry moved that the request meets Section 7.14.8, pages 112-122 and Section 11.6 page 9-12. Warren seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Jerry stated that this amendment will reduce the burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve 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) Mary Jo stated that the overall character of the development will not change, so there is no need for separation by distance or screening. 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) Dan stated that the overall character of the development will not change. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Warren stated that there will be no change to the land use. 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 Sections 2.1.1 (C), (D) & (E) and moved to include the Development Conditions for File No. 20-317 as amended, striking item #6 regarding rip-rap and adding new item #6 allowing for 8 mooring slips in addition to the dock located at the boat ramp and clarifying #5 to ensure the provisions only pertain to the remaining MUD. Jerry seconded and the motion carried. 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 cited Quality of Life Goal #3: Housing Stock. The vote was unanimous that the use is not in conflict with the land use plan of the county.

- 7) Art stated that there will be a reduction in traffic due to the reduction in the number of dwelling units. The vote was unanimous that the use will not cause traffic hazards or congestion
- 8) Warren stated that there are no wetlands on site. The vote was unanimous that the use will not violate the wetland provisions of Minnesota Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

An amendment to the MUD will reduce the burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

- (2) Is the use 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?

The overall character of the development will not change, so there is no need for separation by distance or screening.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

The overall character of the development will not change.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

There will be no change to the land use.

- (5) Is the use 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?

The application is in accordance with the following sections of the Development Code.

In accordance with the following items within Section 2.1.1:

(C) To promote the orderly development of residential, business, industrial, recreational and public areas.

(D) To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.

(E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

The Amended Development Conditions for File No. 20-317 have been adopted, striking item #6 regarding rip-rap and adding new item #6 allowing for 8 mooring slips in addition to the dock located at the boat ramp and clarifying #5 to ensure the provisions only pertain to the remaining MUD.

(6) Is the use in conflict with the Land Use Plan of the county?

Quality of Life

Goal #3: Housing Stock

Continue to maintain a high quality living environment in all residential neighborhoods and upgrade those in need of improvement.

(7) Will the use cause traffic hazards or congestion?

There will be a reduction in traffic due to the reduction in the number of dwelling units.

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no wetlands on this site.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. Pursuant to Section 11.6.2 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in the Development Code. The Planning Commission may grant an extension of

one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

4. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statues, rules and ordinances.
5. The conditions of CUP No. 04-030 and 09-448 shall remain in place for the resulting MUD.
6. The allowance of 8 mooring slips in addition to the dock at the boat ramp.

Warren moved to accept the findings and conditions and approve File #20-317. Jerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

5. File 20-318, Phase 2 LLC requesting approval to rezone Lot 11, Block 1, The Cove, consisting of 3.88 acres, from B, Business District to R-3, Single Family Residence District. Pursuant to Sections 11.9. The affected property is described as follows: Lot 11, Block 1, The Cove, Section 27, Watab Township.

Roxanne stated this is the site of the old Pirates Cove supper club which burnt down in 1998. This lot was zoned Business to allow a restaurant but to date no plans have been brought forward for a restaurant. The applicant is asking to rezone this property to R-3 residential which is consistent with the surrounding properties. The intention is to plat this lot into two residential lots.

Nathan Landwehr, 6625 55th St NE stated he is requesting to rezone this lot to R-3 Residential.

Roxanne stated that Brad McIntosh called her with concerns with the rezoning and that this site would not be commercial.

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

Jerry moved to recommend approval of this rezoning to the County Board. Art seconded and the motion carried.

6. File #20-319, Phase 2 LLC requesting approval of a 6 lot preliminary plat entitled "The Cove 3rd Addition" in the R-3 Residential District and MUD District. Pursuant to

Sections 7.13 and 10.7. The affected property is described as follows: Lots 1-4 and Lots 10-11, Block 1, and Outlot G, The Cove, Section 27, Watab Township.

Roxanne showed the preliminary plat. This plat will reduce the density by 9 homes along the Mississippi River. Lots 1-3 will be removed from the MUD and The Cove Development covenants and be subject to R-3 requirements. Lots 4-6 will remain part of the MUD and The Cove Development and under those covenants.

Nathan Landwehr, 6625 5th St NE, stated that they are asking for approval of this preliminary plat.

The surveyor, Will Huston with Westwood, was online for any questions.

No one spoke in favor, opposition or with general comments.

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

Art moved to recommend approval of this preliminary plat to the County Board. Warren seconded and the motion carried.

7. Roxanne stated that Gilmanton Township held a public hearing on an Orderly Annexation Area with Foley. No action was taken. The City of Foley will hold a public hearing on July 14th. If the annexation area is approved the area will be under the jurisdiction of Foley.
8. Art moved to adjourn at 7:43 p.m. Dan seconded, and the motion carried.

Respectfully submitted,

Karen E. Loehrer
Administrative Secretary