

CORINNA TOWNSHIP
MINUTES
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
March 9, 2016
7:00 PM

Charlotte Quiggle called meeting to order at 7:00 PM on March 9, 2016

Roll Call: Board of Adjustment/Planning Commission Members Present: Larry Smith, Al Guck, Trish Taylor, Charlotte Quiggle (chair), Ben Oleson (Zoning Administrator)

Absent: Lee Parks, Barry Schultz

Others in Attendance: Gloria Thurmes, Angela Holloway, Paul & Lisa Steffens, Kari McDermott, Sarah McDermott, Larry Jude, Dale Gustafson, Andrea Smith, Tom Pitra, Wendy & Ed Beduhn, Rob Gusaas, Glenda Holloway, David Stradtman, Marty Campion, Don Rachel, Cark Conto, Fred Jude, Salfer

Additions or Deletions to the Agenda: Taylor made a motion to approve the agenda. Smith seconded the motion. Motion passed unanimously.

Public Hearings

Preliminary plat and conditional use permit to create a 10-lot residential subdivision with lot sizes ranging from 1.1 acre to 3.2 acres. All lots to have frontage on Sugar Lake and be served by a newly constructed public road. Approval of a preliminary development plan to create a rural planned unit development consisting of 19 residential lots and one outlot for common open space. All lots to served by existing or newly constructed public roads.

Applicant: Rachel Properties LLC

Property address: 7764 117th Street NW, Annandale

Sec/Twp/Range: 02-121-27

Parcel number(s): 206000022300 and 206000031400

Present: Don Rachel, Marty Campion

Rachel: Hear again for the preliminary plan; basically same plan with some minor changes based on the comments from Ben and Wright County. We are hear looking for your approval of what we have proposed hear with a couple variance's one of the being an ordinance amendment that indicates when you have a cul-de-sac you have to extend the property line which does not seem to make since on the east end since that is a swamp and served on both sides already. The other one is at the end of Hoyer and end of our cul-de-sac.

Oleson: This is an overview of the project there are two parts to this. One is the blocks sub division with a minimum size lots, the rest is Planned Unit Development (PUD) which has open space. We have the existing roads of 117th & Hoyer, the rest will be a new road constructed to the township specifications. Hoyer will not be touched except to add an additional 33ft of right-of-way which will make a 66 ft which is standard for any township road. There will be no road construction except for a half cul-de-sac. That is the general overview. All the minimum lot sizes are met. The lake lots will all have their own access and there would be no lake access for

any of the back lots. Some of the items in the staff report in terms of recommendations one is the requirement of storm water management we do not have full design yet, however, those could come later with the final plat approval. They have done the sewer plans and determined that there is room for sewers on every lot, however they are asking for the common sewer for 4 lots that will have a community drainfield. Again we do not have full designs that would come with the development of the lot. There are some wetlands on the property, which have been marked and all delineated to show where they are they are working with Army Corps of Engineers. We do need to verify a few calculations on the PUD there is a calculation in the ordinance on how many units they get, we need to be verify it is consistent with the state shore land rules. The rest of it has to do with what we have been receiving comments on between the Hoyer and the new cul-de-sac. The current proposal is to connect with a public right of way which would allow for future connection if needed or desired.

Rachel: The current proposal would be to not connect them with public right of way, we would rather not connect them but we could connect them if needed with a public Right of Way.

Oleson: So it was mentioned as a variance, the ordinance indicates when you are adjoin a road you should connect all the way to the end. I think we can avoid the variance to the East if the land is determined it is not developable and cannot be sub-divided. The land to the East is already sub-divided and it would have to go through private property and the wet lands. For those two reasons I think we could avoid the variance. The other variance that comes into play is connecting the two cul-de-sac at Hoyer & the new developed road. I don't know that the ordinance deals with a situation like this where they have two cul-de-sacs in the same development. However, the intent is that they do connect for a sub-division. We can talk about if they do need a variance for that or not. In terms of the additional 33 ft right of way there is no plan to upgrade the road or do anything to the right of way at this time. The only way that would change is if they received a petition and that would have to be decided at that time. Typically in sub-divisions the developer is responsible to upgrade the road. They are not proposing to and it would be a dedication but could be used for utilities or improved drainage.

Audience:

Kari McDermott: We live at the end of Ireland where you turn in 117th, my concern is who is paying for the road and what would my responsibility be?

Campion: Right now 117th & the new cul-de-sac will be fully constructed by the developer. No improvements are proposed outside of the development.

Rob Gusaas: I have Lot # 22 close to the cul-de-sac. Rachel Properties has been great about taking in our consideration. We value the woods and are opposed to the road connecting to the north. It just opens up for people going in and out. I believe that we have many of these situations around the lake where the roads do not go through. Every neighborhood has its unique set up. I recommend to the board to grant the variance to not have an easement connecting the two cul-de-sacs.

Lisa Steffens: We live along Hoyer and I just want to say that we agree with the cul-de-sac at the end and would like it to preclude the extra 33 ft to widen the road. We enjoy the trees and privacy and not a lot of traffic. We do want to incur the cost and more traffic and speeding.

Quiggle: We have received a few comments that have been posted to the website and are part of the public record.

There were several other comments that came from the audience asking that the board not connect the two cul-de-sacs from Hoyer to the new constructed road from 117th. Feeling was that it would create more traffic making the street less safe.

Dearing: The town board is against the road going through, I have talked to fire dept. about it and fire dept. indicated that it would not cause an issue for them.

Dale Gustafson: I am involved in the lake association a couple of things that come to mind that we would like to put out there is the idea with the connection between the two could be a walking connection, there has been a lot of interest for the ability to walk around the lake. One question I have is it really necessary to encroach on the wetlands. We have data that wetlands are so saturated with nutrients that flows out. Is that the only way that it can be done, with doing the community septic could that road be moved? Where do we stand to make sure that we get the best storm water management practices? We do not have that kind of restriction on current homes, is there any way that we can require rain gardens when the new people come to build? I take samples during the rain storms and we need to make improvements on the lake to ensure everything that goes into the lake has an opportunity to clean up.

Audience: Question on the open space?

Rachel: It will be owned by the Home Owners Association which will be the back lots and could have walking paths etc. We are working with the DNR on the wetland areas and seeing where we could put trails in.

Audience: On the 19 lots not on the lake what are the sizes and do they have their own septic.

Campion: There are actually 20 lots that are not on the lake and the minimum lot size is 2 acres and they will all have their own septic with one large 40 acre lot.

Oleson showed where the two cul-de-sacs currently are; they will be approximately 150-200ft apart. Township is looking for hammer head turn on around on Hoyer rather than a cul-de-sac.

Campion: If the cul-de-sac does not connect by right of way it is private property. If they do connect with right of way it would be up to the township.

Dale Gustafson: How wide is the easement by the 40 acre lot?

Campion: It is not an easement it is a 10 ft strip that is adjust to and belongs to the 40 acre lot. It has been that way for many years and there has been no one using it.

Oleson: At the end of 117th there are two properties that access through the current road and will have to move their driveway to the other side. The question is who will be constructing the new driveway?

Rachel: We told him that we would rough it in. The plan would be with the hammer head turn around and Al would have public right of way to his lot.

Guck: You show septic on lots plus the community septic?

Campion: Yes we did confirm that they are suitable for two septic sites, however, would rather go with the community septic for the four lots.

Guck: Would the community septic be large enough for the whole development or could it be in the future if needed. Just looking out to the future. I do not like the road going through so I am in favor of that.

Smith: In regards to the cul-de-sac on Hoyer with & without right of way. I am going to be the odd man out. My reason for wanting the public right of way is for medical emergency, if they go down the wrong road they have to go back out and around. I know it has gotten better with their abilities. Number two I do not feel there would be more traffic. My reason is that they are going to put a tar strip on the PUD so those that live at the end of Hoyer are going to go out on the tar, not on the gravel. That is how I feel.

Taylor: The cul-de-sac will it big enough for a school bus to turn around?

Rachel: It is full size and will accommodate a school bus.

Taylor: I see both sides with or without a public right of way. I feel there should be a walking path if nothing else. I agree with Bens suggestions with storm water and I do like the hammer head at the end rather than the true cul-de-sac.

Quiggle: For me I'm between Larry and the others. I feel that you provide the present needs but you have to plan for the future needs that someday connecting the roads may be needed. I think that at some point and time when people are living there year round they will want to have the road go through. I think that we have to plan for the future. I feel the same for the 33 ft right of way that is needed in case it does need to be widened in the future. I have a question of the possible community sewer which I think is a good idea. When would the community sewer go in?

Rachel: We would have it installed when we develop. Everyone one is on their own.

Quiggle: Following up with storm water management and best practices you do not have one yet just want your thoughts of ponding or would it be possible to put rain gardens on each property?

Campion: It would be possible, however, I am not a big proponent of rain gardens since they do not typically get managed correctly. My thought is if you take care of the best management practice while under construction it will go a long ways. To install on the individual lots you would end up having to do more grading then you might what to do.

Quiggle: Not appropriate for every lot just something to be considered as you put your storm water management plan together.

Quiggle read through the Staff Recommendations regarding in regards to submitting plans and calculations related to the NPDES requirements for stormwater, construction of the roadways.

Quiggle asked the board if there were any concerns with the community drainfield for the four lots that is being proposed.

Taylor: Question regarding the future development of that lot what would that mean?

Rachel: It is a lot and it would be out lot B that is owned by the 4 lot owners.

The board was fine with community septic.

Quiggle continued to read through the remaining recommendations noting that discussion still needed to be held regarding the cul-de-sacs and asked the question regarding drainage along Hoyer and how that would be handled.

Rachel: We are not doing everything on Hoyer

Oleson: I was wondering about is if there is adequate drainage now then we are fine however if there is not we need to look at that and do ditches need to be added.

Campion: We would have to look at that if there were going to be any changes as it is developed.

Oleson: Talked to Marty about the end of 117th will there be ditches along here or where will the water be running from?

Campion: The thought would be to raise the lots and we could but a ditch in and the culvert would drain to the north then the ditch would flow to the low point of lot 1 & 2 and we show putting a culvert in to drain into the wet land.

Quiggle: Wetland impact will be discussed addressed with the SWCD.

Rachel: SWCD asked us on the last 400 feet of roadway to make some changes.

Campion: SWCD would like us to go down to a 22ft width to lessen the impact of the wetland area. (Campion indicated where that was on the map)

Quiggle: We could make that recommendation but it would be up to the Township Board. Where is the wetland impact areas?

Campion: All wetland impact is within the road right of way. There is no wetland impact other than where the road is being constructed.

Oleson: There is one section that talks about buildable areas on each lot, there is one which is lot 4 that looks like there is not much room between the two wetland areas.

Campion: We did move some lot lines to make sure there was a room for a driveway and the buyer can lay it out differently than what we have sketched we are just showing that there is room.

Oleson: Technically the answer is yes there is enough room on the lots and the drainage we already talked about.

Quiggle: In general we have full filled all the requirements we just need to drill down what the ordinance says regarding the cul-de-sacs and if we meet the criteria or need a variance.

Oleson: If we are you going to require a variance will it need a separate hearing if you can grant it here. It is not real clear it only indicates that the Board of Adjustments has to grant the variance. I think everyone seems to be aware we are talking about variances here however, to be safe I think we would need a variance application and it should be noticed.

Campion: Earlier you indicated that if was not further developable it would not need a variance.
Oleson: The east side I don't think we need a variance. I will read the ordinance and you can see if it requires a variance. If you can interpret in a way that does not require a variance and you are comfortable with that you can go without the variance (Ben pulled up the ordinance for the board to review). The ordinance was not set up to deal with situation. This is applicable to the east side the intent is that if you can you would like the road to go through. The length of the road that can have a cul-de-sac maximum longer than 1200 ft. You can allow if it is if it decides it cannot continue. The wetland to the East meets the requirements for topographical area. The two cul-de-sacs come together, if you have the opportunity they should come together.

Rachel: It is Un-sub-dividable so that is pretty clear.

Guck: I could make a recommendation that we leave it as two separate cul-de-sacs with just an easement for no future roads. Wouldn't that be better for values of the property?

Oleson: There are arguments both ways depending on what you are looking for and I see this in many communities.

Taylor: If you have a right of way for future we don't know what someone may want years from now.

Oleson: If you have a right of way going through, someone would have to decide to build a road to go through and that would have to be the township that would have to decide to do it. They would at that time have to figure out who would pay for it.

Dearing: It would have to be done by petition as far as I'm concerned.

Quiggle: It would be in the hands of the people.

Dearing: If you dedicate the right of way the township is liable.

Quiggle: The maximum to have a cul-de-sac is 1200 ft. unless for topographical reasons. That is not an issues for the one near the two cul-de-sacs only for the one on the East.

Taylor: How long is the cul-de-sac?

Campion: It is 800 ft from 117th to the end of the cul-de-sac.

Quiggle: If it is less than 1200 feet, therefore, by ordinance it is allowable and coming from 113th to Hoyer is not changing.

Guck made a motion to recommend the approval of the preliminary plat with no right of way between cul-de-sacs with only a utility and drainage easement only with the following conditions:

1. That the applicant must submit their plans and calculations related to meeting NPDES requirements for stormwater to the Township when completed for review. The Township will request review by Wright County SWCD and/or a private engineer to ensure that the Township ordinance requirements for stormwater are met. The Township shall approve the plans prior to final plat approval.
2. That the applicant shall construct the roadways as noted in the submitted construction plans, or as otherwise approved by the Town Board, prior to final plat approval. Alternatively, the applicant can submit a financial security and otherwise meet the requirements of the Township Subdivision Ordinance for completion of improvements after final plat approval.
3. All lots shall have private sewers installed to serve the homes at the time of construction. If a community drainfield/septic system is installed to serve any of the lots, such community drainfield shall meet all requirements and a homeowner's association or other equally effective organization shall be formed to assure proper maintenance and operation of the community drainfield. Such organization shall be approved by the Township prior to a permit being issued for the installation of the system. An easement, or other approved means of assuring access to the common septic system, shall be in place prior to a permit being issued for the system.
4. The applicant shall submit sufficient calculations and information to ensure that they will be meeting the density and open space requirements applicable to the shoreland portion of the property – not including Lots 1-10, Block Two (the shoreland lots). 1 – 4 with the community septic; no lake access except the 40 acre lot

Taylor seconded the motion. Motion approved unanimously.

Oleson: This will go to town board next Tuesday and they will make final decision.

Taylor made a motion to approve the February 9, 2016 meeting minutes. Smith seconded the motion. Motion passed unanimously.

Zoning Administrator's Report

Permits – No discussion

Correspondence – **Oleson:** One question regarding Old Lakedale building. MP Utilities came in for CUP to move land, they were approved and they have not done it yet. The CUP indicates it is suppose be started within 6 months and completed within a year. The reason it has not been done is because they have been working with the state on access. They are looking at doing something now and want to know if they need to come back or can they get an extension. Board felt that they would need to come back.

Enforcement Actions – **Oleson:** Deadline for the denial of after the fact variance for Staye, do we need to set a dead line and if so what should that be. The board felt that they were comfortable with September 30, 2016.

Findings of Fact – Previous PC/BOA Decisions – No discussion

Other Business

Planning Commission/Board of Adjustment Training Session – No Discussion
Discussion – Stormwater Management – No discussion

Guck made a motion to adjourn. Taylor seconded the motion. Motion passed unanimously at 9:10pm.

Prepared by: Jean Just