

WATERVILLE PLANNING AND ZONING COMMISSION
PUBLIC HEARING
October 27, 2015, 7:00 p.m.

There was a meeting of the Waterville Planning and Zoning Commission held in Council Chambers at 7:00 p.m. on October 27, 2015.

Present: James Hennan, Randy Mediger and Chairperson Don Jacobsen

Absent: James Fallon

Also Present: Administrator/Clerk Teresa Hill

Also Absent: None

1. Call to Order. Chairperson Jacobsen called the meeting to order noting that all Planning and Zoning members were present except Fallon. Also present City Administrator Teresa Hill.

2. Minute Approval – September 22, 2015. Motion by Hennan, seconded by Mediger to approve the minutes of September 22, 2015. Unanimous vote. Motion carried.

3. Variance Request – Joseph Manders. Joseph Manders was not present at the public hearing. Joseph Manders, 27135 Hickory Ridge Drive, Elko MN 55020 applied for the following variances: (1) a rear yard setback variance of 10 feet allowing for a 15 ft. rear yard setback; (2) impervious surface variance of 3,630.75 sq. ft. to allow for 20,476 sq. ft. of impervious surface; and (3) flood fill extension regulation variance of 5 ft. allowing for 10 ft. flood fringe fill extension along the east and west sides of the proposed garage to construct a 40'x30' garage. Current zoning allows for a 25 ft. rear yard setback, impervious surface no greater than 25% of the lot size and flood fringe fill must extend 15 ft from the structure into the yard. The existing property is currently zone R-2 Medium density residential, shoreland and flood plain with the following legal description: Parcel ID #24.495.0419, 419 Lind Street, CIC #27 Tetonka Estates Unit 419 & limited common area of 1/5 interest in common area. Ms. Hill did not receive any letters regarding the variance request. Discussion held regarding the distance between the proposed garage and a neighboring garage. Ms. Hill said that if Mr. Manders is going to fill he will have to have a 15 foot back slope. He will have to back taper and 10 feet would not be sufficient to back slope. Ms. Hill said the way she interprets Mr. Manders drawing is that there is no allowance for the back taper for the elevation on the fill. Ms. Hill said there is no drainage plan to address how it is going to do the water run-off to keep it away from the neighbor's garage. Ms. Hill said her suggestion would be that since the property owner is not here to answer your questions that you just table this to the next meeting or you simply deny it because he wasn't available to answer the questions. Your other option is to act on it and send it forward and make him address the questions at the Council meeting. Ms. Hill said but that is what the purpose of this public hearing is. Mr. Jacobson said correct we should know more first otherwise we are just putting more on the Council, they would want to know that all up front too, the more information or correct information we have from the owner. Ms. Hill said he is not demonstrating that he is going to be 15 feet and allow for the backfill and the drainage issues that are going to come with having to elevate. Mr. Mediger said Mr. Manders has in here that all drainage has been considered and will not be an issue with property owners of the lakeshore. Ms. Hill said if he has to elevate how is he going to elevate and have proper back slope? If he has to elevate and come towards the Myers garage that run-off is all going to run to the Myers

garage. What is the ability to move that water away from that other structure. Mr. Hennan said they have the drainage going off to the corner in the backfield. They will have public gutters, and when the gutters end the water will hit the ground and it will be that little bit from there to the other one. Mr. Hennan said you are not looking at much for drainage coming off of that as far as rain, just going out on the grass and then down that 10 foot spot. Ms. Hill said that he is denoting that the elevation is 1,008.5 on the corners. Discussion held regarding the drainage issue. Ms. Hill said that you could make a motion that he would have to insure that he has proper drainage not to impede the structure next to it. Mr. Jacobson said where would we get the proper drainage to that next to it, is that 15 feet? Ms. Hill said if you are going to allow him to do as he is proposing the 10 feet between then he has to insure that the proper drainage is taking place and it is drained away from the property. You put the onus back on him to prove that he has to do it. You just say yes, 10 feet is allowed but you cannot drain to the next property. You cannot cause a problem to the next structure. If he has to fill that would be the same issue that he would have to address because if he has to fill to elevate his structure then that side of that back slope is going to be less but he has to insure that it is going to stay on his property and catch it before it goes on to the Myers property. Discussion held regarding the elevations of the garages. Ms. Hill said that is for the property owner to insure that he is going to build to the proper elevations. He will have to build to his proper elevation to insure that his structure is safeguarded and if he has to do something different in order to elevate it then he is going to have to figure out how to address the drainage in that process. Ms. Hill said Myers' garage had to be constructed one foot above the flood elevation also. Mr. Hennan asked if both structures would be at the same elevation. Ms. Hill said according to the flood regulations they both should be 1006 or higher. Their structures will be but then they have to come back with their back slopes on all sides of their structure. They have to be able to taper back 15 feet from all sides of their structure. Mr. Hennan said so basically each structure is not going to impede on the other one at this point. They are both like sitting on a dome and everything they have got coming off of it is going to go away from both structures. Ms. Hill said if both of them are properly drained. If they have addressed their elevations properly and their drainage properly then they will not have a problem. That is one thing that you can put as a stipulation or a condition on his is that he has to insure that he has proper drainage. Ms. Hill said that the City Attorney will look it over before the Council approves it. Motion by Mediger, seconded by Hennan to recommend to Council that they approve the variances requested by Mr. Manders contingent upon him appearing at the Council meeting to answer the questions. Unanimous vote. Motion carried.

4. Commission Discussion.

(A) Mr. Mediger inquired if we were going to get another Planning and Zoning Commissioner. Ms. Hill advised that Mr. Dorenkemper has never formally turned in a letter of resignation so technically it is not vacant at this point. She is guessing that there will be a new one appointed in January.

(B) Mr. Mediger inquired about the State Building Code public hearing. Mr. Mediger said since he has been on the Planning and Zoning Commission he knows that the P & Z has recommended it three times to the Council. All three times it has been voted down. Mr. Mediger said is there any more that the P & Z can do. Ms. Hill said you can be at the meeting and make your opinions heard. Ms. Hill posted the public hearing for the P & Z also so that she

does not violate any open meeting law if a quorum of P & Z Commissioners decided to attend the public hearing. Mr. Hennan inquired about the rental inspection policy. Ms. Hill said the rental inspection policy is different than the state building code. The first time they had the public hearing both of them were discussed and people were confused. Council segregated them. They did the rental inspection hearing done on their own and now they are doing the state building code ones. The building code governs all of your building.

(C) Mr. Hennan said that there is a neighbor that has tee-wrap on his home, in Farmington or Dakota County you have one year to do something with that, you have one year to finish that. Ms. Hill said that is something that the City Attorney brought forward for recommendation for consideration is a one year time limit on construction. If you start remodeling or working on your building or constructing your building you would have one year to construct or complete your project.

5. Adjourn. Motion by Mediger, seconded by Hennan to adjourn. Unanimous vote. Meeting adjourned 7:30 p.m.

Donald Jacobsen, Chairperson

Teresa Hill, Administrator/Clerk