

Polk County  
Planning Commission  
May 28, 2021

Call to Order: 9:00 A.M.

Members in Attendance - Mike Powers, Paul Jore, Robert Franks, Len Vonasek, Mike Schulz, Donovan Wright, Don Cavalier, Arlet Phillips, Tom Noah, Rolland Gagner and Joan Lee.

Members Absent:

Also Present: Polk County Environmental Services' staff: Jacob Snyder & Michelle Erdmann

Minutes: A motion was made to approve the Planning Commission minutes from the April 23, 2021 meeting by Gagner. Second by Jore. All in favor.

**Public Hearing: CUP – Benedict Kuznia Parcel #45.00552.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting a Conditional Use Permit (CUP) to tie an existing accessory structure building to a new septic system on a backlot on Union Lake.

Ordinance requirements for this request are found in PCZO Section 18.2225 E.

Snyder said the applicant owns a riparian and non-riparian lot on Union Lake. The total non-riparian lot (backlot) size is 150' x 381', approximately 58,800 square feet. Planning and Zoning issued a land use permit for construction of a 40' x 60' (2,400 sq. ft.) shed the summer of 2020. The applicant's proposing to have a bathroom in this proposed shed and noted on the application that there will be no bedrooms, or the structure will not function as a guest house.

Snyder stated the applicant would like to connect a holding tank to the accessory structure and we have received the design for the proposed septic holding tank. The applicant will also need to submit a holding tank servicing agreement with a licensed pumper for maintenance on the planned holding tank. Existing impervious coverage is 4% of the lot area. Stormwater rules state that 25% impervious or under is allowed on any parcel. The shed is to have no habitable space as defined by the PCZO and is planned for storage use. This is addressed via condition placed on this request. The applicant will be required to complete and recorded a no guesthouse waiver before the building permit is issued.

Snyder said comments were received from Stephanie Klamm DNR Area Hydrologist who stated that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds that if the County approved this application, the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Union Lake Sarah Improvement District commented that they had no issues with this request.

Snyder then went over slides showing: Application, location map and photos of the site. Schulz asked about the lot size and if they could have a house/bedrooms within the shed. Snyder said the covenants for this development restrict that, so it would need to be worked out with the developer, but they could have a 700 sq. ft. guesthouse on the site.

Snyder said staff recommends approval of the Conditional Use Permit with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. Applicant shall provide a holding tank servicing agreement for the planned septic holding tank prior to issuance of the zoning permit.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.
4. Conditional Use Permit shall become void one year after it was granted unless used.
5. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
6. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
10. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Vonasek made a motion to recommend approval with staff conditions to the County Board.  
Second by Gagner.

Ayes: All

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, June 1, 2021, here in this room.

**Public Hearing:                    CUP – Dave & Stephanie Vonesh                    Parcel #74.01068.00**

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting a Conditional Use Permit (CUP) to construct an accessory structure greater than 800 sq ft and tie the proposed shed into a new septic holding tank. The proposed accessory structure would be 1,600 sq ft (28' x 40' w/ 12' x 40 lean-to) located on a riparian lot on Maple Lake.

Ordinance requirements for this request are found in PCZO Section 18.2225 F and 18.2225 E.

Snyder said the applicant owns a riparian lot on Maple Lake which is approximately 54,450 sq ft in size. The parcel is in section 7 of Woodside Township specifically lot 6, block 2 of Shalom Estates subdivision. The applicant has a purchase agreement in place to buy the parcel and is planning to close the sale June 4, 2021. The applicant is proposing to construct a 28' x 40' shed with a 12' x 40' lean-to overhang that is 15 feet in max height. The total dimensions for the building would be 1600 square feet in size and would be the maximum amount of accessory buildings allowed within 300 feet of Maple Lake.

Snyder stated that the request also involves construction of a bathroom within the shed which would be serviced by a holding tank septic system. Our office will need the septic design for the proposed septic holding tank. The applicant will also need to submit a holding tank servicing agreement with a licensed pumper for maintenance on the planned holding tank. This will be addressed conditionally if approved. The applicant plans to construct a cabin on the parcel in the future and the proposed shed location will meet all setbacks and ordinance standards.

Snyder said the site has some existing oak and ash trees located in between the proposed structure and the lake staff suggests that the structures visibility from the lake be reduced by planting trees on the lakeside of the proposed structure, this will be addressed via conditions if approved. Near the parcel there is a manmade wetland to the west of the proposed building site. This wetland was proposed to be a future marina when the Shalom Estates subdivision was platted in 2009. The marina would be for the backlot parcels within the Shalom Estates to access into Maple Lake, but the DNR did not allow the wetland to be connected to Maple Lake so the only means would be a trolley system to lift boats into Maple Lake.

Snyder stated the impervious surface coverage for the lot is proposed to be approximately 3% with the construction of the proposed accessory structure. PCZO allows parcels to be covered

with a maximum of 25% impervious coverage. The shed is to have no habitable space as defined by the PCZO and is planned for storage use. This is addressed via condition placed on this request. The applicant will be required to complete and record a no guesthouse waiver before the building permit is issued.

Snyder stated no comments were received from Stephanie Klamm, DNR Area Hydrologist who stated that the primary reason for shore land controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. She adds if the County approves this application, the DNR would recommend the following conditions:

1. No living/sleeping quarter or kitchen facilities shall be added to the accessory structure in the future.
2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
3. Any bare ground be planted with perennial vegetation, preferably natural vegetation.

Maple Lake Improvement District had no issues with the request.

Snyder then went over slides showing: application, property location, sketch, and property photos. Snyder said that staff is recommending approval of the CUP with the following conditions:

1. No guest house uses – the structure must always follow the PCZO regarding habitable space, which states no habitable space such as a full kitchen or sleeping quarters shall be allowed within this storage building.
2. Applicant shall plant 4 trees between the structure and the lake. Currently the lot is vegetated but any extensive tree removal in the shore impact zone, within 50' of OHWL, will not be allowed.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirements. This shall include sidewalks, patios, pavers, etc.
4. Applicant shall provide a septic design and holding tank servicing agreement for the planned septic holding tank prior to issuance of the zoning permit.
5. The conditional use permit shall become void one year after it was granted unless used.
6. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
7. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
8. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
9. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

10. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighbors properties will result
11. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

A motion was made by Schulz to recommend approval with staff conditions to the County Board. Second by Cavalier.

Ayes: all

Nays: none

Snyder said that this will go before the County Board for final approval on Tuesday, June 1, 2021, here in this room. Lee stated she sees no reason for the applicant to have to attend.

Old/New Business:

Snyder let the group know that the ordinance amendments we worked on back in February will be going before the County Board for final adoption on June 1, 2021.

Next meeting is set for June 25, 2021. Meeting adjourned at 9:37 a.m..