

**PLANNING AND ZONING COMMISSION  
PUBLIC HEARING**

4:00 P.M.

Wednesday, August 2, 2023

Present: Steve VanHouse  
Nelson French  
Wade LeBlanc  
Richard DeRosier  
Mike Johnson

Lana Fralich, City Administrator  
Tim Costley, City Attorney  
Gary Thompson, Zoning Administrator  
Joe Rhein, City Engineer, Bolton & Menk  
David Drown, City Planner  
Rick Evans, Northshore Journal  
John Anderson, Sawtooth 16, LLC  
John Jamnick, JPJ Engineering  
Karsten & Ellen Hogenson

VanHouse called the public hearing to order at 4:00 p.m. The Chair reviewed the purpose of the hearing is to review and take public comments on the new preliminary Plan, a Conditional Use Permit, and a Planned Unit Development for Boathouse Bay Subdivision. Requested anyone making comments state name.

The Chair called for any written comments received, where there were none received.

**Public Hearing Notice:** The public hearing notice was reviewed.

**Lake County Parcels:** Rhein gave a review of the parcel maps from Lake County to outline the area and current plat of the property.

**Silver Bay Park Plat:** Rhein gave a review of the existing Silver Bay Business Park Plat, which currently is referred to Bayview Park.

**Lot Split – Lot 6, Block 4 Silver Bay Business Park:** Rhein reviewed the property that is intended to be split in order for a portion of the property to be included in the development and the area retained as city ownership.

**Lot Split – Lot 2, Block 7 Silver Bay Business Park:** Rhein reviewed the property that is intended to be split in order for a portion of the property to be included in the development and the area retained as city ownership.

**Vacation Sketch:** Rhein reviewed a map outlining the area of streets that would be vacated with the development.

**Boathouse Bay Preliminary Plat-** Rhein reviewed the Preliminary Plat and highlighted the key areas with townhome developments, rental units, single family homes, storage units, wellness/event center, streets, and utilities. There was discussion on the requirements of the city preliminary plat per code.

Karsten Hogenson stated his concern on how his home will be impacted by the blasting planned to be conducted in the area and questioned what type of protection does he have. Joe discussed the responsibility of the Developer. John Jamnick, JPJ Engineering, stated they plan to do a pre-blasting condition survey and a post-blasting survey. Anderson discussed also look at hammering to minimize the blasting. There was discussion on geo-technical probes, soil boring results, areas where the pipe would need to be insulated.

DeRosier appreciated concerns and reiterated that a pre-blasting review would be done, a post-blasting review, monitoring, and if there would be issues then a claim would have to be filed. There was further discussion of the equipment used, the size of the project, and respecting and advising homeowners, and advising homeowners as good neighbors.

Karsten Hogenson stated concern for blasting will have on his well and requested flow testing being done.

Rhein reviewed his Summary of Code Non-compliant Items and Required Additional Plans still needed from Developer for review, including review of the blasting plans, that city conditions can be included in the Development Agreement for requirement of the Developer so there could be legal standing if conditions were not complied with.

Ellen Hogenson stated there is another property located next to them that could also be impacted. That property would also get the same protection.

LeBlanc questioned if Hogenson's had any issues when they blasted for the Hwy 61 reconstruction, which they responded they did not as blasting was further from their home.

Rhein continued to present his Summary of Code Non-compliant Items and Required Additional Plans that he recommends to be identified in the Development Agreement.

Karsten Hogenson stated his concern to be able to come and go from his property at all times and for emergency vehicles to get through to reach their homes at all times. Rhein reiterated that those types of items could be included to the Development Agreement for the Developer to comply with.

**Access Easements:** Rhein reviewed the access easements to make sure property owners have the legal right to access the streets for each of the properties.

**Overall Utility Plan:** Rhein reviewed the Utility Plan for water, sewer, and stormwater relating to the development including where new utilities will connect to existing utilities,

areas that are gravity fed, lift pump, and what portion of the costs are public versus private.

**Public Utility Easement:** Rhein reviewed the Public Utility Easement that allows the city to have right of way to maintain the public utilities.

Rhein reviewed the portion of the road that remains public and where the location of the property owner's driveways connect to East Lakeview Drive, which Hogenson's confirmed the driveway locations would connect to the public roadway portion shown on the map.

**Construction Plans (7-19-23):** Rhein reviewed, but did not go into the detail of the 92-page Construction Plans dated July 19, 2023 received from JPJ Engineering but did provide a recap that there are still items needing amendment before he would recommend signing off on. There was discussion on the bids received, the timing to award the bids, and the anticipating start date to be sometime in September, run the winter, with the bulk of construction in 2024.

**Summary of Code Non-Compliant Items and Required Additional Plans:** Rhein reviewed this document earlier in the meeting, noting three code non-compliant items on the Preliminary Plat and PUD, which include the size of parking lots being 9'x18' in the development vs. 10'x18' in the code, the cul-de-sac radius being 40' versus 60' in the code, the change in the vertical curve of one section of street, and that Joe Rhein, Bolton & Menk have no objections to the changes. Rhein continued with required additional plans that need review including a blasting plan, grading plan for blasting areas, landscaping plan, electrical plan, the lot/building final grading plans, and incorporating these items into the action taken by the Planning and Zoning Commission.

Rhein recapped the items for the public hearing which included the Preliminary Plat, relating to how the land will be reconfigured, and within the plat the supporting details for how the grading, utilities, and stormwater will be handled; the Conditional Use Permit which is required due to the Zoning Code for any development that goes within Bayview Park; PUD identifies where the plan deviates from the code, conditions the city requires for the development, and covered within the agreement between the Developer and the City.

Drown recommended that the Summary of Code Non-Compliant Items and Required Additional Plans, outlined by the City Engineer, be referenced in their recommendation to Council.

Rhein continued the recap of items for the public hearing to include the Lot Splits for Lot 6, Block 4 and Lot 2 of Block 7 for replating where part of the lot would be with the development and the other part retained by the City.

LeBlanc questioned if adjacent parcels would be eligible to hook up to the city water and sewer services or not eligible if they are in the Township. There was discussion on the process, that a request could be made by the property owners in the township to the

city, annexation by the city, and legal issues for not annexing relating to how the City can collect on a default of utility payment.

Rhein noted that there are no additional wells being drilled for this property and that installation of the new services will be connected to existing water and sewer services of the city.

Karsten Hogenson stated concern for considering water runoff in the plans, active springs on the hill that run in the winter. Jamnick, JPJ Engineering, discussed how the plans were developed for rain events and noted awareness of the springs on the hill. There was further discussion on the section of road that gets flooded with ice, culvert placement, the plans reviewed by Lake County for wetland and stormwater runoff for best management features to insure sized appropriately and meet the regulations for that, including the treatment before discharges into Lake Superior, the issue when water builds up on the roadway similar to how it currently is today.

The Chair called for any additional questions or public comments.

Rick Evans, Northshore Journal, questioned that these are high-end homes. There was discussion regards on the townhomes listed for \$630,000, that the Developer retains some architectural review for the single family homes but would expect those homes to be in the \$400,000-\$600,000 range, and that the bungalows are not for sale.

Joe Rhein, commented that on the process for when private owners want to develop properties and the roles of engineers, Councils, and Boards and that information presented should not be construed as advocating for a project, but project documents are reviewed in an objective manner to determine compliance with codes, that conditions can be met, and that projects can financially be supported so decisions can be made objectively.

Anderson commented on his process, the timeframe it has taken, the work the engineers have put in to making the design compliant to meet regulations, minimize impacts on wetlands, and how to best utilize the land. Rhein further commented on the original plat being done in 1998 but no development has happened, the challenges of the land to develop, the comprehensive development plan that this development has had, and the positive coordination with the City to create the best plan for the site.

LeBlanc also commented that the Northshore Management Board, which he serves on, is aware of the development and the plan falls within the Northshore Management Board guidelines.

The Chair called for any further questions or comments.

Rick Evans, commented that this will generate tax dollars and wondered how the values of the development are going to impact the other regular taxpayers of the City. Does having this development where it is located, which would likely pay a higher property tax, and does that tax rate increase affect others in the city proper. There was discussion on

the additional taxes generated by the development would come to the city to offset expenses, that others would see a leveling of taxes on their properties, or the city could expand its budget to use those dollars for other opportunities. There was further discussion on the taxes generated would be deferred to pay the debt on the new city water and sewer, which is expected to take about eight years to pay off, that the assessed value for this development doesn't necessarily increase the values of other properties, as determined by Lake County Assessor, but does provide more people in the pool to share in paying the taxes.

The Chair called for any final comments or questions. No additional comments received.

Motion by LeBlanc, second Johnson to adjourn at 5:05 p.m. MOTION CARRIED.

Minutes taken by Lana Fralich