

**Eureka Township  
Public Hearing  
March 5, 2007  
Eureka Town Hall**

Request for Text Amendment to Zoning Ordinance 3

Planning Commission members present included Mike Greco, Nancy Sauber, Rich Stevens, Sharon Buckley and Clerk/ Treasurer Nanett Champlain to record the minutes.

Town Board Members present included Gary Smith, Dan Rogers, Cory Behrendt and Gloria Belzer.

Citizens present: Butch Hansen, Andrea Krapu, Robert Ripley, Ray Swedeen, Lorraine Swedeen, Francie Madden.

Planning Commission Chair, Mike Greco called the public hearing to order at 6:30 pm.

The purpose of this public hearing is to consider amending the land use map of the comprehensive guide plan of the Township and the text of the comprehensive guide plan of the Township to allow a special single family residential designation on the North ½ of the SW ¼ of Section 8, Township 113, Range 20 in Eureka Township. *see attachment*

The Ripleys came to the Town Board two years ago to pursue a building permit for a piece of property described in the notice that was read in the beginning of the public hearing. The Board determined at that time that the lot was buildable based on the evidence that was presented to the Board. Subsequently when the Ripley came before the town Board to split the lot and further research was done the Township discovered that the lot was not buildable under current ordinances. That opinion was confirmed by the Township attorney.

The Ripleys have pursued different avenues to try and address the situation. One was to apply for a variance. Based on Minnesota Statutes variances that involve “use variances” (to use a piece of property in a way that is not permitted by the ordinances) are not permitted. As a result the Township turned down that request.

Since that time the Township has been working with the Ripleys to try and find a solution. The proposal tonight is to amend the Comprehensive Plan, create a new type of special residential zone and to rezone Ripley’s property and the strip of homes on the same stretch. Basically all these lots were created at the same time in the 1970’s.

Another potential solution will be discussed at the Planning commission meeting, following the public hearing. It would essentially make Ripley’s lot buildable.

Chair Mike Greco explained the procedure that would be followed for the public hearing. Comments are taken in the order presented on the speaker list.

Chair Mike Greco opened the floor for public comment.

The applicant Robert Ripley was asked if he would like to make a statement for the record.

Robert Ripley- 9460 235<sup>th</sup> St W. Lakeville

He is basically trying to find a way to build on a lot that he believed was always designated as buildable. The survey was filed with the Dakota County Surveyors Office not recorded with the county. Previous Town Board chairs supported this. They are looking for the best option to build on a lot that they believed has always been buildable. He is basically looking for a way for the Planning Commission and Town Board to honor a decision made many years ago about a buildable lot.

Chair Mike called three times for public comment. Hearing none, Chair Mike Greco closed the public hearing portion of the meeting at 6:40 pm.

Planning Commission discussion:

Procedure for a Comprehensive Plan Change:

Hold a public hearing

Planning Commission makes a recommendation to the Town Board.

The Town Board takes action. If the Town Board approves the comp plan change:

The proposed change would go to surrounding communities for a 60 day comment period. Once the comment period closes the proposed changes are sent to Met Council for approval.

If the Met Council approves the Comp Plan Amendment:

The zoning ordinance would need to be updated.

A public hearing would need to be held, before adoption.

In the last year the Township has turned down two requests for Comprehensive Plan changes based on the fact that we are in a Planning process and that we should wait until the end of the Planning process before making any changes to the comprehensive plan. This request should be denied also, to be consistent.

The Planning Commission discussed the possibility of changing the ordinance language as outlined in the attached document. The option would not require a comprehensive plan change and would apply to anyone in a similar situation- a survey that was filed in the surveyor's office before April 12, 1982 would be eligible for consideration as a lot of record.

A motion by Sharon Buckley: To table discussion until the regular Planning Commission meeting. Motion seconded by Nancy Sauber. Motion carried by unanimous vote.

Meeting adjourned at 6:56 pm

**THE BOARD OF SUPERVISORS OF THE TOWN OF EUREKA ORDAINS:**

That Ordinance 3: Zoning, Chapter 2: Zoning districts is hereby amended to add section 2 to read as follows: special single family residential district

- (a) There is an area within the Township which was separately laid out and partially developed as shown on the Comprehensive Guide Plan map as special single family residential. There are 7 houses, each on a separate parcel with at least 250 feet of frontage and road right-of-way acres of area. This is a unique situation within the Township.
- (b) Permitted Uses and Structures: the following uses are permitted uses and structures within the special single family residential district:
  - 1. 1 single-family dwelling unit;
  - 2. home occupations.
- (c) Conditional Uses and Structures: the following conditional uses may be approved by the Town Board in the special single family residential district provided that the provisions and requirements of chapter 4 of the Zoning Ordinance are fulfilled.
  - 1. a garage for housing vehicles and equipment owned by the owner of the premises.

This Ordinance shall become effective from and after its passage and publication according to law.

Dated at Eureka Township, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

# Attachment

## Definitions

### Lot of Record

Any lot which is one unit of a plat heretofore duly approved, one unit of an Auditor's Subdivision or a Registered Land Survey, or is separately described in a deed, contract for deed, or other legally sufficient instrument of conveyance, and which ~~is~~ was filed in the Office of the Dakota County Recorder on or before April 12, 1982. Also to be considered as a lot of record shall be any parcel delineated on a certificate of survey prepared by a Minnesota-licensed land surveyor, and which was filed in the Dakota County Surveyor's Office on or before April 12, 1982.

### Lot, Substandard

A lot of record which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this Ordinance.

## Chapter 3: Buildable Lots

### Section 1 - DENSITY

Lots in the Township of Eureka shall be deemed buildable if they meet each and every one of the following criteria.

- A. Minimum lot size 2 acres
- B. The lot has 33 feet of frontage abutting a publicly maintained roadway.
- C. The lot is 250 feet wide at the location where the home will be placed.
- D. A home can be built on the lot that complies with all other setback and density requirements contained in this Ordinance.
- E. The lot will support a sewage treatment consistent with this Ordinance and State, Local and Federal requirements for the same.
- F. Density requirements in the Township are as follows:

The maximum density for any new construction or for any construction on newly created lots is one home per 1/4 1/4 section, except ~~in that~~ created and/or under separate ownership from abutting lands on or before April 12, 1982, and which would have been eligible for a building permit on December 12, 1978, may be developed to a density of four residences per 1/4 1/4 section

overall. This provision shall not be construed to permit construction of residences on lots that were not created and/or under separate ownership from abutting lands on or before April 12, 1982, to a density beyond one per 1/4 1/4 section.

## Section 2 - PLATTING OF LAND, CLUSTERING, AND LOT/PARCEL SPLITS

### A. Lot Splits Before 1982

1. A substandard lot or a lot of record shall be deemed a buildable lot provided it meets all of the following requirements:

1a. ~~It Has~~ has 33 feet of frontage on a public right-of-way, and is 250 feet wide at the dwelling site;

b2. ~~Was It was created and/or~~ under separate ownership from abutting lands on or before April 12, 1982, ~~except that this requirement shall not apply to a lot which is one unit of a plat heretofore duly approved;~~

c3. Its area is at least two (2) acres;

d4. Its development for single-family residential purposes will not violate the general intents and purposes of this Ordinance, including but not limited to the prevention of pollution of applicable waters and surrounding lands, and the preservation of the health, safety, and welfare of the general public;

5e. It would have been eligible for a building permit on December 12, 1978.

B. A substandard lot or lot of record that can be demonstrated to meet all of the requirements of Ordinance 3, Chapter 3, Section 2(A), and that after creation of the lot was subsequently consolidated with an abutting lot for the purposes of a real estate sale or county tax consolidation, shall be deemed a buildable lot provided it meets all of the following requirements:

1. The lot(s) involved in the consolidation shall be re-created to conform to the exact boundaries and dimensions as they existed when the lot of record was originally created.

2. The re-creation of the lots shall be completed through an approved lot split that shall be approved by the Eureka Township Board and filed in the Office of the Dakota County Recorder.

3. Any use or structure currently existing on the re-created lots shall conform to all building setback and driveway requirements of this ordinance.

4. The re-created lots must comply with the zoning density requirements described in this ordinance for lots created and/or under separate ownership on or before April 12, 1982.

