

Minutes of the Meeting of the Avon Township Planning Board
May 27, 2009
Avon City Hall

Call to Order: The regular meeting of the Planning Board was called to order by Chairman Mergen at 8:00 P.M.

Pledge: Everyone stood for the Pledge of Allegiance.

Roll Call: Present – Ken Mergen, Roger Nelson, Gerry Kremers, Lowell Rushmeyer, Stephen Saupe. Supervisor’s Gondringer, Merdan and Bresnahan were also present.

Approval of Agenda: Mergen requested adding Paul Nathe to the agenda. Kremers added Fred Ruprecht to the agenda. Mergen moved to approve the agenda with the indicated changes. Nelson second. Approved unanimously.

Minutes: Some typographical corrections to the minutes of the previous meeting were made. Mergen moved to approve with discussed corrections. Kremers second. Approve unanimously.

Business:

1. St. John’s Rezoning Request – Br. Benedict Leuthmer appeared before the board to request: (a) rezoning approximately 100 acres of land in the NW corner of their property from A40 to EE; and (b) obtain a Conditional Use Permit for a photovoltaic system they plan to install in the southern portion of this property. Part of the reason for requesting a rezoning is to install the photovoltaic system and perhaps eventually a wind turbine in this area. Br. Benedict stated that St. John’s plans to keep the remaining land in crop production for sludge disposal. The photovoltaic system will be a four-acre array of solar panels and would be in the southern edge of this section. They are working with Westwood Energy to install the solar panels. In order to take advantage of special financing, they have a tight schedule for development/approval. Although the township isn’t required to hold a public hearing for rezoning approval, it was thought that an informational meeting would be appropriate. Rushmeyer moved to recommend to the Supervisors holding a public hearing for a Conditional Use Permit for the solar array and an informational meeting concerning the request to rezone approximately 100 acres from A40 to EE at the next Planning Board meeting on June 24 at 8:15PM. Mergen second. Approve unanimously.
2. St. John’s Master Plan – Considering that many issues at St. John’s affect both Avon and Collegeville townships, Br. Benedict indicated that St. John’s was planning to have a joint meeting with both townships concerning their Master Plan.
3. Ruprecht Land Conveyance – Mr. Fred Ruprecht appeared to request approval to attach a one-acre parcel to a larger parcel to create a buildable lot. Since the entire area is zoned A40 he was told that it is unlikely the County will allow the spot rezoning to R5. Part of the problem is that the original plat required 10 acres and dedication of an unbuildable outlet. As a result, what was done in the past now likely prevents building on this piece.

4. Nathe Variance – Mergen presented a proposal from Paul Nathe who has a 22 x 28 foot shed. Mr. Nathe wants to add 20 feet on the I-94 side of the shed and was told by the County that he needs a variance for a road setback. However, if the drawings were correct, a variance isn't required because the addition would be 33 feet from the right-of-way, which acceptable in R1 areas. It is possible the County made a mistake about zoning and was thinking of the requirement in other areas for setbacks to be 93 feet from the centerline or 60 feet from the right-of-way, whichever is greater.
5. MOU – Don Kluempke provided a revised version of the MOU that was discussed at the previous meeting. His cover letter indicated that it should reference Ordinance 2 rather than Ordinance 3, but this is likely a mistake since we have been working under Ordinance 3. This mistake may result from Ordinance 3 not being properly recorded. The Board also recommended that the MOU should include setbacks for R1 and zoning. Mergen moved to table a decision on the MOU pending clarification of questions about ordinance 2 vs. 3 and handling of conditional use public hearings. Kremers second. Approved unanimously.
6. Noise Ordinance – The Board reviewed and commented on a draft of an exemption form. Saupe will revise and provide a copy for Supervisor approval.
7. Fee Schedule – Saupe will revise to include liquor license fees and noise ordinance exemptions.

Reports/Announcements: Supervisor Gondringer summarized the public meeting that that was held last week to vote on the 165th Avenue road project. According to Attorney Ripple, Minnesota law requires either a public hearing or petition to approve expanding an easement. Approximately 15 individuals attended the meeting and voted against completing the project which means it won't proceed. Rushmeyer reported that there will be a Joint Powers Board hearing to discuss neighborhoods but he needs to clarify the date of the meeting. He also met with Jody and Hugh Knox to clarify zoning issues.

Adjournment: Rushmeyer moved to adjourn the meeting at 10:00 PM. Mergen second. Approved unanimously.

Next Meeting: The next meeting is 24 June, 2009.

Respectfully submitted,

Stephen Saupe, Deputy
Minutes amended & approved: