

Minutes of the Meeting of the Avon Township Planning Commission

March 26, 2014

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chairman Mergen called to order the regular meeting of the Avon Township Planning Commission at 7:30 PM. in the Main Chamber of the Town Hall.

Pledge: Clerk Saupe led the Pledge of Allegiance.

Roll Call: Members Present – Will Huston, Gerry Kremers, Ken Mergen, and Stephen Saupe. Roger Nelson's seat is now vacant because he was elected as a Supervisor.

Approval of Agenda: A request for a driveway permit by LeRoy Gondringer was added to the agenda. Mergen approved the agenda as amended. Kremers second. All in favor. Motion carried.

Minutes: Huston moved to approve the minutes of the February 26, 2014 meeting as presented. Kremers second. All in favor. Motion carried.

Public Hearing – *St. John's Abbey / Order of St. Benedict Conditional Use Permit*

At 7:35 PM Mergen called to order a public hearing to hear a request from Saint John's Abbey for a Conditional Use Permit to expand their current solar field. The existing facility was constructed in 2009 and is 400 kW. The proposed addition would add 200 kW of fixed panels. Construction would begin in June or July and take approximately three weeks. Letters about the hearing were sent to 32 neighbors and it was published, posted and included on the Township website. No comments about the project were received prior to or during the meeting. Mergen moved to close the public hearing. Huston second. All in favor. Motion carried. The Board went through the Findings of Facts: (1) The proposal is consistent with existing Township ordinances – the area is already designated for this purpose; (2) The project should meet pertinent State and County guidelines; (3) The proposal is compatible with present and/or future land use; (4) No screening or separation distance is necessary – it is already present; (5) Environmental impacts were addressed in the first phase of the project; (6) The proposal will not generate excessive traffic or impact safety; (7) The proposal conforms to the comprehensive plan; (8) The proposal will not negatively impact public services; (9) A clean-up/reclamation plan is already in place; and (10) There were no other concerns. Mergen moved to recommend to the Supervisors approval of the Conditional Use Permit for the expansion of the Saint John's Solar Field. Kremers second. All in favor. Motion carried.

Public Hearing – *Ebnet Variance Hearing*

At 7:45 PM Mergen called to order a public hearing to hear a request by Anthony and Melissa Ebnet for a variance to construct a garage at their property on Red Maple Drive closer to the road than the current ordinance permits. Mr. Ebnet presented letters in support of the variance from the Pelican Lake Association (Joe & Barb Lang) and the following neighbors – Jim & Margie Lehner, Mary Thelen, Ralph Bragelman, Mary Schlichting, Raymond Woitalla, Florentine Scepaniak, and Susan Ramler. The Clerk sent letters about the hearing to 15 residences within 1000 feet of the property. The notice was published, posted and included in the Township website. Two emails in support were received from Ross Voit and Jack & Doris Ramler. Mergen moved to close the public hearing. Huston second. All in favor. Motion carried. Discussions among the Board noted: (a) the large amount of support for the variance by the

Ebnet's neighbors; (b) the road is in the wrong spot; (c) the possibility of setting a precedent for development; (d) the need for at least 20 feet for safety in a typical parking area; and (e) the garage will not extend beyond the raised septic system.

The Board went through the Findings of Facts: (1) The proposal is inconsistent with existing Township ordinances – it requests construction closer to the road than is permitted; (2) The project should meet all other pertinent State and County guidelines including lake setback; (3) The proposal is not compatible with present and/or future land use because of the decreased setback from the road; (4) No additional screening is necessary other than normal road setback; (5) There are no environmental impacts. Encroachments to shoreline are handled by Stearns County; (6) The proposal will not generate excessive traffic but it will impact the safety of the road; (7) The proposal does not conform to the comprehensive plan; (8) The proposal will negatively impact safety of the road; (9) A building permit will be required by Stearns County; and (10) There were no other concerns.

The Board examined the criteria for granting variances: (1) Issuance of the variance will allow a use prohibited (distance from road setback) in the zoning district; (2) The variance is not in harmony with the general purpose and intent of the applicable ordinance; (3) Terms of the variance are not consistent with the comprehensive plan; (4) The variance is not necessary to alleviate practical difficulties or hardship – it will alter the character of the neighborhood, the residents can still park on the property, and the situation is not due to circumstances unique to the property; and (5) the proposal does not involve only economic hardship.

Mergen moved to recommend to the Supervisors to deny a variance to Melissa and Anthony Ebnet to construct a garage as close to the road as proposed. Huston second. Three in favor. One opposed (Kremers). Motion carried.

Kremers moved to recommend to the Supervisors to approve a variance for Melissa and Anthony Ebnet to construct a garage that is greater than 20 feet from the road. Motion died for lack of a second.

Scheduled Business:

1. **Kelly Conditional Use Permit** – Mr. Bill Kelly appeared to request a CUP for a spray booth operation on his property. He stated that the facility meets existing County, EPA and MN PCA guidelines for spray booth operations. Mergen moved to recommend to the Supervisors to set a public hearing on April 30, 2014 at 7:35 PM to consider a request by Mr. Bill Kelly for a Conditional Use Permit for a spray booth operation on his property. Huston second. All in favor. Motion carried.
2. **Gondringer Driveway Permit** – Mr. LeRoy Gondringer appeared to request a permit for a new driveway proposed on his property on Tower Road (03.00912.0008). Mr. Gondringer is considering building a shed on the property and his son may build a residence in the future. Road sightlines seem adequate. The project may ultimately involve transfer of a building credit. Mergen moved to recommend to the Supervisors to approve a driveway permit for Mr. LeRoy Gondringer. Huston second. All in favor. Motion carried.
3. **Newsletter** – Potential ideas for the next Township newsletter include: weeds and spraying, use of the Township Hall, compost site, history of the Township (i.e., landfill, powerline),

and financial stewardship including acquisitions, S&P rating, and bank account.

- 4. **Fees from Speeding Tickets** – Kremers reported that details on acquiring these funds are still not clear but the money may come from the MN Department of Finance.

Other & Old Business: *none*

Announcements/Reports:

- Mr. Anthony Ebnet reported Excel is planning to run natural gas to Holdingford.

Adjournment: Huston moved to adjourn the meeting at approximately 9:18 PM. Mergen second. Three in favor. One abstention (Kremers). Motion carried.

Next Meeting: The next meeting is April 30, 2014 at 7:30 PM.

Respectfully submitted,
Stephen G. Saupe, Clerk

Approval:

Ken Mergen, Chair

Date

Attest:

Date