

Minutes of the Meeting of the Avon Township Planning Commission

April 29, 2015

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: The Clerk led the Pledge of Allegiance.

Roll Call: Present – LeRoy Gondringer, Will Huston, Gerry Kremers, Ken Mergen, and Stephen Saupe. Also present – Richard Bresnahan.

Approval of Agenda: Gondringer moved to approve the agenda as presented. Kremers second. All in favor. Motion carried.

Minutes: Huston moved to approve the minutes of the March 25, 2015 meeting as presented. Gondringer second. All in favor. Motion carried. Gondringer moved to approve the minutes of the March 25, 2015 site inspection. Mergen second. All in favor. Motion carried.

Public Hearings:

1. Bueckers Conventional Subdivision – At 7:45 PM, newly elected Chair Gondringer continued from the March meeting the public hearing for Brian & Melissa Bueckers for a Conditional Use Permit for a conventional subdivision in the Environmental Overlay area. The hearing was continued to await the results of a repeat water test and soil borings. The new water test confirmed the original results that showed that boron levels in the drinking were greater than MN standards. The MPCA is providing the Bueckers with drinking water. Ms. Bueckers stated that a neighbors well was fine. The Town attorney should be contacted to determine if the Town has liability if approving a CUP on a property without a good water test.

Examining Section 7.6.5 of the 439 Ordinance, most members of the Planning Commission agreed that the subdivision proposal (a) meets the natural resource conservation standards of the ordinance because it sets aside 15 non-buildable acres; (b) supports the goals of Stearns County comprehensive plan; (c) maintains the rural nature of the area; (d) still protects the natural resource amenities; and (e) no density bonus is allowed.

The Findings of Facts showed: (1) the proposal is consistent with existing ordinances (7.6.5); (2) an acceptable water test is required; (3) the proposal is compatible with future land use; (4) no screening distance is required; (5) there will be no additional environmental impacts; (6) property values will not be affected; (7) no excessive traffic will be generated; (8) it may possibly endangered the health of the residents because of the water quality; (9) conforms to the Township Comprehensive Plan; (10) will not negatively affect public services; (11) no cleanup/reclamation is required; (12) the project minimizes environmental impact within the two-acre building envelope.

Huston moved to recommend to the Supervisors approval of the CUP for a conventional subdivision for Brian and Melissa Bueckers on the condition that the property has a water sample acceptable to Stearns County. Kremers second. Four in favor. One opposed

(Saupe).

2. Bueckers Building Site – Chair Gondringer reopened the public hearing continued from the previous meeting to consider a request by Brian & Melissa Bueckers for a Conditional Use Permit to construct a home more than 150 feet from an existing building on the property. No comments from the public were received. Mergen moved to close the public hearing. Kremers second. All in favor. Motion carried.

The Findings of the Facts showed: (1) the proposal is consistent with existing ordinances (7.6.5); (2) no other standards must be met; (3) the proposal is compatible with future land use; (4) no screening distance is required; (5) there will be additional environmental impacts including a proposed road from the house site to the shed that will damage a significant portion of the environmental overlay area. The residents also plan to construct a six foot culvert that will further damage the environment; (6) property values will not be affected; (7) no excessive traffic will be generated; (8) it may possibly endangered the health of the residents because of the water quality; (9) conforms to the Township Comprehensive Plan; (10) will no negatively affect public services; (11) no cleanup/reclamation is required; (12) none cited.

Huston moved to recommend to the Supervisors a Conditional Use Permit for Brian and Melissa Bueckers to construct more than 150 feet from an existing structure. Kremers second. Four in favor. One opposed (Gondringer). Motion carried.

3. Fasen Variance – Gondringer opened a public hearing to consider a request from Mr. Duane Fasen for a variance to construct a 24 x 40 outbuilding on his property 50 feet from the center-of-the-road. Mr. Fasen stated that the building will be designed to look like his current home, will have 10 foot sidewalls on 8 inch high block and the roof will have a 4/12 pitch for a total height about 15 feet. Mr. Mike Bitzan appeared on behalf of a neighbor who was concerned that the structure is in line with structures on existing properties, was too close to the property line, would affect drainage, and would require Mr. Fasen to drive over his property to park his boat. Mr. Fasen noted that the building will be in line with existing structures, that he moved the structure an additional five feet from the line than originally planned, he won't affect drainage, and that he won't need to drive on a neighbors property to park his boat. No other public comments were received. Mergen moved to close the public hearing. Kremers second. All in favor. Motion carried.

The Findings of the Facts showed the variance: (a) will not allow a prohibited use in the zoning district; (b) is in harmony with the applicable ordinance; (c) is consistent with comprehensive plan; (d) proposes a reasonable use; (e) is unique to the property; (f) will not alter the character of the locality; (g) involves more than economic hardship.

Huston moved to recommend to the Supervisors approval of the variance for Duane Fasen to build a garage no closer than 50 feet to the center-of-the-road, or a variance of 13 feet. Mergen second. All in favor. Motion carried.

Scheduled Business:

1. **Election of Officers** – Mergen was nominated for another term as chair. He declined. Saupe moved to nominate LeRoy Gondringer as Chair of the Planning Commission. Huston

second. Four in favor. One abstain (Gondringer). Motion carried. There were no additional nominations. Gondringer was elected Chair. Mergen moved to nominate Gerry Kremers for Vice-Chair. Huston second. Four in favor. One abstain (Kremers). There were no additional nominations. Kremers was elected Vice-Chair. Gondringer took over as Chair of the meeting and thanked Mergen for 10 years of service.

2. **Red Maple Drive** – Mr. Tony Ebnet and neighbors from Red Maple Drive appeared to request that the Township consider moving the road to the center of the existing easement. He stated that the current position of the road has created problems for residents. The narrow lots have necessitated public hearings for any sort of development on the properties. Mr. Ebnet presented letters from at least three residents in support of moving the road. The Planning Commission was not opposed to moving the road. The main question is who will pay for the project, and if the road is moved, should it continue through.
3. **Braegelman CUP** – Mr. David Braegelmann appeared to request a Conditional Use Permit for a conventional subdivision in the Conservation Overlay area. Mergen moved to recommend to the Supervisors to set a public hearing on May 27, 2015 at 7:45 PM. Kremers second. All in favor. Motion carried.
4. **Eiyk Certificate of Compliance** – Mr. Kenneth Eiyk appeared to request a Certificate of Compliance to move a property line to add 2.6 acres to an existing parcel. Mergen moved to recommend to the Supervisors a Certificate of Compliance for Kenneth & Annette Eiyk. Huston second. All in favor. Motion carried.
5. **Environmental Overlay Map** – Supervisor Chair Bresnahan requested a review of the current map. There are some mistakes on the original mapping. The Planning Commission will compare the overlay map with existing aerial photos.
6. **Parking Ordinance** – postponed until the next meeting.
7. **Form Approval** – the Clerk will modify forms as necessary.

Other & Old Business: *none*

Announcements/Reports:

1. Solar Garden Project – Gondringer reported that according to Xcel Energy, solar gardens of only 1 MW are permitted. The Saint John's project will have three separate projects.
2. Saint John's Land Use Training Workshop will be held on May 21, 2015 at Saint John's. Contact Angie Berg to register.
3. Saint John's will install lights on their baseball field, which is partly in the Township.
4. Neighbors have complained about a new business on 182nd Ave. There are concerns about assessments for the property, impact to Township roads, operating a business in shoreland and without a permit, and traffic safety to residents. The County will follow up.

- 5. A complaint was received about parked vehicles and trash accumulation on 188th. The Supervisors examined the area during road inspection – it is a private road so no further action will be taken.
- 6. 325th Street – Bresnahan reported that the Supervisors will consider new bids for roadwork on 325th Street. Saint John’s has offered to co-partner on the project.
- 7. Area Businesses – Blattner’s is planning a 30,000 square foot expansion. Joseph’s was sold.
- 8. Joint Powers – Saupe will follow-up with the Avon City Clerk on language they used to approve a renewal of the Joint Powers agreement.

Adjournment: Mergen moved to adjourn the meeting at 10:00 PM. Kremers second. All in favor. Motion carried.

Next Meeting: The next meeting is May 27, 2015 at 7:30 PM.

Respectfully submitted,
Stephen G. Saupe, Clerk

Approval:

LeRoy Gondringer, Chair

Date

Attest:

Date