

Minutes of the Meeting of the Avon Township Planning Commission

August 25, 2021

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chair Lori Yurczyk called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall. The meeting was also available online at the following URL: <https://csbsju.zoom.us/j/94391850163>.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Craig Blonigen, LeRoy Gondringer, Rich Sanoski, Stephen Saupe, and Lori Yurczyk. Also present: Kelly Martini.

Approval of Agenda: Sanoski moved to approve the agenda correcting a typo regarding the date of the next meeting. Blonigen second. All in favor. Motion carried.

Minutes: Gondringer moved to approve the minutes from the July 28, 2021 meeting as presented. Sanoski second. All in favor. Motion carried.

Public Hearings: *none scheduled*

Business:

- Thielman Driveway Permit** – Craig Thielman installed a parking pad at his property at 36661 Pelican Lake Road without a driveway permit. He attended tonight's meeting to initiate the process of obtaining an after-the-fact permit. The parking pad is approximately 20 x 55 feet. The pad is graded so the water doesn't run onto the road. It is constructed from Class 5 with crushed granite. The pad allows him to park perpendicularly off the road, which is a plus since the road is so narrow. The pad has space for up to six cars. Our maintenance person reports that the pad is apparently not a hazard for the plow or roadwork/road maintenance. The pad is wider than currently permitted for a typical driveway, unless a variance is granted for special circumstances. Approval of this pad could set a precedent and that the Town needs to treat all residents the same concerning similar parking pads. Gondringer moved to recommend to the Supervisors approval of a driveway permit with special circumstances since it is wider than the current driveway policy. There was further discussion but no second; no action was taken on this motion. Because the parking pad is wider than permitted, our driveway policy states that a variance is required to approve the increased width. A conditional use permit (CUP) could be used to handle parking pad requests. Because the driveway policy doesn't directly apply to parking pads, it was suggested to create a separate parking pad policy, since driveways are different (*provides access to a home or other building*) from parking pads (*additional area for parking in the Town road right-of-way*). Gondringer moved to recommend to the Supervisors to not treat a parking pad as a driveway subject to the driveway policy, that the Township creates a parking pad policy, that the Township refunds to Mr. Thielman the fee collected for a driveway permit and penalty, and that Mr. Thielman return to obtain a parking pad permit. Blonigen second. All in favor. Motion carried.
- Gondringer CUP** – Mr. Jim Gondringer (35538 Tower Road) appeared at this meeting to request a Conditional Use Permit for a conventional subdivision in the Avon Hills Overlay area. He will sell about 5 acres to his son who plans to build a residence. Mr. Gondringer stated that the house will be built in the ag field, not in the woods. Sanoski moved to recommend to the Supervisor to set a public hearing for September 29 at 7:15 PM to consider a request by Mr. Jim Gondringer for a CUP for a conventional subdivision in the Avon Hills Overlay district. Blonigen second. All in favor. Motion carried.

3. **County 439 Changes** – After reviewing the new 439 Ordinance, the Supervisors at their August meeting authorized proceeding with modifying our Ordinance #4 and MOU. Angie Berg, Stearns County Environmental Services, provided drafts of documents necessary to implement any approved changes. The PC discussed these draft documents.

Ordinance #5 – The updated and modified Ordinance #4 will be re-titled Ordinance #5. Topics discussed include:

(a) Section 4.2 – The Clerk serves as the Zoning Administrator, though it's not clear if the Clerk has been formally appointed, or whether it is necessary to do so because this may be an inherent responsibility of the Clerk. One reason that this is a concern is because the Zoning Administrator is an *ex officio* member of the PC, which is different than our current procedure. The Clerk could be easily appointed as Zoning Administrator. It also raises the question of the role of Ms. Nancy Scott who is serving as our administrator for CSP's in the Joint Powers area. We should clarify with Ms. Berg if this section needs to be revised.

(b) Section 4.3 – States that the Zoning Administrator handles CSP's. This is confusing since the Town Clerk is now acting as Zoning Administrator, but not for CSP's; the County handles them (*except in the Joint Powers area*). The Town should clarify roles with Ms. Berg.

(c) The PC decided that there is no need to add clarifications/additions to Sections 4.10.1 (*Town responsibility in zoning change requests*) and 4.13 (*driveway access permits*).

(d) Section 4.15 & 4.16 – it is not clear to what Section 7.20 and 7.6, respectively, refer. It is not in Ordinance #5 and seems to be a different topic in the 439 Ordinance. This will be clarified with Ms. Berg.

(e) Section 4.19 – should Director and Department be defined or does it automatically refer to the director of Environmental Services and the Environmental Services department?

(f) Section 4.20 – does the Town handle 'premise sign permits?'

(g) Section 6.2.1B – Should zoning districts R10, R20 and T20 be included even though they are closed?

(h) Section 6.54.1A – To what does Section 4.18 refer? (4.18 in Ordinance 5 or likely 439?) Should this be clarified? Section 7.26 refers to 439 Ordinance, however, "this Ordinance" is defined in Section 1.1 as Ordinance #5 – should this be clarified? This occurs in several places throughout Ordinance 5. Does this language allow for IUP hearing (Section 4.9) by the Township?

(i) Section 6.6 – The Township wants to add section regarding IUP/CUP for Agricultural Employee Housing (6.6.1.i) if it is possible. However, this may be a provisional use situation.

(j) Section 7.6.C – should this refer to Section 7.6.4.A.2?

(k) Section 7.27 – should this refer to 7.28?

(l) List format not alphabetized in Sections 9.1.2, 9.1.6, 9.2.3, and 9.2.6

MOU – no problems were identified.

The Clerk will follow up with Ms. Berg at the County to clarify the items raised above. Gondringer moved to recommend to the Supervisors to set a public hearing at a Town Board meeting to formalize changes to

the MOU and Ordinance #5 after necessary edits and clarification of the questions that were identified during the document review. Sanoski second. All in favor. Motion carried.

- 4. **Web Site** – The Town web site was discussed to determine if there are better ways to organize it. Changes were suggested to the Ordinance, Joint Powers, and to the Inside/Comprehensive & Growth Plan pages. The Clerk will make the changes.

Old Business

- 1. **Woitalla Rezoning** – The Supervisors will make a decision at their September meeting. Mr. Woitalla has options other than rezoning.
- 2. **Parking Ordinance** – Supervisor Huston is consulting with the Township attorney on the language of a likely ordinance based on one approved at the last Supervisor meeting. There was a feeling that 6 hours might be too short a time period for parking, in part because many visitors to lake properties often park overnight. It was suggested that 24 or 48 hours might be better. This could be included at the public hearing.
- 3. **Cemetery Headstone** – Since the family is opposed to laying down the headstone, the Town will either need to simply ignore the situation since we have done due diligence in looking for a solution, or find another alternative solution. Questions included whether the Town would have some sort of eminent domain power to move it, and if someone hits the stone, would the Township and/or church have liability?
- 4. **ARPA Funding** – Martini reported that half of our designated funds have been received. It was suggested that a committee is established to determine uses for the funds. We should reach out to see how other townships are spending their funds. Funds must be spent by the end of 2024 and paperwork filed by 2026. The Treasurer will use the “calculator” to see if the township had a loss of revenue that could be included for funding.

Reports/Announcements

- 1. The County is offering free water testing on September 9 from 2 – 7 PM at the St. Joseph Town Hall. The County inquired why the Supervisors decided to not fund a post card to Town residents. The Clerk will alert KASM and the *Star-Post* about the event. There is a link to the event on the Town web site.

Other Meetings: The next PC meeting is September 29, 2021 at 7:00 PM (*available via Zoom at <https://csbsju.zoom.us/j/94391850163>*). The next Supervisor’s Meeting is September 1, 2021 (*also available at <https://csbsju.zoom.us/j/95822104484>*).

Adjournment: Sanoski moved to adjourn the meeting at 10:15 PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

Signature: _____

date: September 29, 2021

Approval:

date: _____

Lori Yurczyk, Planning Commission Chair – signature