

# Minutes of the Meeting of the Avon Township Planning Commission

July 28, 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, Marion Gondringer

**Approval of Agenda:** Two items were added to the agenda (rezoning request for property on Co Rd 9 near Avon; stop signs obstructed by branches). Sanoski moved to approve the agenda as amended. Blonigen second. All in favor. Motion carried.

**Minutes:** Blonigen moved to approve the minutes from the June 30, 2021 meeting as presented. Gondringer second. All in favor. Motion carried.

**Public Hearings: Woitalla Rezoning** – Yurczyk opened the public hearing at 7:15 PM. Mr. Duane Woitalla was present and summarized his request to rezone his 40-acre property (18897 Co Rd 154; PID 03.00804.000) from A40 to R5 in order to sell 10 acres to Erin Secord and Dennis Gerards. Mr. Woitalla said he plans to keep 10 acres to build a patio-type home, sell the existing home, and some of the land. He anticipates no more than 3-4 residences on the site.

Notices announcing the hearing were sent to more than two dozen residents and the hearing was published and posted as required. Two emails (Scott Smith, Ben Woitalla) were received opposing the rezoning request. Several residents appeared at the hearing to express their opinions and ask questions. Comments from those at the hearing included: (a) which 10 acres would be sold to Ms. Secord & Mr. Gerards?; (b) approval of the request will result in urban sprawl and increased taxes; (c) is there a requirement for platting? (*it would likely platted as Little Pine Estates*); (d) where is access? (*off 188<sup>th</sup>*) (e) could the property be rezoned into just two, 10-acre parcels? (*no, the only zoning options in Avon Township are A40, R5 and R1*); (f) the proposal would reduce the country feeling of the area including increased people, lighting at night, and services; (g) would there be separate driveways (*yes*); and (h) there is no guarantee of future development.

At least one individual who was present at the hearing expressed support for the rezoning and two individuals expressed opposition.

Ms. Secord stated that the LESA score (42) suggests that the land is not prime farmland and that lakes would be protected by County setback guidelines. In addition, the home would need to be setback from existing feedlots. She, and Mr. Woitalla, stated that the rezoning would not result in a city-type sprawl since there would be no more than 4 residences.

Blonigen moved to close the public hearing at 7:47 PM. Sanoski second. All in favor. Motion carried. The PC then discussed the proposal. Among the comments were: (a) this proposal could set a precedent to future development; and (b) the Town needs to balance the rights of the property owner with the needs of the Townships and area residents.

The PC examined and discussed the new “Township Recommendation Form” that needs to be completed

which addresses the County Comprehensive Plan. The following Factors were considered.

Factor 1: Land Use Decision Factors: (a) Agriculture Pillar – the proposal would reduce farmland, though the PC recognizes it is not prime farmland; (b) Living Pillar – the proposal would impact growth in the area including a trend toward a loss of the rural character of the area; (c) Business Pillar – not applicable; (d) Connectivity Pillar – not applicable; and (e) Nature Pillar – the proposal could affect the lakes and natural area, though current County regulations should minimize impacts.

Factor 2: Land Use Categories: (a) Orderly Annexation Areas – not applicable; (b) Transitional Areas – the proposed property is near the Town site of St. Anna, R5 zoning, and R1 zoning around Pelican Lake; (c) Agricultural/Rural Areas – the proposal will decrease ag land; (d) Concentrated Development – not applicable; (e) Town Site Mixed Use – this project is not too far from the St. Anna Town Site; (f) Transportation Corridor – not applicable.

Factor 3: The LESA (Land Evaluation Site Assessment) score for the property is 42. This score is less than prime agriculture land.

The PC then reviewed the Town Board Checklist questions: **Question 1** – the request is consistent with the Comprehensive Plan’s goals and policies. *Mostly No.* **Question 2** – The request is consistent with the Comprehensive Plan’s Future Land Use designation – *Clearly No.* **Question 3** – the request is consistent with the Comprehensive Plan’s Future Land Use Factor’s – *partly. This could be considered the second-tier of development around Pelican Lake and would be contiguous with some R5 zoning around the lake and to the north.*

After consideration of the County Comprehensive Plan and worksheet, Blonigen moved to recommend to the Supervisors to deny the request of Mr. Duane Woitalla, 18897 Co Rd 154 (PID 03.00804.0000) to rezone his 40-acre property from A40 to R5. Saube second. Three in favor. Two abstain (*Gondringer & Sanoski abstained because they are also Supervisors who will make the final decision at their next meeting*).

### **Business:**

1. **Avalon Homes/Schommer Variance** – A public hearing was held at the last PC meeting to consider a request by Avalon Homes/Jeremy Schommer for a variance to construct a new home on his property at 33668 Poverty Point Drive (Avon) 18 feet closer to the center-of-the-road (COR) than is currently permitted by Section 9.9 of Avon Township Ordinance #4. However, Mr. Schommer did not attend the hearing so there were questions about the proposal. As a result, the PC was unable to make a recommendation to the Supervisors. At their July meeting, the Supervisors requested the PC to review the proposal at tonight’s meeting and make a recommendation before they make a final decision. Mr. Schommer appeared at tonight’s meeting and summarized the request and clarified questions (*an updated drawing was presented; the home will not encroach into the utility easement; the plan for drainage is to include swales, a rain garden and a rain barrel; the driveway will be straight, not U-shaped*). Mr. Schommer stated that 18 feet was a greater variance than required and that it was currently staked for a variance of about 13 feet. Two neighbors appeared at this meeting and supported granting the variance, except that they were very concerned about potential drainage from the property.

The PC went through the Findings of Facts and agreed that: (a) The proposed use is allowed in the district in which the subject property is located; (b) The variance is in harmony with the general purpose and intent of the applicable ordinances; (c) the variance is consistent with the Comprehensive Plan; (d) the property owner proposes to use the property in a reasonable manner; (e) The plight of the landowner is due to circumstances unique to the property and not created by the property owner or a previous owner;

(f) The variance will not alter the essential character of the locality; and (g) the variance involves more than economic hardship.

After consideration of public testimony, the Findings of Facts, and other available information, Gondringer moved to recommend to the Supervisors to approve a variance for Avalon Homes/Jeremy Schommer, 33668 Poverty Point Drive (Avon), to construct a home 13 feet closer to the road than is currently permitted, on the condition that Mr. Schommer works with the neighbors and County on a stormwater drainage plan. Blonigen second. All in favor. Motion carried.

2. **Jonas Rezoning** – Jerry Jonas, representing the Peter Jonas estate, attended the meeting to inquire about rezoning property at 34759 Co Rd 9 (03.00941.0000). He would like to split this 40-acre parcel into a 29-acre piece (west of Co Rd 9) and an 11-acre one (east of Co Rd 9) and then rezone the 11-acre parcel from A40 to R5. The 11-acre parcel is in the Urban Expansion area which is jointly regulated by a Memorandum of Understanding between the City and Township. Decisions regarding properties in the Urban Expansion area are made by the Joint Planning Board which is comprised of members from both the City and Township. For his options, Mr. Jonas was directed to section 10.C. of the MOU (*available at [https://www.avontownship.org/images/docs/joint\\_pb/mou\\_joint\\_planning\\_commission.pdf](https://www.avontownship.org/images/docs/joint_pb/mou_joint_planning_commission.pdf)*) which states, “The Joint Planning Board will adopt the zoning and subdivision regulations of Stearns County . . . for properties located in the Annexation Area, however, no subdivisions for residential development will be permitted unless the property is annexed, and City sanitary sewer and water is provided to the area. However, this prohibition will not prohibit a one-lot plat from an existing unplatted parcel.”
3. **Response to County 439 Changes** – The Supervisors authorized the PC to examine the recent changes in the County 439 Ordinance and to recommend actions that the Township might consider in response. The Town can adopt ordinances that are more restrictive, but not less so.
  - a. Accessory Structures (**Section 6.2**) – the previous rule was that an attached garage couldn’t be larger than the house was eliminated. The PC generally agreed that this could be a potential problem in some neighborhoods such as Sunridge where homes are more tightly clustered. Neighbors generally want structures that fit in with the character of the neighborhood. The PC recommends that the Township requires a Conditional Use Permit (CUP) in R5 & R1 zoning districts. This will give neighbors a chance to provide a response to such requests.
  - b. Accessory Dwelling Units (**Section 6.4**) – This is a new section of the ordinance that is allowed in all zoning districts. An accessory dwelling can be constructed for family members, etc. The structure, if attached is limited to 40% of the home size and if attached just requires a building permit. Though overall the PC considers this a reasonable idea, there were various concerns expressed including the possibility of the structure being used as a rental property. The PC recommends no changes at this time and wait to see if problems arise.
  - c. Agricultural Employee housing (**Section 6.6**) – Up to an 8-unit motel can be constructed to house agricultural workers. One concern that was raised is what happens to the structure when the farming operation ends. The PC recommends that the Township requires a CUP.
  - d. Feedlots (**Section 6.9.5**) – there is now a tiered setback. The setback used to be 700 feet, though now there is an option for a lesser setback (500 ft). The PC recommends no change at this time.
  - e. Rural Tourism (**Section 6.51**) – such as wedding venues, wineries, etc. require a CUP, which the Township will handle. The PC recommends that the County is responsible for the CUP, not the Town, since the Township doesn’t have the necessary expertise to address necessary issues.

- f. Solar Farms (**Section 6.54**) – the first mW will no longer require a CUP. The PC recommends that the Town requires a CUP for a 1 mW solar garden.
  - g. RV’s temporary (**Section 7.22**) – increased the number of RV’s (to 4, for 30 days) that can be on a property. The PC recommends no change at this time.
  - h. Manufactured Homes (**Section 7.23**) – asking for more information up front to minimize latter problems. The County has been dealing with a variety of issues with the park in Avon Township including homes that aren’t properly anchored. The PC recommends no change at this time.
4. **Parking Ordinance** – A resident has been living in a vehicle on 377<sup>th</sup>. The Supervisors authorized the PC to consider a parking ordinance that would provide for a future enforcement mechanism. Several sample ordinances were considered (Collegeville Township, Brockway Township, Lynden Township, City of Avon). The PC recommends adopting an ordinance similar to Brockway. This will be presented to the Supervisors for consideration.
5. **ARPA Funding** – The PC considered options for American Rescue Plan Act (ARPA) funding. Martini has signed up to receive funds. Ideas included drainage projects such as Nobel Oak, automated back door opener, air exchanger for the building, replacing liquor license fees, installing broadband with AlbanyTel or other provider, and computers. We could contact MAT and other Towns to see how others have used the funding.

**Reports/Announcements**

- 1. **Two Rivers Road Stop Sign** – Blonigen reported that a stop sign on Two Rivers Road was obscured by vegetation. Our maintenance person will check it out.
- 2. **Hennen Inspection** – Gondringer inspected the decommissioned home at Hennen’s. They are still dealing with septic issues.

**Other Meetings:** The next PC meeting is August 25, 2021 at 7:00 PM (*available via Zoom at <https://csbsju.zoom.us/j/94391850163>*). The next Supervisor’s Meeting is August 4, 2021 (*also available at <https://csbsju.zoom.us/j/95822104484>*).

**Adjournment:** Sanoski moved to adjourn the meeting at 10:18 PM PM. Blonigen second. All in favor. Motion carried.

Respectfully submitted,  
Stephen G. Saupe, Clerk

Signature: \_\_\_\_\_

**date:** August 1, 2021

**Approval:**

\_\_\_\_\_  
Lori Yurczyk, Planning Commission Chair – signature

**date:** \_\_\_\_\_