

Minutes of the Meeting of the Avon Township Planning Commission

June 30, 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.

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

Minutes: Gondringer moved to approve the minutes from the May 26, 2021 meeting as presented. Sanoski second. All in favor. Motion carried.

Public Hearings: Avalon Homes/Schommer Variance – Yurczyk opened a public hearing for Avalon Homes/Jeremy Schommer at 7:15 PM. Mr. Jeremy Schommer, who was absent, applied 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.

Announcement of the hearing was published, posted and 21 letters were mailed to local residents. Mr. Mike Quesnell inquired about what it meant that Mr. Schommer was not present. The answer is that the hearing would proceed to take comments from the public. An email was received from Gale Braun (33543 Poverty Point Drive) opposed to the request, in part, because she said the house was too big for the lot size. Ms. Braun also appeared at the hearing restating her concerns. Mr. Phil Braun (33543 Poverty Point Drive) appeared at the hearing in opposition to the variance due to problems with the driveway site considering the road easement signed by residents and also the poor condition of the road. Mr. Ray Schmid (33725 Poverty Point Drive) appeared and was concerned about drainage issues and the location of the proposed home relative to the 15-foot utility easement. An email was received from Augustus & Ruth Hipp (33642 Poverty Point Drive) for the previous public hearing about this issue also expressing concerns about drainage issues. Ms. Mary Merkeling appeared in opposition to the variance and stated the variance was too large. No other public comments were received.

Gondringer moved to close the public hearing at 7:35 PM. Sanoski second. All in favor. Motion carried. A two foot overhang from a structure is permitted by the County. There were several questions about the variance: (1) the stakes were placed at approximately 51 feet from the center-of-the-road (variance of 12 feet), however, the variance request is for 18 feet. Will Mr. Schommer build the home six feet closer to the road than the stakes show?; (2) Is there an updated drawing/survey?; (3) Will the home encroach into the 15 foot utility easement?; (4) Is there a plan for storm water runoff/drainage?; and (5) Where will the driveway be and will it be U-shaped as mentioned in the hearing last month? Gondringer moved to postpone a recommendation to the Supervisors until these questions are clarified. Blonigen second. All in favor. Motion carried.

Business:

1. **Woitalla Rezoning** – Mr. Jeff Lange, Lange Trenching, appeared at the meeting to represent Erin Secord, Dennis Gerards and Duane Voitalla, all of whom were also present. Mr. Lange stated that Mr. Voitalla

owns 40 acres (18897 Co Rd 154; PID 03.00804.000) and wants to sell 10 acres to Ms. Secord and Mr. Gerards. The property is currently zoned A40 and will need to be rezoned to provide a building entitlement. Gondringer stated that the Supervisors made a decision a few years ago on a similar zoning issue but several residents were upset that there wasn't a public hearing. Gondringer moved to recommend to the Supervisors to hold a public hearing to consider a request to rezone the property of Mr. Duane Woitalla, 18897 Co Rd 154 from A40 to R5. Sanoski second. All in favor. Motion carried.

2. **Gondringer Preliminary Plat** – Mr. James Gondringer (35538 Tower Road, Albany) appeared to request approval for a preliminary plat to split a five-acre parcel from his property to sell to his son. The PC examined the plat. Blonigen moved to recommend to the Supervisors approval of the preliminary plat for Mr. James Gondringer. Four in favor. One abstain (Gondringer). Motion carried. A concern was raised about the plat being in the Avon Hills Overlay district; this will be addressed in the approval process.
3. **Meeting with Angie Berg** – Ms Angie Berg, Stearns County Environmental Services, appeared to clarify Township/County responsibilities and some of the recent changes in the County 439 Ordinance.

The Township handles variances from Township roads, Conditional Use permits and Interim Use permits. The County handles everything else, except in the Joint Powers area, which is taken care of by the Township. The County and Township alert one another in the event of a hearing or issue that affects the other. CUP's, CSP's and other permitting in the Joint Powers area is Township responsibility.

Recent amendments are summarized below. If desired, the Town can adopt ordinances that are more restrictive, but not less so.

- a. Accessory Structures (**Section 6.2**) – previous rule was that an attached garage couldn't be larger than the house was eliminated;
- 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;
- c. Agricultural Employee housing (**Section 6.6**) – up to an 8 unit motel can be constructed to house agricultural workers;
- 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 lesser setback (500 ft).
- e. Rural Tourism (**Section 6.51**) – such as wedding venues, wineries, etc. require a CUP, which the Township will handle
- f. Solar Farms (**Section 6.54**) – the first mW will no longer require a CUP. A 1 mW solar field occupies *ca.* 6 – 10 acres. The Town handles CUP.
- g. RV's temporary (**Section 7.22**) – increased the number of RV's (to 4, for 30 days) that can be on a property
- 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.

Ms. Berg also provided an overview of the County Comprehensive Plan (Shape 2040; available at <https://shapestearns.com>) and future land use plan map for the Township. Ms. Berg also shared information about obtaining information on meetings (Meetings on Demand, sign up to receive periodic updates) and the revised County website. She indicated the Town could adopt the 439 Ordinance by reference except any specific changes we wanted.

There was discussion about some of the concerns with platting in the Avon Hills Overlay district.

Reports/Announcements

1. **Person Living in Vehicle on 377th** – A resident at the meeting stated that a person showed up on June 14th and appears to be living in her vehicle. The Sheriff was called and appeared a few days later. There is no law against it, so the sheriff is unable to remove the individual. Stearns County Social Services has been called to provide assistance and left a Care package for the individual. The Town may need to initiate a parking ordinance.
2. The tractor we recently used to mow ditches needs a “slow moving vehicle” sign and/or flashing lights.
3. A resident on 355th mowed hay in the town road right-of-way and left some on the road to dry; this is illegal.

Other Meetings: The next PC meeting is July 28, 2021 at 7:00 PM. The next Supervisor’s Meeting is August 4, 2021.

Adjournment: Sanoski moved to adjourn the meeting at 9:37 PM. Gondringer second. All in favor. Motion carried.

Respectfully submitted,
Stephen G. Saupe, Clerk

Signature: _____

date: July 6, 2021

Approval:

Lori Yurczyk, Planning Commission Chair – signature

date: _____