

Avon Township Planning Commission Meeting Minutes

Avon Township Hall – April 24, 2019

Call to order: Chair Ken Mergen called to order the meeting of the Avon Township Planning Commission at 7:00 PM in the Main Chamber of the Town Hall.

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Ken Mergen, Sheldon Tschida and Will Huston. Excused – Clerk Stephen Saupe, Also present – Deputy Clerk Marion Gondringer.

Approval of Agenda: Motion by Mergen to approve agenda as amended. Second by Huston. All in favor. Motion carried.

Approval of Minutes: Approval of March 27, 2019 minutes. Motion by Huston to approve the minutes with amendments. Second by Tschida. All in favor. Motion carried.

Planning Commission Report:

Keith Maciejewski driveway permit: A request for a new driveway location was made due to the logistics of the property. Driveway would be relocated to follow the fence line. All has been approved by the county. Sign for the first driveway permit was already purchased so a new sign must be purchased. Motion by Huston to revoke the old driveway permit, exempt the fee for a new driveway permit, roll over the previous damage deposit fee to the current driveway permit request, and approve the new driveway location with the condition that Maciejewskis remove the access put in place to move in the house. Second by Mergen. All in favor. Motion carried.

Public Hearings:

Braegelmann CUP in the Avon Hills Conservation Overlay District - A land split of 5 acres plus to square off a corner of the property with the buildings. No concerns or objections were heard from anyone present or comments were submitted to Town. Mergen moved to waive the finding of the facts process. Second by Tschida. Motion carried. (Mergen and Tschida in favor. Huston opposed.) Motion to close public hearing by Huston. Tschida second. All in favor motion carried. Motion by Huston to recommend approval of the CUP for David Braegelmann land split to the Board of Supervisors. Second by Mergen all in favor. Motion carried.

Aaron Tschida Variance: Tschida requests a variance of 20' from the road set back to build a maintenance shed at 43' from the centerline. Property at 37014 Sara Lane is located in a Rural Townsite, which requires a setback of 63' from the center of the road. Properties in the neighborhood are located at around 80' from the centerline, one is appears slightly closer to the road. Tschida's septic tanks are 93 feet from the road. Drain field is 46' from the road. A building in a location that would follow the ordinance would require driving over the septic pipe that leaves the house, which could lead to pipe failure and/or other septic systems problems. Location of a shed in the back yard is restricted due to access on the North side being affected by the need to drive over an underground drainage pipe. One resident letter in favor and one against the variance was received. Tschida would be open to a somewhat smaller building with a 14' variance to the setback. Motion by Huston to close the public hearing. Second by Mergen. All in favor. Motion carried.

For the Planning Commission members, concern centered around the fact that this neighborhood does not have other buildings located this close to the roadway and the location would change the character of the neighborhood. However a shed would provide storage which would prevent property from being stored outside. Findings of facts process was completed. (Proposed use (outbuilding) is allowed in the zoning district, variance is not in harmony with the general purpose and intent of ordinance (too close to the road), terms of variance are not consistent with the comprehensive plan, purpose of use is reasonable, purpose of proposed use is reasonable, plight of landowner is due to circumstances that are out of control of landowner due to location of septic, but are not unique to the property since location of septic restrictions have been made by owners (one no, two yes), variance if granted would alter the esthetic character of the locality, need for variance does involve more than economic hardship (moving septic) (one no, two yes). Suggestion was made to be inconclusive to the board since the summary of the finding of facts was a mixed result. Extensive discussion took place exploring options that may be available. Motion by Huston to recommend denial of variance to build a maintenance shed 20' closer to the road than allowed by ordinance. Second by Mergen. Two in favor (Huston, Mergen), one abstain (Tschida). Motion carried.

Scheduled Business:

Ron and Brenda Zierden – Certificate of Compliance: 19436 Co Rd 154, (PID # 03.01348.0000), Section 07, R-5, to purchase 50’ along the north side of his land (a portion of PID #03.00799.0010, section 06, A-40, owned by Joe and Brenda Scepaniak) to increase the very small back yard and make the property more saleable in the future. Motion by Huston to recommend approval of the Certificate of Compliance for Ron Zierden. Second by Mergen. All in favor. Motion carried.

Road Maintenance plan: This process will begin after the 2019 road inspection takes place on April 27th and would enhance the informal road plan currently used.

Avon Township Ordinance / County Comprehensive Plan review: Comprehensive Plan is intended to be somewhat of a “Wish List” outlined by the Township to bring forth the overall vision of the Township as far as land use, growth areas, etc. The County Ordinance is intended to reflect what the County Comprehensive plan reflects.

Other Business:

Joint Planning Board: Mergen reported that the meeting on April 16th approved subdivision and annexation of a portion of the Elmer Keppers property along Co Rd 155 to allow the building of a Dollar General Store. Land is located in the Avon Land Use Map and is designated as low residential classification. Access to the property will be off Angelfish Ave. It was revealed that the City has a plan to create a commercial area all along the Kepper’s property bordering Co Rd 155.

Burrows rezoning at County: County Planning Commission recommended the Commissioners turn down this rezoning due to a high LESA (71.25) score and opposition from neighbors. Commissioners have set a public hearing.

Old Business:

Norway Road / I-94 road update – Huston - MNDot responded with comments as per following rules and regulations. Plans will be revised on Monday and sent back to the County. Bidding can start in May and bids received in June. Timeline for construction will be sometime in September.

Solar Field updates: – *FastSun3 Solar:* revised decommissioning bond is in the process. Conference call with Huston and Ripple was inconclusive. *FastSun3* will be paying for the Township attorney’s involvement in this process.
Stearns Community Solar1: No update.

Peach Dr. off Quaker Rd: Township attorney says there will be a \$1200 - \$1500 cost to review and determine a vacation since it is owned by the current landowner. Motion by Tschida to recommend to the Supervisors to legally pursue vacation of the north section of Peach Drive off Quaker Rd. Second by Mergen. All in favor. Motion carried.

Enterprise column ideas: None

Road Inspection: April 27, 9:00, beginning with Maintenance Shed Open House at 8:30 AM. Huston has a van rented for use.

Announcement of next meeting: May 29, 2019 at 7:00 PM

Adjourn: Motion by Huston to adjourn at 8:15. Second by Mergen. All in favor. Motion carried.

Respectfully submitted,
Marion Gondringer, Deputy Clerk

Signature: _____

date: _____

Approval:

Planning Commission Chair – signature

date: _____