



## **Minutes**

### **Planning & Zoning Commission Meeting**

**Location: Zoom Dial: 1-312-626-6799 US (Chicago)**

**Meeting ID: 837 6758 8772 Passcode: 039991**

**Lent Town Hall: 33155 Hemingway Ave., Stacy, MN 55079**

**February 8, 2023 6:00pm**

### **CALL MEETING TO ORDER**

T. Schroeder called the meeting to order at 6:28pm.

**Members present:** Chair T. Schroeder, D. Stiers, J. Willeck, J. Johnson, S. Brooks

**Members absent:** none

**Others present:** Clerk T. Smolke, Board Supervisor C. Cagle, Planner K. Lindquist, and 4 members of the public (signed in/ attended virtually)

### **PENDING TOWNSHIP BUSINESS**

#### **Unresolved CUPs and IUPs**

K. Lindquist spoke with the township attorney and, as long as CUP's are compliant, they will stick with the applicant. IUP's are typically shorter and if the property gets rezoned not allowing said IUP, it would cease.

#### **CUP and IUP Infractions**

Even if Lent, as it currently stands, rezoned a section, the applicant would reapply to meet standards and we should look up all current permits. T. Schroeder asked if a CUP should run for a defined amount of time and get reviewed. K. Lindquist clarified that a CUP stays with the property and an IUP stops when the permitholder moves. They are common for mining until the job is finished. There is language in a lot of resolutions that is sort of a catch-all phrase.

#### **Comprehensive Plan & Map**

T. Schroeder informed the commission that the city of Stacy's IUP's are for a defined amount of time. C. Cagle agreed, saying it is maybe two years before an applicant would have to reapply, and was hoping the permits in the township would be held to their original standards. K. Lindquist explained that IUP's do not have the same weight or guarantee as CUP's and the city's ordinances will have to be reviewed. C. Cagle said we should focus on these after the annexation as these residents are ours until then. K. Lindquist checked out the city ordinance and it is one year with a one-year extension, unless the council lists a specific timeline. Lent sets a specific timeline, so it will be okay. D. Stiers asked about IUP's and K. Lindquist explained they are registered with the county.

#### **Post-Annexation Layout of New City – annex maps**

C. Cagle showed a map and explained that Lent and North Branch are in agreement but the judge can turn it down and request an even line. K. Lindquist explained the difference between the zones in Lent per C. Cagle's request. These are all available on the township website also. Minimum lot size was discussed and the what it is in different zones.



C. Cagle explained some zone locations and K. Lindquist explained what an overlay is and more about the RBO and CAO in Lent township. UG, or an Urban Growth zone, was mentioned.

**\*\*T. Schroeder noted that J. Johnson and S. Brooks are now in attendance.**

#### **PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)**

J. Selvog talked of his tax abatement and has the county contact for the EDA looking into it. C. Cagle explained the Ehlers are the holder of the certificate. J. Selvog requested his CUP paperwork back to reapply with the City of Stacy and wanted clarification on whether it was his property as he is waiting for the merger to submit a new application. J. Johnson explained that at the joint Planning Commission meetings, they mostly use IUP's versus CUP's and recommended J. Selvog apply for an IUP with the township so he could carry it to the township. T. Schroeder mentioned it must be a CUP per ordinance. J. Johnson said there are guidelines for cities pertaining to what they can do or have. K. Lindquist said if nothing is rezoned the CUP should stand as is. She asked if zoning would change after the merger and C. Cagle said it wouldn't but the permit holder should also check with Ehlers and the town engineer. T. Schroeder asked T. Smolke to follow up with this. D. Stiers mentioned that he is not sure abatement could be pulled and C. Cagle it may have to be rewritten.

#### **ADOPT THE AGENDA**

T. Schroeder asked if anyone has anything to add. J. Willeck and J. Selvog discussed the Stacy Lions no longer offering their bartending services for events at the town hall. C. Cagle said she covered the even for the following weekend and the subjects needs to go straight to the board as T. Smolke and herself have been working on it.

**D. Stiers made a motion to adopt the agenda. Second by J. Johnson. Votes via roll call, Ayes 5, Nays 0. Motion carried.**

#### **APPROVE THE MINUTES** OF THE JANUARY 11, 2023 PLANNING COMMISSION MEETING

**T. Schroeder made a motion to approve the minutes from the January 11, 2023 Planning Commission meeting. Second by D. Stiers. Votes via roll call, Ayes 5, Nays 0. Motion carried.**

#### **NEW BUSINESS**

##### **Deer Run – Final Plat**

K. Lindquist said this is a process and we have not done a lot of these. The preliminary goes to the Commission and Board then the final goes to both as well. There is no need to hold a public hearing on the final and if changes are requested in the preliminary plat, those conditions must be met before the final. You should not see anything different between the preliminary and final. Conditions are mostly related to the process.

**T. Schroeder made a motion to recommend approval of the Deer Run Final Plat to the Town Board. Second by J. Johnson. Votes via roll call, Ayes 5, Nays 0. Motion carried.**

##### **STF Properties**

##### *Public Hearing – continued*

T. Schroeder asked for an update and K. Lindquist addressed the commission. This is fairly complex with access issues. The applicant asked T. Smolke for a continuance as there is more

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work and he does not currently meet the criteria for a public road. The ordinance has a lot width requirement. The planner talked of ordinances of the width of public streets and the subdivision ordinance requires and actual street. A public road needs to happen for this to comply. T. Schroeder mentioned access from Kable is fine for lot #1, but #2 is landlocked and J. Johnson said the public is opposed the traffic that could ensue. T. Schroeder noted Kable is currently a dead-end road. K. Lindquist noted the road from Kable to Kale would have to occur if either lot wanted to develop further. Lot #2 has SE access and lot #1 has access, but is DNR land. It is unknown where there is public access and the applicant needs to contact the DNR. It is under assumption that the extension was requested because of the north boundary and that property to the north.

**T. Schroeder made a motion to table the public hearing until the March 8, 2023 meeting. Second by D. Stiers.** J. Johnson asked if this is in violation of the 60-day rule and K. Lindquist noted the 120-day extension letter was sent. **Votes via roll call, Ayes 5, Nays 0. Motion carried.**

### **OLD BUSINESS**

#### **Countryview Marine**

The commission discussed this case and C. Cagle said they should bill the nursery for the trees that did not survive and the police report they provided is a personal matter. C. Cagle pointed out in the materials provided that the fencing document is an estimate and not a contract. T. Schroeder read responses to the letter sent from the township line for line so the Commission could determine if they were satisfactory. A representative from the permit holder introduced herself to the Commission. She said when the building was constructed, the drains in question were part of the gutter system for rainwater. J. Johnson asked about the oil coming from the lower units and stated he does not believe this was malicious. The representative asked if there is a deadline for the resolution. C. Cagle said the commission is trying to bring the business into compliance and the drains need to be capped and asked if there is a possible solution in separating the oil from the rainwater. She compared it to a similar situation with separation into tanks that could possibly get pumped and hauled. J. Johnson said the set up seems great for stormwater but the applicant needs to figure out why oil is getting into it. He also mentioned if the drain was capped, the melting snow would flood before finding its way out and questioned if the spillage was intermittent. The Commission discussed different filters and J. Selvog suggested a flam trap like he currently has in operation and proposed for his truck wash. K. Lindquist strongly recommended hiring a professional to determine the best route to appease the township. The representative stated the business's intentions were in line with what the township would like to see but there are issues with the neighbor and J. Johnson asked if he wants the fence. The representative stated neighboring trees are falling on their property and the proposed fence could be compromised. C. Cagle stated this is a civil matter. A. Smith, the representative, asked about the timeline as civil matters can take a long time but C. Cagle reminded her the township has been asking form compliance for two years. She said she knew the business was frustrated and had set the representative to the meeting for answers. A. Smith mentioned she had not noticed the trees had died. C. Cagle said no timeline existed at this point and compliance is needed. A. Smith asked if a fence should be constructed when falling trees might destroy it and C. Cagle said they would have to take them to court, and that is just how it works. T. Schroeder said the



fence was part of the application and compliance is needed and stated this has been three years in the making. K. Lindquist mentioned, unrelated, the equipment storage needs to be removed. C. Cagle said a storage request needs to be submitted to the township.

#### **Escrow policy**

K. Lindquist gave a quick overview: currently the township charges escrow on applications, but there are a lot of charges accumulating during the preapplication process. It refers to the questions that go to the clerk and the planner. Our new process would be in line with what the city of Stacy does. C. Cagle asked if it works for the city and K. Lindquist said yes, but they do not have nearly as many applications as the township has. T. Smolke will enforce the policy. Policy without regulation. C. Cagle said this is presented at the beginning of an application submittal but K. Lindquist said not necessarily because when a potential applicant has a drawing with escrow, the planner would study it. T. Schroeder said the applicant pay a lawyer for this advice, or us, as the advice is not free. J. Johnson said this starts after the advice goes beyond the Clerk.

**J. Johnson made a motion to recommend approval to the board to approve the Escrow Policy. Second by T. Schroeder. Votes via roll call, Ayes 5, Nays 0. Motion carried.**

#### **Interim Ordinance Update**

#### **COMMISSIONER/TOWN BOARD REPORT**

C. Cagle explained that she did not attend the last board meeting but has been keeping up with everything. She also said that the joint planning meetings with the city have been going quite well. She sympathized with the representatives from Countryview Marine tonight. They seem to have not known much of the background on this three-year-old issue. She wishes the best for these representatives and stated they appeared to handle everything with grace and J. Johnson said they definitely kept her poise.

#### **NEXT REGULAR PLANNING COMMISSION MEETING IS WEDNESDAY, MARCH 8, 2023**

#### **ADJOURN**

**T. Schroeder made a motion to adjourn at 8:33pm. Second by D. Stiers. Votes via roll call, Ayes 5, Nays 0. Motion carried.**

Chair Signature

Clerk Signature

