



Minutes
Planning & Zoning Commission
Location: Town Hall 33155 Hemingway Ave., Stacy, MN 55079
June 12, 2019

CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 7:02 pm

Members Present: Chair M. Willcoxon, Vice Chair P. Carlson, J. Johnson, D Milles, B. Schule, S. Brooks

Members Absent: None

Other Present: Supervisor B. Seekon, Planner K. Bearinger, Clerk K. Wood, 10 members of public (signed in).

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

Dan and Mary Muellner 9187 Lent Trail: Property for sale. The new owner would like to have a wedding business out of the barn. They have a 1920s barn and garden area. They have read the RRA ordinance and want to know if a wedding venue would be allowed at their home. They have lived there since 1991. The prospective buyers were also in attendance. They would need an IUP which would be reviewed but could have conditions. M. Willcoxon explained there is a process. P. Carlson asked if they have a plan. The new owners are trying to figure out a parking plan.

The buyer is waiting to apply until they are the owner. The buyer said they are planning on residing there part time. D. Milles said that has to be their primary location of residence. M. Willcoxon said it is typical to have only one person working there that is not related. They need to talk to J. Kramer about plumbing in the barn. The buyer asked how long it would take if the current owners applied. D. Milles said there is a statutory limit. The current owners asked if they could submit an application with the new owners plans and if they are approved, then the new owners would apply exactly the same. D. Milles stated that sounds like a waste of Planning and Zoning's time. There are no guarantees until permits are applied for. K. Bearinger said he doesn't see anything stopping them from applying. P. Carlson said you have to live there. D. Milles explained that you have to be an owner occupant business. K. Bearinger is going to check into this. D. Milles said they will have to invest in the plans.



ADOPT THE AGENDA

M. Willcoxon said he would like to switch old and new business around.

D. Milles made a motion to switch old and new business around and approve the agenda with those changes. J. Johnson seconds. All in favor, motion carried.

APPROVE THE MINUTES OF THE MAY 8, 2019 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the minutes from the May 8, 2019 Planning Commission meeting as presented. P. Carlson seconds. All in favor, motion carried.

NEW BUSINESS

Arvig CUP - Public Hearing

K. Bearinger said that Lynn Hendricks is requesting to extend cable to 34888 Kable Ave., North Branch. They will use a fiber plow. This project is being made possible through state funding. It has to meet the 8 criteria. The Town Engineer has reviewed the application but is adding four additional conditions. The first condition is to place it as close to the ROW as possible, second has to be completed by boring, third no crossing by culvert and provide visuals, fourth restoration matters are performed. Engineer approved with conditions. Have to get all necessary permits including accounting.

M. Willcoxon opened the public hearing at 7:17pm

A neighbor asked if this is going along the ditch and wondered why they were notified. He was told that we are required to notify the closest ten neighbors. He asked if there is any financial impact on the landowners. No.

D. Milles made a motion that they accept the explanation as testimony stated by the Engineer and Planner. J. Johnson seconds. All in favor, motion carried.

P. Carlson asked if people can hook up to it. S. Brooks said the funding is for schools and libraries. She will provide the numbers to those asking for the Internet. Stratus is the company who is providing the Internet. D. Milles said the Township has a committee looking into broadband. J. Johnson feels that there may be some restrictions on this because it is federally funded. S. Brooks said there is a branch line going to their place and cannot have other customers on that line. S. Brooks said the funding falls under the FCC.

M. Willcoxon closed public hearing at 7:26 pm



P. Carlson said the map shows it coming from the North. S. Brooks said they are connecting it to existing line on Lent Trail. There was further discussion regarding the map.

M. Willcoxon said he suggests approval as it has already been approved by other authorities.

D. Milles said the purpose application is to install the cable, it is not regarding the service.

D. Milles made a motion to recommend approval for the Arvig CUP to the Town Board. P. Carlson seconds. All in favor, motion carried. S. Brooks did not vote.

B. Schule asked the Engineer to review to make sure they go deep enough.

The Toy House Cup - Public Hearing

K. Bearinger said Jake Lesley and Nancy Nguyen need a permit at 33273 Falcon Ave. for an Ag shop/storage barn and home occupation business. They are allowed a maximum of 5 accessory buildings. They currently have 1 building at 1064 square feet. Staff has found criteria has been met. They would like to know the purpose of petting/baby zone and picnic zone. Upon receiving this, there may be more conditions on the approval.

- All equipment stored indoors
- Employees who do not reside on the property are not permitted
- Standard operating hours of M-F; 8-4
- Have to record CUP with County and provide the Clerk with documentation
- The building will be behind the residence

J. Lesley said they are looking at a cosmetically appealing structure. They will meet the height restrictions. It will be 1500' off of the ditch line. It has not held water in the past. He has not had any drainage concerns in past. They are environmentally conscious people. J. Johnson asked if it created oil. J. Lesley said there will be no abnormal hazardous material storage. The property was vacant for 4-5 years. P. Carlson said there is an existing CUP for legal services and a cabinet shop at this time. These permits will not be used.

P. Carlson said the back of the property is high. J. Lesley said J. Johnson has been out there too.

M. Willcoxon opened to the public 7:42 pm

D. Milles made a motion that all of the discussion including the planning committee be testimony. P. Carlson seconds. All in favor, motion carried.

The applicant provided 3 reference letters. Glam Doll expressed their approval and they are looking forward to source product from them.

Josh Anderson: 33345 Falcon Ave. a resident of nearly 10 years stated that J. Lesley has lived there 3 years. J. Lesley has changed the landscape versus the land sitting vacant for years. He feels the business should raise land values. It'll also be nice to have fresh food.

Apex Product Group: Toy House does product testing, online sales and top-notch sales.



M. Willcoxon said he would like to do a site visit because this may have impacts which would extend the public hearing until the next meeting. J. Lesley said they have an in-depth plan and recommendation from the Planner. He does not really like the idea of pushing it out, but is open to it if it is a requirement. He would like to keep moving forward prior to the frost. D. Milles said as long as the planners have already reviewed and approved according to the request we should go ahead and approve.

J. Lesley said the petting/baby zone is a pen area for female animals. The picnic area is like a fire pit. They would be fine deleting these areas.

B. Seekon said it sounds like this is for agriculture and asked the reason for the ATV/UTV test area. J. Lesley said if you buy a tractor and you do not test drive it you can run into issues. It is a portion to use for testing. Pasture #1 allows them to test the agriculture equipment and put video documentary together and share with other small farmers. They want to be a resource to show them the applications via video. J. Johnson clarified that it is not the public coming out using the equipment. J. Lesley said correct, nothing is for public entertainment. He said it would be by appointment only. He may have a farm hand that he would hire. No heavy traffic. There is only the two of them living there. There is no additional traffic expected other than a normal home. Everything is online based and by appointment.

J. Lesley said they have specialty livestock. B. Seekon asked if the intent is going to sell ATVs or UTVs and also what the business model is for this request. J. Lesley said yes, a portion of their income will be income from sales. J. Lesley said mainly agricultural business, to provide testing and research for machines. They are growing specialty products like, magic molly potatoes, Russian cucumbers, different kinds of strawberries, etc. They will go direct to producers. He does online based marketing or sourced outside.

J. Johnson said you cannot have a pig feed lot or corn with high intensity herbicide or sell large quantities of ATVs. J. Lesley said there are no direct sales from the property. This is not a public business model. There will be no feedlot. It is natural and holistic. J. Johnson said they need verbiage clarifying this. J. Johnson said you need to come to us and say what you are specifically going to do. Vague terms are not going to be approved. B. Seekon said you need to write up exactly what you are doing. J. Lesley is unsure of what questions have been unanswered. J. Johnson explained the language they would expect them to provide. He should use terms such as small scale, produce, etc.

K. Bearer read the business model letter from the applicant. It is a farm/business that would be by appointment only. There would be no impact on the neighbors and everything would be stored inside. The property is heavily wooded. The nearest house is 1000' away. D. Milles said he feels the applicant has answered their questions and he understands what he is planning on doing. D. Milles stated that page 2 paragraph, 1, 3 6 & 7-page 3 paragraph 2 addresses their questions concerns. M. Willcoxon said he does not like to rush things because it tends to have



consequences. P. Carlson said he, D. Milles and J. Johnson have been to the property. P. Carlson said they already have two CUPs on the property; for law and cabinetry.

M. Willcoxon said he would like to see it. J. Johnson would like to see them state: this would not be a sales lot, there is vague language about product development. It is approved by the Board and not this committee so it needs to be precise with our recommendation. He would like to see it be clear, concise and focused. J. Lesley said he gets this is different type of request, but he feels that it is very detailed. He wants to operate within all of the guidelines. J. Lesley said they do not have any events on the property. M. Willcoxon questioned educational services. J. Lesley said it is more consulting education. It is done in the field and online.

K. Bearinger said the Planning Commission can consider a sunset date to be reviewed at a certain date. M. Willcoxon asked if the property owner is okay with it. J. Lesley said they do not have anything to hide. D. Milles said it has been well explained. D. Milles said there are USDA documentation requirement guidelines to back this up. He said to give us the publication number pursuant to publication number regarding specialty crops. P. Carlson said to put a 3-year review on the permit.

Pam Hughes asked if there is going to be another public meeting about this. M. Willcoxon said she can attend the Board meeting. She asked about the baby pen, etc. She asked if he is not having the customers coming to his home why he needed open hours. K. Bearinger said that came from the code. J. Johnson said that is in the best interest of the public. M. Willcoxon said he can have someone stop in by appointment only. J. Lesley said it will not raise much traffic. K. Bearinger will remove the fire/picnic area and petting zoo. J. Lesley said it was not a petting zoo and will be removed.

M. Willcoxon closed public hearing at 8:29 pm

D. Milles made a motion to approve the IUP subject to the items on K. Bearinger list and recommend to the Board for their approval. P. Carlson seconds. M. Willcoxon said he would like to review it. P. Carlson said a review would take place. D. Milles if there is an official complaint, they will review the IUP. **P. Carlson seconds.** K. Bearinger said they are allowed 1 employee not living on the property.
All in favor, motion carried.

M. Willcoxon called a break at 8:35 pm

M. Willcoxon resumed meeting at 8:42 pm

Subdivision Ordinance Discussion

K. Bearinger said the County adopted an ordinance to allow a subdivide with a minimum of 20 acres to make partials. The newly created parcel cannot be less than 5 acres and 300 feet. E. Maass said this would fit well for the RRA. Should direct staff to do a draft for this. Need a



public hearing in July. It would be the same as the County ordinance. P. Carlson said it is good for the residents. D. Milles said it is clean and simple.

D. Milles made a motion to approve moving forward with the Subdivision Ordinance. P. Carlson seconds. All in favor, motion carried.

32301 Elk Lane Complaint

D. Milles made a motion to send them a standard first letter. B. Schule seconds. All in favor, motion carried. E. Maass will write the letter.

OLD BUSINESS

Lindgren Property

M. Willcoxon said he, E. Maass and C. Cagle went out for a site visit on May 30th. Within a day M. Lindgren brought the boats back in. M. Willcoxon and R. Keller flew over and there are 5 pontoons along with many boats stored on property. M. Willcoxon called the resident and said we tried to help you out, but you are going to start getting fines. The resident wrote a letter saying he knows he is in violation and will be working on the size and style of the house. He would like to construct in July and August and will have plans next month. The resident said he is working on the well, and can set up another visit. M. Willcoxon can set up a time with notice. D. Milles said we can turn this over to the county attorney because he is in contempt of judges' orders. J. Johnson said we spent money with our lawyer and he said there was not enough evidence. The court put it on us to prove it. D. Milles said we need our lawyer to draft a letter to the County because we have received more complaints. There was an aerial survey done on June 11, 2019.

P. Carlson said we had complaints from the public that he was removing the boats the day before the inspection and putting them back on the day after. He has a contract for deed.

B. Seekon said we have failed before. The County does not want to prosecute because of lack of evidence. D. Milles said you can go criminal and civil route. M. Willcoxon said that we start the fines, give him until the next meeting, hope he comes up with financing and cleans up the place. The other option is that it doesn't happen and it sits for 30 years. There is no downside to starting the fining process. We can give him a call 3 or 4 hours ahead of time. The upside is that he gets it cleaned up. M. Willcoxon said it looks nicer than it did. Knowing that if he does not demonstrate progress, it will give us time to take more pictures. J. Johnson said he likes the idea of a private citizen cleaning it up. It sounds to J. Johnson like M. Lindgren is more realistic than he was before.

D. Milles made a motion to impose a fine and state in the letter, he has 30 days to apply for a building permit with full plans and a perc test or we will turn it over for prosecution.



P. Carlson said there should be a condition that the other house should be gone. J. Johnson said we should follow the standard fines for everyone. It should not be unique. As far as submitting a building permit within a month seems unique. D. Milles said he does not think it is unique. P. Carlson said he has to get the house out of there. M. Willcoxon is going to have him talk to J. Kramer. M. Willcoxon said the tires and cars are gone and that he wants to work with him. B. Seekon said we have fines on the books.

P. Carlson said give him the first fine and tell him to get rid of the house. M. Willcoxon said we need some sort of movement. M. Willcoxon said he wants to do a boat storage by the fall. M. Willcoxon said let's start the fining process and follow procedure. He has showed some intent. If he does not follow up, he will have to shut down. There is a date on the note and it is signed.

P. Carlson made a motion to give him a fine and remind him that the house has to be gone prior to a building permit. D. Milles seconds. All in favor, motion carried.

32050 Elk Lane Complaint

D. Milles said if it comes up again the lawyer should get involved.

D. Milles made a motion to send them the second fine. P. Carlson seconds. All in favor, motion carried.

6260 337th Complaint

M. Willcoxon said the resident has been cleaning up the property.

P. Carlson made a motion to give him 30 more days. D. Milles seconds. All in favor, motion carried.

Karmel Fines

D. Milles said the crane is still there. M. Willcoxon said they have made a huge improvement.

D. Milles made a motion to submit the third fine, if they come into compliance, we will reduce the fine. Full compliance within 30 days and we will consider reducing. P. Carlson seconds. All in favor, motion carried.

35902 Grand Ave Complaint

P. Carlson made a motion to send the first letter. D. Milles seconds. All in favor, motion carried.



31658 Foxhill Complaint

D. Milles made a motion to send a letter stating it appears you are operating a business and outdoor storage. Salvage or repair is not allowed. J. Johnson seconds. All in favor, motion carried.

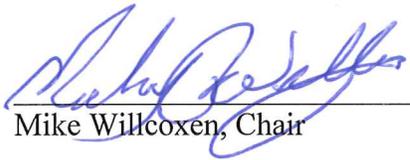
COMMISSIONER/TOWN BOARD REPORT

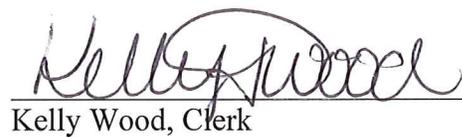
B. Seekon said all of the double chip seal is done. They are talking about buying a shouldering machine or contracting it out. P. Carlson asked him what that was so he explained it. B. Schule asked about 340th and who ruined it.

NEXT REGULAR PLANNING COMMISSION MEETING IS JULY 10, 2019 AT 7:00 PM.

ADJOURN

D. Milles made a motion to adjourn the meeting at 9:24 pm. P. Carlson seconds. All in favor, motion carried.


Mike Willcoxon, Chair


Kelly Wood, Clerk

