



Minutes
Planning & Zoning Commission
Location: Town Hall 33155 Hemingway Ave., Stacy, MN 55079
November 13, 2019

CALL MEETING TO ORDER

P. Carlson called the meeting to order at 7:00 pm

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

Members Absent: Chair M. Willcoxon

Others Present: Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, 11 members of public

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

D. Hardin stated that the Planning Commission should recommend to the Town Board that the Amborella House permit be denied because they do not pay any property taxes. D. Milles mentioned this item is further down on the agenda.

ADOPT THE AGENDA

D. Milles made a motion to adopt the agenda. J. Johnson seconds the motion. All in favor, motion carried.

APPROVE THE MINUTES OF THE OCTOBER 9, 2019 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the meeting minutes from October 9, 2019. J. Johnson seconds the motion. All in favor, motion carries.

NEW BUSINESS

Zoning Text Amendment to 5.06 RR-A: Conditional Uses
Public Hearing

E. Maass said the amendment would amend the conditional uses in the RRA. It is to include: Shelter facilities for battered persons operated by a nonprofit organization. We are no less restrictive than the County if this is adopted. E. Maass also stated that the applicants are in attendance and it has been noticed.

P. Carlson opened the public hearing at 7:07 pm

D. Milles made a motion to accept E. Maass' statement as part of the testimony for the record. P. Carlson seconds the motion. All in favor, motion carried.



D. Milles said by adopting this, it would bring us in line with the County. It has to go to the Board for approval.

D. Hardin stated that he is opposed to this shelter due to them not paying taxes.

J. Johnson asked if we do not make a text amendment if they can they do a variance. E. Maass said no. A variance is a tool to use for dimensional purposes only. J. Johnson asked if the text amendment is not approved if they can still apply for a CUP. E. Maass said no, this is the only way they can apply.

J. Johnson said we have a member of the community who is worried about the tax base. It may not just be one house because there may be more nonprofit facilities in the future. He said that this is not a specific change for one facility that we are in favor of. He said by writing this code amendment we are opening this up for others to come in. E. Maass said this is only for the RRA district so yes, this would open it up, but not for the other districts. D. Milles said that we have a number of items that could be a conditional use that are at a non-tax rate. This is not a tax issue; this is a land use issue. E. Maass said this was applied for by a member of the public. D. Milles said this is something that is allowed for by the County. J. Johnson said we have a plan for the Township and we want everything consistent with the comprehensive plan. He asked if this was in line with the comp plan. E. Maass said yes, it is in line with the comprehensive plan as adopted.

J. Johnson said we are looking for public input. He said if the Township is looking to do this for companionate reasons, we also have to look at all the costs. This property is nonprofit and it will still need roadwork, snow removal, etc.

Claire Lillis, Chair of the Board of Amborella House stated that they realize it will come off of the tax base, but they are still a business and will put money back into the community. There is a need for shelters. Lent is a safer place than the cities. It allows for faster healing.

The current owner of the house said, as far as the tax burden, \$2600 is their yearly average. They figure the Township taxes are about \$300 per year.

D. Milles said by allowing the amendment we are allowing the application; we are not approving it. P. Carlson said we are not approving it; we would be recommending it.

Bill Klump, who is on the Amborella House Board said that this amendment only allows certain types of shelters. The cost to the community for human trafficking is far greater than \$300 per year. He explained all of the costs that go along with human trafficking and how that cost is paid by the taxpayers. This nonprofit is trying to eliminate that cost over time.

P. Carlson closed public hearing at 7:20 pm

D. Milles made a motion to recommend approval of the text amendment to the Town Board. S. Brooks seconds the motion. J. Johnson said it has been stated that this amendment is specific to battered persons and asked E. Maass if he perceives that the next permit will be denied. E. Maass said with this amendment, all that is being said is this use is allowed in the RRA. This can be done, but you have to abide by the conditions. E. Maass said if there are plans



to do something, you can put conditions on it. J. Johnson said he feels the amendment changes the personality of the code. J. Johnson said he is fine with the program but he wants to make sure this does not impact someone five years from now. J. Johnson asked if they are going to require any public services we do not provide like sewer. The answer was no. E. Maass said that is for the permit and reminded him they are just approving the text amendment now.

All in favor, motion carried.

Golden Oaks Preliminary Plat

Public Hearing

E. Maass said there is a request for a preliminary plat for the outlot on Lent Acres that came in last month. There would be a 66' access off Hemingway Ave. This is approximately 20 acres and they have submitted all the required paperwork. At the time of the final plat they need a development agreement. The development has to be approved before the final plat. The soil borings showed at least 12". It is zoned RRA. This has a cul-de-sac with 60 feet of road frontage; max 1320'. The wetland delineation has been submitted to Chisago County. E. Maass is going to verify the park dedication fee: either 3 or 4. It meets all the standard conditions of approval. It is valid for 12 months until they have to apply for the final plat. He provided a draft resolution.

P. Carlson opened the public hearing at 7:31 pm

D. Milles made a motion to accept E. Maass' statements as testimony. B. Schule seconds the motion. All in favor, motion carried.

K. Fletcher said they are proposing this and plan on moving forward. They are the people purchasing the outlot and he is a builder. D. Milles said they discussed this when the other application came forward. The Board discussed this too.

P. Carlson closed the public hearing at 7:32 pm

D. Milles made a motion to recommend approval to the Town Board. S. Brooks seconds the motion. All in favor, motion carried.

E. Maass said they would need another public hearing for the final plat.

5190 Enchantment Lane Complaint

P. Carlson and M. Willcoxon have looked at it 3 times. D. Milles looked at it at 6:30 pm and there was no one in the house. There was a small light on in the RV which was not very bright. There were no cars in the driveway. D. Milles said he wants to reconsider how we respond to complaints. D. Milles said we should send the owner a letter stating that according to the ordinance you cannot occupy the trailer. E. Maass will write the courtesy notice.



Home Occupation Standards

E. Maass said the Town received an IUP application for a considerable amount of outdoor storage. This would require an amendment. P. Carlson said they talked about County Road 30 from 340-360th and making it a business zone. We have defined this before because someone wanted to go all the way to Stacy with this. P. Carlson said they defined it and recommended to approve it. E. Maass will notify the applicant and let him know that this will have to wait because he is not eligible at this time for the permit. D. Milles said there are some large parcels north of 340th.

P. Carlson said we had to turn some people away. E. Maass is going to look into this and they will talk about it at the next meeting.

OLD BUSINESS

Lindgren Property

D. Milles said he and B. Schule drove out there last month and did not see anything. He is advertising on his Facebook page. D. Milles made a motion to fine him \$500 every month until he comes into compliance. E. Maass said it is the burden of the Township to prove the violation exists. P. Carlson said the Board Chair saw him pulling in a pontoon and the Facebook is advertising the business. We could check with the secretary of State. E. Maass would like to forward this to P. Tiede to review. J. Johnson asked that they make a hard copy of the advertising on Facebook. E. Maass said if I was the property owner and would receive a fine, I would want to see the proof. D. Milles said he wants it stated in the letters that they can come appeal it at the Board of Adjustments. D. Milles said we have already gone criminal and feels he should be fined. We have determined there is an unpermitted use. Until we have evidence this has been remedied, he can come into the BOA. P. Carlson said he agrees, but said we should talk to P. Tiede first. E. Maass is going to contact P. Tiede.

32050 Elk Lane Complaint

D. Milles said they have had seven notices and received a Sheriff citation by certified mail. E. Maass said they received it and signed for it. D. Milles said they received a misdemeanor. D. Milles said they are going to wait and see what happens. E. Maass is going to send him another fine. E. Maass requested that photos be sent to the Clerk.

D. Hardin stated that he lives by this property. He received a copy of the citation and asked what happens next. The procedure was discussed.

35902 Grand Ave Complaint

P. Carlson said they are working on cleaning it up. D. Milles made a motion to give them more time. P. Carlson said he agrees. No motion. It was agreed to give them more time.

32301 Elk Lane Complaint

D. Milles explained this complaint. They are ready to get their first fine. E. Maass will send them their 4th letter and the 1st fine.



Country View Marine

D. Milles asked the owners of Countryview who were in attendance if they found a copy of their permit. D. Smith said they cannot find it. E. Maass said Town Staff found the original minutes and CUP application. E. Maass drafted a resolution that can be recorded after Board approval. D. Milles stated that they have a lot more outdoor storage that was originally talked about. D. Smith said they are experiencing growing pains and that they are trying to get the place cleaned up. D. Milles said it is an eye sore and asked if it can be screened.

E. Maass said some of the conditions are not being met such as shrink wrapping of the boats. D. Smith said the older boats were for parts and they are going to get rid of them. P. Carlson said D. Smith was going to store the boats where he lived. D. Smith said he is still doing that. It was applied for in 2008 and it was stated that the boats would be shrink wrapped. P. Carlson said you have employees parking on the grass. There are so many things not in compliance and an action plan with some dates is required. D. Smith said he would like to become complaint and build another storage shed. P. Carlson said space is limited there. Everything stored is supposed to be on 4 inches of Class 5.

E. Maass said we are in a great space because we have the business owner here and they are willing to work with us. J. Johnson told the owners that E. Maass is available to you if you need the code or conditions are. E. Maass said the Board can approve the resolution he created based off of the original CUP, R. Keller will sign it and K. Wood will call them. Once they receive it, they must record it with the County. P. Carlson told them to come back with a realistic action plan.

COMMISSIONER/TOWN BOARD REPORT

B. Seekon said the Skype thing did not work well. If you are gone you are gone and have to miss the meeting. D. Milles said a lot of communities kick you off the board if you have unexcused absences. D. Milles said he will miss the January meetings.

B. Seekon said he talked about Grand Ave. and he let the Board know that we are going to let it go.

We picked up the shouldering machine and it goes on the front-end loader. We had some issues with it. It is a prototype and needs to be refined. Part of the problem is that there was so much rain and the gravel was so wet. We tried it one day and they switched belts which made it worse. They are redesigning it and it will probably be ready next spring. D. Milles said on his road, the shoulders are okay. B. Novack is back to work. We are hoping the roads do not break off on the edges.

The request to waive the park dedication fee was denied, even if it is a one-time lot split.

P. Carlson said the Karmel Ave fine will be assessed.



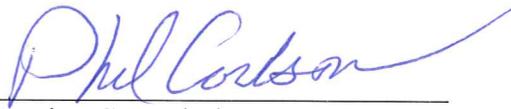
E. Maass is going to check on adding an interest rate. D. Milles said it is ten percent in the ordinance. B. Seekon said if we are going to do that, we should state it in the letters.

B. Seekon said the CAATO meeting will be on December 11th.

NEXT REGULAR PLANNING COMMISSION MEETING IS DECEMBER 11, 2019 AT 7:00 PM.

ADJOURN

D. Milles made a motion to adjourn the meeting at 8:23 pm. P. Carlson seconds the motion. All in favor, motion carried.



Planning Commission Member



Kelly Wood, Clerk

