



**Minutes**  
**Planning & Zoning Commission**  
**Location: Town Hall 33155 Hemingway Ave., Stacy, MN 55079**  
**October 9, 2019**

**CALL MEETING TO ORDER**

M. Willcoxon called the meeting to order at 7:00 pm

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

**Members Absent:** None

**Other Present:** Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, 23 members of public (signed in).

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

M. Willcoxon asked to move the Elk Lane complaint to the top of the agenda and stated that prosecution has been authorized and is being pursued. M. Willcoxon said they are going to work with the Sheriff on drafting the paperwork. D. Milles said the crime is a misdemeanor and there could be fines that are separate from Township fines. If the fines are not paid, they will go on their property taxes. M. Willcoxon said the fines will continue to escalate on our end. The Deputy will issue the citation. There is a process in place and changes have been made to make it more ridged and powerful. P. Carlson stated we do not know how long this process will take.

Claire Lillis from the Amborella House said they have a purchase agreement on a home in Lent Township. They would like input from the Planning Commission to see if they would recommend a text amendment to the Town Board that would allow them to move forward. He passed around a packet explaining what they do. They went to the last Board meeting and the Board was supportive and they were told to come to the Planning Commission meeting. E. Maass said it would not need to be rezoned; they would need a text amendment to allow for them to operate in the Township. It is allowed because the County has language which allows for it as a condition within the RRA. E. Maass said it will cost \$1000 for a text amendment application. They would also need a CUP and the Township could place conditions on it. C. Lillis said there is a big need for this type of facility. Funding for the nonprofit was discussed as well as the services provided to the women. D. Milles said there is a separate process for a text amendment and a CUP. C. Lillis said they want to get a feel for what the Commission is thinking prior to coming forward with \$1k. M. Willcoxon said he likes the idea but he does not know the consequences. D. Milles said the Board is favorable to the concept. The concept is not disagreeable to anyone from his understanding. E. Maass is going to reach out to the City Administrator of St. Cloud where the only other similar facility is in MN.



**ADOPT THE AGENDA**

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

**APPROVE THE MINUTES OF THE SEPTEMBER 11, 2019 PLANNING COMMISSION MEETING**

**D. Milles made a motion to approve the minutes of the August Planning Commission meeting. Second by J. Johnson. All in favor, motion carried.**

**NEW BUSINESS**

**Lent Trail Preliminary Plat/Plat**

**Public Hearing**

E. Maass said this is 115 acres along Lent Trail, with 57 acres on the north side of Lent Trail and 58 acres south of Lent Trail. The applicant is looking to subdivide it into 10 lots. It is zoned RRA. The lots range from 5 acres to 35.6 acres. The proposed outlot is 20.6 acres. The applicant has provided a ghost plat demonstrating how that 20-acre outlot will be subdivided in the future. It would be 5 acre lots that will require the construction and dedication of a new public road with the road being constructed within an existing sixty-six foot wide strip of land. Each of the lots have a minimum of 300' of frontage with a max density of 5 lots per acre. All sites shall meet the minimum standard of the Township Zoning Ordinance and contain sufficient buildable area to accommodate the construction of two standard on-site sewage treatment systems. Any new buildable site would need to meet the setbacks. Minimum buildable acreage is one contiguous acre. It is located on a County roadway and has been reviewed by Jeff Fertig and Kyle Ludwig who provided comments. They have proposed a number of shared driveways to limit the access to the county road. A wetland delineation report has been done. There is a park dedication fee of \$1600 required for each of the 10 new lots but there are currently two properties in existence resulting in a total of 8 new properties being proposed at this time. The total park dedication fee for this proposed application would be \$12,800.00. D. Milles recommended to open public hearing and the E. Maass' report as testimony.

**M. Willcoxon made a motion to open the public hearing at 7:27 pm. Second by P. Carlson. All in favor, motion carried.**

B. Schule asked which lot is designated to the family member. E. Maass said there is no way to ask that. B. Schule said she did not want Lot 2 used as a gun club or something like that. E. Maass said it is 35 acres and can be used by the family for hunting. It would require a CUP to be used for a gun club. They would not be able to use it as a commercial use.

D. Boe asked if there any stipulations on the type of homes that can be built. E. Maass said no and they are going to follow the current codes. They will be single family. D. Boe confirmed it is not legal to build a pole barn without a home built on the property first.

J. Glockner asked what the percentage of land is that you can build an out building on. E. Maass said it is 2%. K Thurmes asked what the starting price of the homes will be. A. Artz said there is



no way to know. B. Schule asked if he is selling the lots with the home on it, or just the lot. A. Artz said they are not sure. J. Glockner asked what the timeline is for selling these lots. E. Maass said if recommended, it will go to the Town Board. It has to be reviewed by the County Surveyor. The mylar has to come back to the Township for signatures. It takes a while, so more likely in the spring. E. Maass said because there are shared driveways, they have a draft for the shared driveway plan. J. Glockner asked about a turn lane on 18. E. Maass said there would be 5 new access points and no new construction is planned on the road. It is all decided by the County because it is a County road.

**M. Willcoxon closed public hearing at 7:47 pm**

**D. Milles made a motion to recommend the Lent Trail Preliminary Plat and Plat to the Town Board. B. Schule seconds. All in favor, motion carried.**

**Athens Trail Preliminary Plat/Plat & CUP  
Public Hearing**

E. Maass said the applicant has applied for plat, preliminary plat and CUP for 35 acres on Athens Trail across from the Tesoro. The zoning is RTC. The purpose is to have his service business on the highway interchange. E. Maass explained the minimum requirements including setbacks. The corner lot would have a double setback. The soil borings indicated mottled soil at a depth less than 12". The lots that are currently deficient will be required to have new borings taken and those areas that demonstrate less than 12" of mottled soil will have clean fill brought in to achieve the minimum of 12" mottled soil. There would be room for double sewage. M. Willcoxon said the 10k feet for the sewage has to be undisturbed. E. Maass said where they are coming up less is where they have farmed over the years. They would have to adhere to all ordinances. It was sent to the County for review. Park dedication is \$3200.

**D. Milles made a motion to have E. Maass' presentation be testimony. J. Johnson seconds. All in favor, motion carried.**

J. Johnson asked if this was zoned as residential. E. Maass said the only residential use will be the existing farm. It is only for commercial and no new residences.

**M. Willcoxon opened Public hearing at 7:55 pm**

K. Thurmes asked what other businesses would be able to move into that area. E. Maass said businesses would be required to have a CUP or an IUP and listed the types of businesses allowed. J. Glockner asked about the turn in. J. Selvog from A1 Tire said he wants to be as close as he can to the freeway so the driveway will be on the south east side of the property. D. Milles said we encourage industrial and commercial in the RTC.

**M. Willcoxon closed the Public Hearing at 7:58 pm**



E. Maass said they dedicated an 80' strip of land for access to the proposed lots which is shown on the preliminary plat. E. Maass is going to check with the County on this.

**D. Milles made a motion to recommend the resolution for the A1 Preliminary Plat and Plat to the Town Board. P. Carlson seconds. All in favor, motion carried.**

#### **A1 Tire CUP:**

E. Maass said A1 Tire would like their business to be located on lot 4. They have to abide by the conditions of the Conditional Use Permit. The hours provided are 7:30-5:00 M-F. They service over the road trucks and might work on them on a weekend if there is a blowout so there are emergency hours too. It adheres to the comp plan, it will be screened, no deterrence, follows the intent of the RTC, intent of proposed use will not cause a traffic hazard and will not cause noise. It has a private roadway. The use will not have an adverse effect. They meet setbacks. Building was proposed east to west but they may flip it north to south. They could then add on in the future. The Town Engineer said it looks okay. He would like the Engineer to look at the stormwater. They have some outside storage area. Setback is 135 feet from the road.

No taller than 35', bituminous parking lot, limit outside storage (located behind building).

J. Solvag said he would like a bigger outside storage space. M. Willcoxon said it would have to be screened. It would be a revolving tire inventory. His current outside storage is 50 x 20 x 2 which is not enough. M. Willcoxon asked what size is needed for the outside storage. M.

Willcoxon said it has to be screened and behind the building. E. Maass said screening should be the same as the outside of the building which is metal screening. Discussion took place on the amount of screened in storage which will be located behind the building. M. Willcoxon asked J. Solvag to define the screening now in the proposal. E. Maass said there can be maintenance issues with the chain link and slats. J. Johnson said you can get a vinyl fence. M. Willcoxon said you need some sort of screening and said trees are an option.

#### **M. Willcoxon opened Public Hearing at 8:18 pm**

**D. Milles made a motion that all previous testimony be included in the Public Hearing. P. Carlson seconds. All in favor motion carried.**

E. Maass said the screening should be settled tonight unless the CUP will be tabled. J. Solvag said he wants to put up an 8' tall, dark green mesh fence to protect the tires. It is very durable and the wind can go through it. A picture of the proposed screening was presented. D. Milles asked if the tires are covered or wrapped. J. Solvag said they have covers for them to prevent a mosquito breeding ground. E. Maass said if the fence is 8' high, the tires will not exceed 8' in height. 10k square feet will be the storage area. E. Maass said it could be amended but it would have to go through the process.

J. Solvag does 24 hour emergency service which is mostly done remotely. They are going to add the 24/7 emergency service which will not be located on site. M. Willcoxon asked if they want to



change the hours on the CUP. J. Solvag said he usually gets to work at 6am. They are going to say 5am- 8pm. E. Maass said 24/7 for emergency service can be written into the permit too.

J. Solvag said he is selling the farm and has no intention to sell the other parcels at this time. E. Maass said the building will be metal and stone. E. Maass said the stone should be carried through. J. Solvag said he does not want to do the whole building in stone. It will run across the front of it. J. Solvag said the stone will be damaged with the tires and people backing into it. E. Maass said that makes sense. If they flip the building, it would just be the front parking area and office. The Planning Commission was okay with it. J. Solvag is going to look at the position of the building to make sure it is convenient for their commercial customers. M. Willcoxon said he would like the entrance to look nice. J. Solvag has to take some trees down on the property. P. Carlson said they are not nice trees anyhow. D. Milles said prior to building, submit a landscaping plan. J. Solvag said he would like a good size sign and a nice American Flag.

**M. Willcoxon closed Public Hearing at 8:40 pm**

**D. Milles made a motion to recommend the A1 Tire CUP to the Town Board for approval with the noted changes. P. Carlson seconds.** E. Maass stated the hours will be 5am - 8pm with 24/7 emergency service, the outdoor storage will be 10k square feet with mesh wrap fence 8' high, storage not exceeding that same height and located in rear of the building and the Township will receive landscaping plan. The Planning Commission is okay with any building orientation and the side that faces the road has 4' wainscoting on the office side and adheres to the setbacks. No wainscoting by the garage doors. E. Maass said this building will be the standard of the RTC. **All in favor, motion carried.**

**M. Willcoxon called a recess at 8:45 pm**

**M. Willcoxon called the meeting back to order at 8:55 pm**

**Honest Abe Fiber CUP  
Public Hearing**

E. Maass said the CUP was applied for by Arvig. The fiber will go partially through the Township. The entirety goes through public right of ways. Staff said it meets requirements of the ordinance.

**D. Milles made a motion to accept what E. Maass said as testimony. P. Carlson seconds.**  
**All in favor motion carries.**

**M. Willcoxon opened the Public Hearing 8:57pm**

**D. Milles made a motion to close Public Hearing 8:58pm. P. Carlson seconds. All in favor, motion carried.**



**D. Milles made a motion to recommend approval for the Honest Abe Fiber CUP to the Town Board. P. Carlson seconded. All in favor, motion carried.**

**Chapter 2, Section 3: Definitions Proposed Text Amendment – Dwelling Units  
Public Hearing**

E. Maass said Staff drafted an ordinance which he read out loud. Seasonal cabins were removed because it no longer applies to the Township.

**D. Milles made a motion to accept E. Maass' comments as testimony. P. Carlson seconds. All in favor, motion carried.**

**M. Willcoxon opened Public Hearing at 9:02 pm**

**D. Milles made a motion to close the public hearing at 9:02 pm. P. Carlson seconds. All in favor, motion carried.**

**D. Milles made a motion to recommend approval of the text amendment to the Town Board. J. Johnson seconds. All in favor, motion carries.**

**Text amendment to Chapter 3, 4.04 Park Land Dedication  
Public Hearing**

E. Maass said a community member is doing a metes and bounds subdivision. The property owner went to the Board last month and would like not to have to pay the park fee. He said he can understand that owner's position. D. Milles said this person is splitting the lot for a family member. He said it is a onetime split. Discussion took place about tracking onetime splits. D. Milles said they have to file that they did the onetime split with the County recorder and it would run with the land. E. Maass explained that the matter being discussed is only for waiving the park fee for a onetime lot split. There was discussion as to whether or not it was a good idea to waive it for this instance. E. Maass said a park fee would still be due on a plat and the park fee would only be waived under a single lot subdivision by metes and bounds if this ordinance is adopted. M. Willcoxon reiterated that it is waiving the park fee on the onetime lot split. E. Maass said the intent of the fee is for the new buildable lot to pay the fee for the parks and trails systems. E. Maass said the people tonight said they are going to roll it into the costs of the lots.

**M. Willcoxon opened Public Hearing at 9:20pm**

**M. Willcoxon closed Public Hearing at 9:21pm**

M. Willcoxon asked for a roll call vote on the park fee being waived for the onetime lot split.

D. Milles voted yay

J. Johnson voted nay

M. Willcoxon voted nay

P. Carlson voted yay

B. Schule voted nay



**D. Milles made a motion to take it to the Board for a decision. J. Johnson seconds. All in favor, motion carries.**

**Conversation Adding, “Request to Appear” in Violation Letters**

E. Maass said we ask them to attend the meeting in the courtesy notice. When they do not show up, they get the first notice. J. Johnson said he wants the letters to state “you are requested to attend”. D. Milles would like to give the person the chance to appear and let them tell us why they are not moving forward. M. Willcoxon said the general consensus is to ask them to appear at the meetings. E. Maass said what he is hearing is to add: *you are requested to appear*. D. Milles said we should have E. Maass and P. Tiede along with the Town Board and Planning Commission all meet. He would like everyone to be on the same page.

M. Willcoxon suggested that we start out with the letters, get to the third fine and if they do not pay, the Board should authorize legal action. D. Milles said a late fee of 10 percent should be added. They can come to a meeting in front of the Board of Adjustment. D. Milles said for the criminal and administrative that they have the right to come before them at a meeting. The Planning Commission is the Board of Adjustments.

**Formal Written Lent Township Fining Protocol**

Discussed

**Addition of Antennas & Ancillary Equipment 32095 Ivywood Trail**

E. Maass said the Township received an application for modifications to a CUP for a tower. This requires approval from the Planning Commission and Board. It is already fenced in and meets setbacks. E. Maass said they are adding for Verizon Wireless and it does not require any hearings.

**J. Johnson made a motion to recommend approval of the addition to the Town Board. B. Schule seconds. All in favor, motion carried.**

**OLD BUSINESS**

**Lindgren Property**

D. Milles said he and B. Schule went out and visited the site but could not see anything from the road. They drove down the neighboring road and just saw junk; no boats. The main complaint was running a business. D. Milles said the property owner has not contacted us. There was discussion regarding the boat business. D. Milles said the letter should state that we have previously sent you a letter and we need to hear from you by the next meeting. E. Maass said we cannot assume a violation exists. P. Carlson said write him up for junk in the yard. D. Milles said the letter can state that he has outstanding fines and because you have not paid them within 25 days, 10 percent will be added. He can invite the Planning Commission out for inspection or he can come to the next meeting.



### **31720 Foxhill Ave Complaint**

D. Milles said this is the long grass complaint and they concluded there is no complaint. Complaint closed.

### **32050 Elk Lane Complaint**

D. Milles said they looked at the property and it looks terrible. We should be taking a photo each month. The Sheriff will be writing them a citation. They are going to get another fine if not cleaned up.

### **6260 337<sup>th</sup> Complaint**

The trailer is gone and he was splitting wood when they went out. B. Schule and D. Milles said it was resolved. Complaint Closed.

### **Karmel Fines**

D. Milles said the crane is all that is there and the dock is gone. No additional fines will be sent, but they will get a letter stating they have not paid their fines.

### **35902 Grand Ave Complaint**

D. Milles said they looked at this property too. There was discussion as to how we can get them to clean it up. E. Maass said they are acknowledging the letters and we need to manage this appropriately. We would like to work with them and ask them to pick up a few things per month. J. Johnson wants to send a letter requesting a mitigation plan. E. Maass said the act of them calling is showing that they are being proactive. There was discussion as to whether or not people like accepting help from others.

### **32301 Elk Lane Complaint**

D. Milles said it is still a mess. A third notice will be sent.

### **Country View Marine**

E. Maass had drafted a resolution at the last meeting. J. Johnson read the first letter to the Planning Commission that was sent. K. Wood sent a letter and has not heard back. She is going to send a second letter certified.

### **4709 358<sup>th</sup> Street – Tiny House**

D. Milles said the Assessor is finding these. B. Schule and D. Milles drove by this and no one complained about this. He said he feels they are violating their own protocol. E. Maass said we told him that it is not a legal dwelling and he could have it as an accessory building. D. Milles feels the County is trying to *trip us up*. P. Carlson said no, he is doing it to everyone.

### **34585 Kale Ave – Pole Barn Living Quarters**

E. Maass said he sent them a letter. It is listed for sale as a mother-in-law suit. It is not a legal dwelling. He was told this is not allowed by the ordinance. The kitchen, plumbing and bedding need to come out.



**Monthly Permit Count**

Discussed

**COMMISSIONER/TOWN BOARD REPORT**

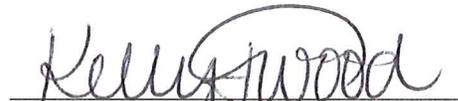
B. Seekon said the Elk Lane neighborhood came to the meeting. We are still waiting on the shouldering machine for maintenance.

**NEXT REGULAR PLANNING COMMISSION MEETING IS NOVEMBER 13, 2019 AT 7:00 PM.**

**ADJOURN**

**D. Milles made a motion to adjourn the meeting at 10:22 pm. J. Johnson seconds. All in favor, motion carries.**

  
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Planning Commission Member

  
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Kelly Wood, Clerk

