

EUREKA TOWNSHIP

DAKOTA COUNTY

STATE OF MINNESOTA

Eureka Planning Commission Meeting of August 1, 2016

Call to Order

Acting Chair Fritz Frana called the meeting to order at 7:01 PM. In attendance were: Commissioner Fritz Frana, Commissioner Donovan Palmquist, Commissioner Randy Wood, and Commission Ralph Fredlund. Chair Nancy Sauber was absent. Supervisor Lu Barfknecht was present as the Town Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

Approval of the Agenda

Acting Chair Frana stated there is a resident inquiry from Andrew Johnson, PID#13020000222 to be added under Land Use and Zoning Items. Add under New Business Public Hearing Notice.

Acting Chair Frana moved to approve the agenda as amended. Commissioner Fredlund seconded. Motion carried.

Permit Requests

Annar and Candyse Karlsen – 10420 235th Street West – Building Permit Application for Accessory Building. Eric Karlsen, 10420 235th Street West.

Acting Chair Frana stated the application is for a 40x60 Accessory Building. The application came before the Planning Commission before and there was an issue with the setbacks. Mr. Karlsen received a permit approved by Shoreland, Dakota County, and the DNR to place the building closer to shoreland so he has a 30-foot setback.

Acting Chair Frana said the Shoreland Zoning Board of Adjustment granted the permit with a list of seven provisions:

- All necessary permits are obtained from Eureka Township, prior to beginning any construction or excavation.
- The pole building shall be no taller than the height of the primary structure.
- The slope to Rice Lake at the rear of the pole building shall be maintained in permanent vegetation. Sediment and erosion control must remain in place as long as necessary to ensure the slope remains stabilized.
- No other variances pertaining to building setbacks (including decks and out buildings) from Rice Lake shall be granted to this property in the future.

- The existing woods shall be maintained in a natural condition for screening of the pole building from the Lake and adjacent properties.
- Within 90 days after construction, additional trees shall be planted along the east property line and rear of building to provide additional screening from view.
- No commercial business activity shall be conducted in the pole building.

Acting Chair Frana moved to recommend approval to the Board for the construction of the Accessory Building for Annar and Candyse Karlsen, 10420 235th Street West, PID#130070053010, subject to the provisions provided by Dee McDaniels of Dakota County Environmental Services, dated June 29, 2016. Commissioner Wood seconded.

Brady and Anna Gustafson – 24835 Dodd Boulevard, and Jaren Fitzke, builder – Additional information for the Building Permit Application for a new single-family residence. Jaren Fitzke, 17721 Formosa Avenue and Anna Gustafson, 6410 Humboldt Avenue South, Richfield.

Acting Chair Frana stated that there was a Public Hearing and the Planning Commission made a recommendation to approve the Gustafsons Conditional Use Permit pending the permit from Dakota County for a driveway access and they have received the permit from the Dakota County Permits Office. Acting Chair Frana moved to make a recommendation to the Board to approve the building permit application for a new single-family, two-story home for Brady and Anna Gustafson, 24835 Dodd Boulevard, PID#130180052015 subject to the approval by the Town Board of the Conditional Use Permit, which includes a condition that the County approved access to Dodd Boulevard and that permit is included in this documentation. Commissioner Fredlund seconded. Motion carried 4-0.

Other Land Use and Zoning Items

Michael Corrigan – 22420 Flagstaff Avenue – Lot Split Approval Application. Acting Chair Frana stated that Mr. Corrigan has brought in the title deed certified by the County for the initial property.

Acting Chair Frana moved to recommend to the Town Board to approve the application for Michael Corrigan at 22420 Flagstaff Avenue for Parcel #130020027012. Commissioner Wood seconded the motion. Motion carried 4-0.

Dylan and Julie Larson – 24510 Highview Avenue and Natalya Gurdica, 25665 Highview Avenue – Lot Split Approval Application.

Acting Chair Frana stated that Parcel A is the main parcel, consisting of 53.86 acres and Parcel B is the .07 acres that you want to carve out from the 53.86 acres. There is no Parcel C.

Ms. Larson stated that Ms. Gurdica needs the .07-acre for her septic setback.

Acting Chair Frana did not see the title for PID#13-02000-75-030. Ms. Larson and Ms. Gurdica stepped out of the meeting to discuss.

Town Board Liaison Report – Supervisor Lu Barfknecht

Supervisor Barfknecht stated there was a complaint about Scotts Miracle-Gro regarding storage issues on their site. It was discussed and the Board directed the Clerk to write a letter to Scotts Miracle-Gro that storage on another property is not allowed and to install “no parking, stopping, standing at any time” signs on the east and west side of Highview Avenue near the corner of 225th Street. She also stated that a motion was made to approve the election judges for the August 9, 2016, election.

- The Board adopted the following Ordinances:
 - 2016-01
 - 2016-02
 - 2016-03
- Planning Commission to set Public Hearing for some properties to be zoned as commercial/industrial
- Supervisor Jennings and Supervisor Behrendt met with the Met Council on July 15, 2016, but Supervisor Barfknecht has not received any communication about the meeting.

Resident Inquiry – Andrew Johnson – 20295 Hunter Court, The information Mr. Johnson was requesting applies to PID#13020002022, the southern portion of his father’s farm at 8684. Wanting to know if the 78-acre portion would be buildable and would there be any restrictions.

Acting Chair Frana stated that he could build in the section.

New Business

Discussion of setting a Public Hearing date regarding Ordinance 3, Chapter 2: Zoning Districts.

Acting Chair Frana stated there is a document in the packet called, “Light Industrial Zoning Ordinance”. Before we talk about a public hearing, Acting Chair Frana stated the Planning Commission needs to go over what this entails, and what our responsibilities are as Planning Commission members. He also stated he wanted to review the Town Board meeting minutes relative to this and also go over the requirements and obligations we have as Planning Commission members.

Acting Chair Frana read from the Board’s last meeting that it was stated there are four parcels the Town Board is talking about on Highview and 225th and one had to do with Scotts Miracle-Gro and some of the issues regarding Scotts Miracle-Gro. The request last month was that Scotts Miracle-Gro requested to lease some land. Because of the way the Settlement Agreement was established they were not allowed to lease land because it was

not a legal use to begin with. They also requested to go 24/7 and that did not fit in with the Settlement Agreement either. Regarding the Hat Trick property, Supervisor Barfknecht mentioned in the minutes there was discussion of dumping on the Hat Trick property and that the property owner has requested to be annexed into Lakeville for the purpose of being zoned commercial/industrial. The Chair discussed holding a public hearing to get citizen input on those properties. Chair Sauber suggested at that meeting that Phase II of the Commercial/Industrial Study be continued. It also stated there was a motion made to set the public hearing in regard to an Ordinance amendment in regard to rezoning those four parcels. Discussion continued at the meeting regarding the need for the Commercial Study to be continued and the premature holding of a public hearing.

In the Board's minutes it states a motion was made by Supervisor Behrendt, seconded by Supervisor Jennings to call the question and a vote was taken and a motion made to direct the Planning Commission to set a date for the public hearing to rezone four parcels to Commercial/Industrial. The hearing date to be held in August

Acting Chair Frana stated that one of the questions that came up was, how do you hold a public hearing if you don't have any information? What was brought to the Planning Commission was a Proposed Light Industrial Ordinance. This has not been seen by any other Board members to my knowledge. Acting Chair Frana stated that this particular Light Industrial Ordinance calls for mixing and packaging of natural materials, landscaping, light manufacturing in enclosed structures and business offices. He also stated that to his recollection there was no discussion about business offices as part of the Commercial Industrial piece. Also in the Ordinance it states public storage for enclosed storage only. This was never discussed at the Board meeting with any of the Board members regarding storage. In this Ordinance, Item E has been changed to eliminate Conditional Use Permits for churches, airports, schools and cemeteries. Acting Chair Frana again stated there was no discussion to eliminate Item E at the Board meeting.

Commissioner Wood asked who had drafted the Ordinance. Acting Chair Frana stated he did not know who drafted it. It was sent on Thursday and put in our packets.

Supervisor Barfknecht stated that part of the discussion at the Board meeting that Chair Sauber brought up was, how can you schedule a public hearing if you don't have anything before you? The question was posed to the Chair if he would have something written up for the Planning Commission and that is what he wrote up.

Acting Chair Frana stated the Ordinance was written up, but it was not seen by any other members of the Town Board. Supervisor Barfknecht stated that the Board doesn't normally get a review of any ordinances until they are created and come before the Board for approval after a Public Hearing for the purpose of the Township to weigh in on it.

Chair Frana that he wanted to take a look at the Planning Commission Ordinance, which is Ordinance 2, Chapter 3, Section 1. The purpose of the Planning Commission is to:

- To encourage sound and harmonious growth of the Community and its environs and efficiencies and economy and to avoid any errors and waste resulting from unplanned and uncoordinated development.
- To plan for the physical development to recommend a zoning plan for the Township of Eureka and provide rules for operation thereof.
- To prepare and maintain a current Comprehensive Plan which relates to studies, policies, etc.
- Regulations and Ordinances to guide the development of the Township of Eureka.

Acting Chair Frana stated that under the Functions in Section 6, two of those specific duties relate:

- To determine whether specific proposed development conforms to the principles and requirements of the Comprehensive Plan and the Ordinances.
- To prepare and recommend to the Town Board the Ordinances, Regulations and other proposals promoting orderly development along the line indicated as described in the Comprehensive Plan.

Acting Chair Frana stated if you look at the Comprehensive Plan Chapter 3, Land Use Plans, on page 3, it states:

- To allow land use in Eureka Township that will maintain its rural character
- To promote and continuation of agriculture as a primary land use.
- Specifically to achieve these goals the Township will:
 - Conduct a thorough study before guiding land for Commercial/Industrial use.
 - Any updates to the Zoning Ordinance that would affect commercial/industrial development should occur in a manner that allows the Township to retain control over zoning and permitting to include control over the type, size and location of such businesses.
 - The Commercial Industrial should minimize the conflict between commercial/industrial and other uses on other lands.
- In the Ordinance it states new commercial/industrial development should not have an adverse impact of the quality of life for Eureka citizens.

Acting Chair Frana said we have already had complaints coming from that area with issues such as parking, signage, dust and noise.

Acting Chair Frana stated that all of the above is specifically coming out of the Comprehensive Plan and what the requirements are and the duties of the Planning Commission. It is our responsibility as Planning Commission members. When this first came up there was not an opportunity for the Town Board to review what the requirements were. They did not have a chance to look at the Comprehensive Plan. My personal opinion is I cannot recommend a public hearing on an Ordinance that is not complete, no thorough study has been done and why are we undermining the Commercial Industrial Task Force that made these recommendations by going ahead and scheduling a

public hearing before we do specifically what the Comprehensive Plan tells us we should do as Planning Commission members. Acting Chair Frana stated we should ask the attorney.

Supervisor Barfknecht stated that the Attorney was present and had no objections to setting a date for the public hearing. The information you brought forward could be looked at by the public at the public hearing.

Acting Chair Frana stated we are violating the Comprehensive Plan and the Planning Commission responsibilities and duties by proceeding with this.

Supervisor Barfknecht stated that the Planning Commission could recommend after the public hearing that they do not approve it.

Acting Chair Frana stated that he would recommend that the Planning Commission, based on the requirements of the Planning Commission Ordinance and the Land Use Goals and Policies as described in the Comprehensive Plan, not to proceed with the public hearing. If the Board decides on Monday that they want to proceed in spite of the recommendation, they have the ability to do that. They are still looking for this to happen in August.

Supervisor Barfknecht stated that with the annexation coming and that property is right there as well, it is not just for the purpose of allowing Miracle-Gro issue. I am familiar with the Comprehensive Plan and I am familiar with the information we received from Airlake. I feel that when the Board directs the Planning Commission to do something, then the Planning Commission should do what they have been directed to do. She stated that the Planning Commission can set a date for the public hearing for the end of August, 2016, and bring forward your concerns on Monday and then let the Board decide if what is proposed by the Planning Commission and Commission Frana's personal concerns about what has transpired and Attorney Lemmons can weigh in as well. Then they can decide if it needs to be looked at a little more.

Acting Chair Frana honored a request for Butch Hansen to comment. Mr. Hansen stated he was a Planning Commission member and stated if the Board has directed the Planning Commission to set a date for a public hearing, then the Planning Commission needs to set a date for the hearing. The Planning Commission does not get to decide if they want to do that. The public hearing needs to take place and if the Planning Commission does not set a date tonight, it means you will have to have a special Planning Commission meeting after the Board meeting if the Board tells you to set a date.

The Public Hearing is for the residents to come in and speak their minds. At the end of it all, the Planning Commission can make a recommendation not to approve. This has been going on forever. We made promises to Airlake that we were going to move forward with this. This has been going on for four months. My recommendation is to set a date for the public hearing and all the Planning Commission members show up at the meeting on Monday.

Commissioner Palmquist stated he was in favor of setting a date for the public hearing.

Commissioner Fredlund stated he agreed and we should discuss it at the Board Meeting on August 8, 2016. We should do a doodle poll especially for Chair Sauber and Attorney Lemmons.

Jeff Otto, 25580 Dodd Boulevard. A way to resolve this is if you agree to set a date at the Board meeting. That way you can go on record as setting the date rather than have the Board set it for you. It is not about whether you agree or disagree, that is what the public hearing is for. I would encourage you to make a motion.

Commissioner Palmquist recommended we get on the Town Board Agenda and schedule it at the actual Board meeting.

Commissioner Fredlund moved that we have our meeting at the Board meeting on Monday and set the date. Commissioner Palmquist seconded. Motion carried 4-0.

Acting Chair Frana stated we will hold off sending out a doodle-poll until after the meeting on Monday.

Acting Chair Frana stated the notice for the Public Hearing on August 9th only appeared in one of the papers. Supervisor Barfknecht stated that was fine and it really only needs to be in one and everyone in the Township received a postcard. Deputy Clerk to check with the newspaper on Tuesday, August 2, 2016.

Supervisor Barfknecht brought up the fact that Jody Arman-Jones was requested to hold off the newsletter until we had a date set the Public Hearing for the Light Industrial Zoning Ordinance. Perhaps we should discuss a date. Commissioner Palmquist suggested that perhaps it could be published that we will have a special Planning Commission meeting at the Board meeting on August 8, 2016 and we can choose a date at that time. Chair Frana suggested to place in the newsletter to be on the lookout for the date and watch for the postcard. The Planning Commission agreed that we are not going to set a date tonight.

Supervisor Barfknecht stated that the Planning Commission does not need the Board's input to set a date. You were directed to do that.

Julie Larson returned with additional information for the lot split.

Acting Chair Frana made a motion to recommend to the Board the Lot Split Approval Application for Dylan and Julie Larsen, subject to sending it to the Attorney to determine if we have the appropriate legal documentation for this lot split. Commissioner Palmquist seconded. Motion carried 4-0.

Acting Chair Frana moved to adjourn the meeting. Commissioner Wood seconded the motion. Motion carried 4-0. Meeting adjourned at 8:50 PM.

Respectfully submitted,

Cheryl Murphy
Deputy Clerk

Minutes for the August 1, 2016, meeting approved on _____

DRAFT