

ATHENS TOWNSHIP PLANNING COMMISSION MEETING

7:00 pm Thursday, October 20, 2016

1. **Pledge of Allegiance.** Chairman Reynolds called the meeting to order at 7:00 pm, immediately followed by the Pledge of Allegiance.
2. **Roll Call.** Planning Commissioners in attendance: Marlys Balfany, Lyle Reynolds, Ian Ebeling, Dave Henderson, and Jake Carpenter. Commissioners absent: Cindy Anderson and Dan Woodfill. Staff present: Jim Braun, Zoning Administrator; Carolyn Braun, Consulting Planner; and Brian Miller, Township Engineer from MSA. *A copy of the sign-in sheet from those in attendance is attached.*
3. **Minutes of Sept. 15, 2016.** Carolyn Braun noted that the tape did not record so there was a gap in the information for who made the motion and second for the Samir Salama request. Marlys Balfany provided that information to amend the minutes. A motion was made by Dave Henderson and seconded by Marlys Balfany to approve the minutes as amended. Motion carried unanimously.
4. **Open Forum.** There was no one in attendance for open forum.
5. **Public Hearings.** There were no public hearings scheduled,
6. **Old Business: Brennan and Rebecca Cox – CUP Request for Rural Tourism Business.** The public hearing for this item was held at the August 25, 2016 Planning Commission meeting. Action on the item was postponed to the September 15, 2016 meeting; the applicants then requested that the item be moved to this meeting (Oct. 20, 2016).

Carolyn Braun briefly reviewed the staff report, noting that there were several items that needed further discussion by the Planning Commission.

The following handouts were provided to the Planning Commission: A list of the recommended conditions of approval from staff; a list with items that need to be discussed; and copies of minutes from recent County approvals of rural tourism businesses.

Township Engineer Brian Miller reviewed the results of his traffic analysis for the site. He stated that the most significant traffic events will be weddings because everyone arrives within a half-hour of the scheduled event time. He anticipated that most traffic will enter the site from the south and stated his concern that stacking will occur on Polk Street, leaving little room for traffic movements to adjust for the unanticipated situation. Polk Street currently 12-foot lanes with no shoulders.

Mr. Miller stated that Minnesota Rules 8820, Polk Street would be considered a rural roadway – a 55 mph road, generally requiring 4-foot shoulders (when reconstructed).

Given the potential stacking and the current geometrics of Polk Street, Mr. Miller recommended roadway improvements as follows: Either a dedicated left turn lane or a bypass lane for the northbound traffic; a right turn lane for the southbound traffic; a 4-foot wide paved shoulder for a distance of 50 feet on the southbound land, south of the driveway, and the access driveway be paved for a distance of about 50 feet on into the property and that the driveway be at least 30 feet wide. He also highlighted that the project narrative includes a 20-foot gated entrance that will, because of the width, cause conflict for a vehicle leaving the site while another vehicle is entering.

Brennan Cox indicated that Polk Street is a 30 mph signed road and he has pictures of those signs (but not provided at the meeting). He stated that the township engineer was wrong in his analysis.

Chairman Reynolds opened the meeting to audience participation at 7:45. (*Note. The original public hearing was held and closed at the August 25, 2016 Planning Commission meeting.*)

Ed Tiller said that you cannot drive that fast on Polk Street because of the curve.

Gary Billett asked about the speed limit. Brian Miller stated that an unsigned rural road has a speed limit of 55. Mr. Billett indicated that the proposed use will generate traffic that is commercial in nature and not expected on a rural road. He was concerned about the speed of traffic on the road and impacts to wetlands.

Brian Miller stated that, to do the traffic improvements, you don't have to avoid the wetlands but you do have to mitigate. In many cases, that is done by using the state wetland bank. Chairman Reynolds said that the town cannot create an unsafe condition and must follow the township engineer's advice.

Brennan Cox left the meeting and did not return for about an hour.

Kay Matras said she didn't understand why this request wouldn't be supported and the commission should approve their request.

Jack Krekelberg asked if it was true that the Cox's had asked to be annexed by City of Isanti. Rebecca Cox stated that they had met with the City but it was going to be too difficult, so they applied to Athens Township.

Al Schulz stated that he thought the bypass and turn lanes should be constructed to make the road safe.

Richard Huempfer stated that the applicant should pay for the road improvements.

Jack Krekelberg stated that there should be a speed limit on the road, that the entrance should be paved.

Several residents voiced concern about pedestrian safety, increased traffic, people already driving too fast on Polk Street and this area is low-density residential and not intended for such uses as those proposed.

The chair closed public comments at 8:17 pm.

Jim Braun stated that the county assessor's office told him that the property would be taxed as commercial is the use if approved.

After further discussion by the commission, a motion was made by Dave Henderson to deny the request. Motion failed for lack of a second.

Ian Ebeling made a motion to approve the request. Motion failed for lack of a second.

It was then decided to discuss the recommended conditions of approval as a way to work toward a resolution.

Below are the conditions and comments on any discussion.

1. A landscaping plan shall be submitted that shows buffering of the parking areas from the view of Polk Street. ***Brennan Cox stated that the traffic improvements would require removal of some of the existing trees along Polk St. There was general concern among the planning commission about the appearance of the site as you come around the curve on Polk Street, with parking the predominant feature along the road, making it look commercial in nature.***

2. **20** events with a maximum capacity are allowed per year until buildings are constructed to accommodate indoor events. ***Limiting the number of events was discussed but not fully agreed upon.*** Once buildings are constructed with the appropriate capacity, the site shall be limited to no more than **150** ~~299~~ guests, including staff, at any one time. ***This item was debated back and forth between 150 and 299 guests. Some members thought that the number of guests should not be limited because that would impact the ability to be successful. Others thought that allowing 299 guests (including staff) made the request commercial in nature. There was no clear determination on the number of guest that should be allowed. There was also discussion that the events should be limited to weddings and community events.***

The commission also discussed hours of operation which is an item that is generally including as a condition of approval for conditional use permits. The Cox's requested hours of operation be from 7 am to 1 pm, Monday through Sunday. After a lengthy discussion, it was generally agreed that hours of operation should be from 8 am to 7 pm Monday through Thursday and 8 am to 11/12 pm on Friday through Sunday. It was anticipated that music would stop one hour before the end of the vent. No outdoor amplified music would be permitted except for the wedding ceremony.

3. All signage shall be reviewed and approved by the Township prior to installation.

It was noted that there have been no requests for signs at this time. Brennan Cox indicated that he would install signage as necessary to direct people on the site. Any signage must be approved before installation.

4. All existing buildings used for the rural tourism business must be certified to meet current structural standards.

5. Any existing SSTS systems must be certified to meet current standards for an increase in occupancy or gallons per day.

6. The applicant shall obtain building permits prior to beginning construction. Plans for any buildings must meet all applicable ordinance standards.

7. The site shall be subject to periodic inspections by the Zoning Administrator.

8. Food and liquor service must meet ordinance standards.

It was noted that off-duty officers would be used to provide security for events with liquor service.

9. The applicant shall obtain and maintain all state and/or county licenses and permits. A copy of any such permits shall be provided to the township prior to commencing rural tourism activities.

It was briefly discussed that this requirement should include annual renewals of permits.

10. This approval does not include approval for a retreat or additional residential use of the site (other than the existing single family use). A separate CUP is required for any such use. ***Mr. Cox stated that he intended to have residential rooms on the upper floor of the barn (to be constructed) and that it is shown in his plans. Marlys Balfany stated that the plans submitted did not show the rooms on the second story of the barn. Mr. Cox stated that the plans were recently finished by the architect but he had always intended to have rooms for people to stay overnight.***

11. The cabins shown on the proposed site plan are not permitted as they would be located in the flood plain area. ***Jim Cox stated that the cabins were to provide character on the site and were not intended to be residential units. It was discussed that perhaps the cabins could be relocated on the site, out of the flood plain, but they could not be used for residences, either temporary or permanent.***

12. The following traffic improvements shall be made prior to commencing rural tourism activities:

(a) *Either a dedicated left turn lane or a bypass lane for the northbound traffic;*

- (b) *A right turn lane for southbound traffic;*
- (c) *A 4-foot wide paved shoulder for a distance of 50 feet on the southbound lane of Polk Street, south of the driveway; and*
- (d) *The access driveway be paved for a distance of about 50 feet into the property and that the driveway be at least 30 feet wide.*

Following a lengthy discussion, it was generally agreed that the traffic improvements in this item should be made a condition of approval. Ian Ebeling disagreed, stating the traffic study was inaccurate and that Polk Street is a 30 mph road. He further stated that because Polk Street is a 30 mph road, the Township should allow the Cox's to operate for a while and see how it goes and require improvements later if found necessary.

There was also discussion about when the traffic improvements must be made. The commission generally agreed that all improvements should be completed within twelve months of an approval for a conditional use permit.

13. The parking plan shall be revised to accommodate the 30 foot driveway entrance. This plan shall be approved by the Township prior to commencing rural tourism activities.

There was discussion about concerns over stacking issues, the ability of cars to meet in the driveway, and the proposed parking plan. The parking spaces shown do not meet the ordinance standards of 9' x 20'. There was also concern about how people would now where to park because the parking areas will be class 5 or grass. Brennan Cox indicated that they would have parking attendants assisting with parking during larger events.

14. Splitting off/selling of any of the parcels included under this parcel will render the conditional use permit invalid and a new conditional permit request will be required.

In response to this requirement, Brennan Cox stated that he wants the ability to sell off parcels B, C and D and still have the permit valid for Parcel A, functioning as a free-standing facility. Parcel D is in the Isanti Township and will not be included in any approvals. Many of the planning commission members stated that this request, given the request to be able to split off parcels A and B, is really a commercial enterprise and perhaps not appropriate for this area.

15. The applicant shall reimburse the Township for their cost in reviewing this application.

After further discussion, Chairman Reynolds asked for a motion. A motion was made by Ian Ebeling to approve the request with the conditions discussed allowing a maximum capacity of 299 people, including staff, on the site at any one time. There was no second

to the motion. Motion failed. There were no additional motions. The item will be passed forward to the Town Board without recommendation.

7. **New Business.** There was no new business.
8. **Miscellaneous.** Jim Braun noted there was a copy of 2016 building permits issued to date in the packet.
9. **Adjournment.** A motion was made by Marlys, seconded by Dave, to adjourn. Motion carried unanimously at 10:59 pm.