

ATHENS TOWNSHIP
PLANNING COMMISSION MEETING
7:00 pm Athens Township Government Center
Minutes of Thursday, February 15, 2018

1. *Pledge of Allegiance*: The Pledge of Allegiance was recited.
2. *Roll Call*: The meeting was called to order at 7:00 pm by Chairman Dave Beckstrom. Members present were Dan Woodfill, Dave Beckstrom, Cindy Anderson, and Dave Henderson. Also present was Zoning Administrator, Ryan Grittmann, and applicants Dennis and Julie Davis, and applicants Josh Savageau.

Not Present: Jake Carpenter, Marlys Balfany

3. *Minutes of 11/16/2017*: Planner Grittmann explained that the minutes from the November 16, 2018 meeting were incomplete so no action was taken on approval. A completed draft has been presented at this meeting. A motion to approve the minutes as presented was made by Commissioner Henderson, motion seconded. Motion carried unanimously on a vote of 3-0.
4. *Minutes of 1/18/2018*: A motion to approve the minutes as presented was made by Commissioner Henderson, motion seconded. Motion carried unanimously on a vote of 3-0.
5. *Open Forum*: Chair Beckstrom opened the public forum. Seeing no residents present for the open forum, Beckstrom closed the public forum.

6. *Public Hearings*:

a. SoCore Energy – Proposed Zoning Ordinance Amendment

Chair Beckstrom explained that we are planning to move this continued public hearing to Tuesday February 20, 2018 and asked for a motion to table the public hearing.

Commissioner Henderson made a motion to table the public hearing to February 20, 2018 at 7pm, motion seconded, motion passed unanimously on a vote of 3-0

b. Home Pride Inc. Preliminary Plat

Planner Grittmann gave his presentation and referenced his report dated February 8, 2018. He stated that the proposed plat will create two new parcels which will be presumably be single-family homes. The site currently has an existing home on one of the existing lots. The new lots will be 3 acres each. The site is adjacent to agricultural land to the north and east and DNR land to the west and south.

Planner Gritman stated that the newly created lots will be compliant with depth, width, size, and road access. The proposed plat shows easements along the property lines for drainage and utilities. Which is standard that the applicant is required to grant.

Planner Gritman stated that as a condition of approval, a \$300 park dedication fee will be required at the time the building permit is issued. In addition, there were no comments from the public ahead of this public hearing.

Planner Gritman stated that Staff recommends approval of the preliminary plat with the three conditions outlined in the Planner's Report:

1. The Town will collect a park dedication fee of \$300 per lot to be collected at the time of the building permit application.
2. The Town Engineer reviews the site drainage plan
3. The Town Engineer reviews the street access points that are proposed for visibility.

Chair Beckstrom asked about the Quonset building. Applicant Josh Savageau said it's an accessory building. Mr. Savageau said he put a septic in on the property to the south and did a lot line adjustment to ensure all existing buildings are conforming.

Commissioner Woodfill said the plat shows three proposed houses, not two. Applicant Savageau said there would be two new lots and a total of three new homes.

Commissioner Henderson asked how many homes on the 40 acres are there now; Mr. Savageau said one.

Commissioner Henderson asked about driveway access. Mr. Savageau pointed out the existing and proposed driveways. All lots will have separate street access.

Commissioner Henderson asked if the lots have the required width along the public road. Planner Gritman said that all lots are compliant with width along the public street.

Commissioner Henderson asked about drainage and if it would be an issue for neighboring properties. Mr. Savageau said no, and that the boring samples shows that the area is mostly sand.

Commissioner Woodfill asked about the third proposed house and said it wouldn't have a driveway. Mr. Savageau said that it would use the existing driveway that serves the Quonset.

Commissioner Woodfill asked about the property lines and the easements. Planner Gritman stated that the plat has both a property line and an easement on both sides of the property line.

Commissioner Woodfill said the easement doesn't make sense. Mr. Savageau said that it was required.

Beckstrom asked where the 16 feet easement comes from. Planner Gritman said that it's required per the Subdivision Ordinance.

Commissioner Woodfill asked what the purpose of the easement is. Planner Gritman said that it's difficult to add an easement retroactively is difficult and therefore it's best to have them put it with the plat.

Commissioner Henderson said that we should add the easement requirement to our list of zoning ordinance items to review.

Chair Beckstrom asked for comments from the public. After hearing no comments, Chair Beckstrom closed the public hearing and asked for a discussion from the Commissioners.

Commissioner Henderson made a motion to approve the preliminary plat with the three recommendations from the Planner's Report, motion passed unanimously on a vote of 3-0.

c. Davis Event Center – Conditional Use Permit for Rural Tourism Business.

Planner Gritman gave his presentation and referred to his report dated February 8, 2018. Planner Gritman stated that the project is located at 1376 261st Avenue NE. The applicants proposed to use the property as a rural tourism business, specifically, an event center. The proposed plan will have space for up to 300 people including outdoor areas. The site has the proper zoning for this conditional use. The site is currently a vacant farmstead with numerous outbuildings.

Planner Gritman stated that the property was previously approved for a CUP for a rural tourism business, but that CUP expired because it was never used.

Planner Gritman stated that the site is surrounded by mostly agricultural uses. The lot size, width and depth are compliant with the current zoning standards. The property contains two outbuildings that do not meet the Town's current setbacks. These are existing conditions and are allowed to remain.

Planner Gritman stated that the site plan does not show site lighting, with outdoor events expected to around midnight, the applicant shall clarify if they have plans for site lighting.

Planner Gritman stated that the site plan does not show how trash handling will be taken care of. The applicant shall clarify how that will be dealt with.

Planner Gritman stated that the site plan shows enough parking with 75 spaces being required, and 97 proposed. Planner Gritman stated that as a condition of approval, the applicant shall add evergreen trees at least 5 feet in height between the parking lot and the road. The applicants shall also be responsible for not allowing on street parking.

Planner Gritman stated that the applicants will be responsible for event security as a condition of approval.

Planner Gritman stated that he has not heard any comments or questions from the public.

Planner Gritman stated that Staff recommends approval of the conditional use permit with the 17 conditions outlined in the Planner's Report.

Chair Beckstrom asked about distance from neighboring homes. Planner Gritman stated that it's quite a way.

Commissioner Henderson asked about the previous CUP approval for this property. Chair Beckstrom said that he was told that after the project fell through, the Board rezoned the property back to agricultural / residential; Chair Beckstrom was unsure of what happened with the Conditional Use Permit. Commissioner Woodfill said the CUP went away. Commissioner Henderson asked if the board removed the CUP. Planner Gritman said that the applicant told him that the Board revoked the CUP, but he's unsure if that was the case. However, the CUP either was revoked or it expired.

Commissioner Henderson asked about employees. Applicant Dennis Davis said there will be one full time and five or six part time.

Commissioner Anderson asked if they have plans to live on the property. Mr. Davis said they do not, but the house might be used as a 24-hour rental for event centers. They are not interested in renting rooms overnight; but want to be flexible with customers.

Mr. Davis said that no additional lighting is proposed, some exterior lighting existing on home and that there's a windmill with a light, but they're not sure if it works. Mr. Davis stated that he's fine with the condition of turning off lighting on non-event days

Mr. Davis stated that trash will be stored inside a structure or a privacy fence will be constructed if needed.

Chair Beckstrom proposed a condition to have blacktop on the driveway to the parking lot apron to prevent gravel on road.

Henderson asked if the applicants are proposing an addition to the barn. Mr. Davis said no.

Commissioner Woodfill asked if the barn would be used as the primary event building. Mr. Davis said the cattle barn would be used after it receives an occupancy permit. They also plan to use the main house.

Mr. Davis said he would like to have overflow parking to the south and west and asked about tree screening on parking lot. He mentioned that screening to the west would block expanded parking; and that there's an old fence on the north side of the parking lot.

Chair Beckstrom said that screening or separation from adjacent land is required per the ordinance, but we can be flexible.

Chair Beckstrom asked if we could add a condition that if the property to the west were developed, we could require a condition at that time. Planner Gritman said that they could but it could become an issue if the property owner sold their property and the new owner was not aware of the condition.

Chair Beckstrom said that site layout could provide for potential future uses such as tents. Mr. Davis said no tents are proposed as of right now.

Mr. Davis said that he would like to clarify that they would like to rent the property on a 24-hour basis. This way depending on which group is using the property, they could use the property as they need it. Mr. Davis stated that he does not want to be an Inn Keeper.

Chair Beckstrom said we need a condition for overnight stays. Commissioner Woodfill said that condition number 14 addresses this issue, which states that no overnight stays are allowed. Commissioner Woodfill asked the applicant if that was acceptable. Davis said it's restrictive since they would like to do a 24-hour rental. They could be like AirBNB

Chair Beckstrom said that the County requires a CUP to operate a bed and breakfast; and the County is planning on sending notices to properties that are in violation. Chair Beckstrom said that the applicant should check with the Township attorney to see if this situation applies.

Woodfill asked if we should table the CUP. Chair Beckstrom said we might have to get clarification.

Commissioner Henderson said we could approve as it, and applicant could apply for an amendment; or we could table it for next month to get clarification.

Mr. Davis if the bed and breakfast would be allowed under the conditional use permit, or would it require the property to be rezoned to commercial.

Chair Beckstrom said you could get another CUP for bed and breakfast, which requires approval of State and Inspection.

Mr. Davis asked if condition number fourteen could include property owners, caretakers, friends, and family.

Commissioner Woodfill said that it should be the owner and family.

Chair Beckstrom asked if there are any questions or comments from the public. No comments from the public.

Commissioner Woodfill made a motion to approve the conditional use permit with the 17 conditions from the Planner's Report dated February 8, 2018 with the following changes:

1. Remove condition number two.
2. Condition number five be amended to add "and pave a driveway apron with a permit from the county".
3. Condition number six be amended to add: "the applicant shall put temporary 'no parking' signs along County Road 56 and permanent no parking signs and stop sign on all driveway areas.

4. Change condition number six to add: 'parking on the field to the south or west shall be used only if needed'.
5. Remove condition number seven.
6. Change condition number ten to read: "The applicants must comply with all permits pertaining to signage; and township zoning regulations related to signage"
7. Change condition number fourteen to add "family".
8. Add a condition that the hours of operation for public activity shall be 7:00 am until midnight seven days a week.

Motion seconded. All members voting in favor, motion passes Unanimously on a vote of 3-0.

7. *Old Business:*

a. Code enforcement follow up

Planner Gritman gave his report and stated that there are three open code enforcement projects in the Township. Two projects are for debris and one is for wetland filling. The two projects for debris are located at 1512 264th Avenue NE and 25122 Xeon Street. Staff will be following up with these two locations soon.

Planner Gritman stated that the property at 26060 Rum River Drive is an ongoing code enforcement project where the property owner filled in a wetland area. The project is being handled mainly by the County and the DNR.

Commissioner Henderson stated that the white barn on University Ave, south of County Road 56 has received a letter in the past and needs follow up; there's junk cars and other debris at the property.

Commissioner Anderson stated that a property on Baltimore Street NE needs some cleanup.

Planner Gritman stated he would follow up with these two properties.

8. *New Business:*

a. Updated needed to Town Code

Chair Beckstrom stated that the Town Board has directed Staff and the Planning Commission to discuss changes to the Town Code. Chair Beckstrom listed the following changes to be discussed:

1. Review the limitation of 1,200 square feet of accessory structure space for home occupational use and compared to the County's requirements.
2. Review the Towns limitations of signage. Currently, you are only allowed to have your name and phone number on a home occupation sign. Also, this section needs to have better language on lighted signs.
3. Home occupation needs to be updated to fix definition of non-resident employee and family member.
4. Clarify where vehicle parking is permitted for home occupations.
5. Check definition of private road easement.

9. *Adjournment:* Woodfill motioned to approve. Motion seconded. Meeting adjourned at 9:15 pm.

Minutes approved on this 15th day of March, 2018.



Ryan Gritman, Zoning Administrator



Dave Beckstrom, Planning Chair