

EUREKA TOWNSHIP PLANNING COMMISISON

Planning Commission Meeting March 3, 2008 Continued to March 5, 2008

Planning Commission Chair Mike Greco called the Planning Commission to order at 8:30 pm.

Planning Commission Members present included Mike Greco, Nancy Sauber, Sharon Buckley, Kenny Miller and Ken Olstad. Attorney Trevor Oliver was present to represent the Township and Clerk/ Treasurer Nanett Champlain to record the minutes.

Town Board Members in the audience included Gloria Belzer

Item 2(a): Conditional Use Permit application by Lonnie Malwitz for Glory to Glory Christian Center.

The following documents were received from the applicant and entered into the record:

1. Revised Landscape Plan L1 last revisions dated 3/4/08
2. Revised Site Plan A1 last revisions 3/4/08
3. Draft of Resolution prepared by Oliver Trevor, which includes the Findings of Fact and a list of proposed conditions, as discussed at the continued meeting on March 3, 2008.

The Planning Commission had a question about the L1 landscape plan. For the Black Hills spruce and Autumn Blaze maples, the drawing states “verify size and method with landowner to be donating it.” Lonnie Malwitz—The Black Hills spruce are 2 feet high, balled and burlap. The Autumn Blaze maples are 7’-10’, 1 ¼” caliper, bare root.

The site plan shows the smaller storage shed meeting 30’ setback requirements. The swamp oaks have been added along the west side from north to south as well as additional screening of juniper along the north end of the driveway. After viewing an aerial photo and elevations of the site, Sherri Buss agreed that this was adequate screening to the north. The site plan meets all the requirements the Planning Commission was asking for.

The Planning Commission discussed the following conditions, which were prepared by Township Attorney, Trevor Oliver:

1. The Town Board shall review this permit annually. At this annual review, the Town Board must be provided with proof of compliance with all applicable Minnesota state reporting requirements for non-public schools for the preceding school year.
2. Use of the buildings depicted in the site plans shall at all times adhere to maximum occupancy standards as determined at the time a certificate of occupancy is issued.

3. No building on the property shall be used as a temporary or permanent residence.
4. The property shall be used for its approved purposes only between the hours of 7:00 AM and 10:00 PM Sunday through Thursday, and 7:00 AM to 11:00 PM on Fridays and Saturdays.
5. Before grading or construction may begin on the property, the property owner must obtain the following permits and/or approvals: Land Alteration Plan approval from the Vermillion River Joint Powers Organization; North Cannon River WMO Stormwater Pollution Prevention Plan (SWPPP) approval by the Town; NPDES construction permit from the MPCA; and any permits required by Dakota County for access to CSAH 9 (Dodd Boulevard) and/or the addition of turn and bypass lanes on Dodd Boulevard at the property entrance.

Planning Commission discussion:- The “no net increase in quantity or rate of runoff” is explicitly mentioned in the North Cannon SWPPP Ordinance, and preparing the site to handle the 100-year event is clearly the intention of the Ordinance).

6. The Town Engineer shall review and determine approval of all final construction and engineering plans. Construction and engineering shall follow the site plans, elevations, landscape plan, and lighting plan submitted to the Planning Commission as of March 5, 2008, and the SWPPP to be approved by the Town Board. The Town Board may approve major changes to the plans. The Town Engineer may approve minor changes to the plans. The property owner shall reimburse the Town for any expenses incurred in plan review, consideration of changes, or supervision of construction.

7. The installation of any public infrastructure upgrades required to support the approved use, including but not limited to the installation of turn and bypass lanes on Dodd Boulevard, shall be undertaken at the sole expense of the property owner.

8. Before any use approved herein may commence operation on the property, all applicable permits and approvals shall be obtained, and copies of same provided to the Town Clerk.

9. Before any use approved herein may commence operation on the property, the property owner shall have the individual sewage treatment system plan reviewed by the Dakota County Water Resources Office to ensure the size of the system is appropriate for the proposed uses and projected capacities.

Planning Commission discussion: Mike Greco spoke with Michael Rutten of Dakota County Water Resources Office. They are happy to work with our inspector to review the design of the septic system, to make sure it is appropriate for the site conditions. Mr. Rutten recommended adding a water flow meter if there is concern about water drawdown on the site. This is part of the state code, although it has not been adopted by the County or the Township at this time. The water flow meter measures how much water is being pulled out of the ground. Kenny Miller stated opposition to adding this condition without additional information on why it is required; Commissioners Buckley, Greco, Olstad, and Sauber recommended adding as a condition, “The applicant shall also install a water flow metering system to monitor water usage on the site.”

10. Outdoor lighting must be turned off one (1) hour after closing except for approved security lighting.

11. Church or school buses, vans, and trucks shall be stored in buildings and shall not be parked in surface parking lots except temporarily for the purposes of loading or unloading.

12. No gambling or use of liquor shall be permitted on the premises at any time.

13. Any proposed additions, modifications or alterations to the property following the commencement of approved use operations shall be presented to the Town Board. If formal modification of these approved conditions will be required, the property owner shall submit an application in accordance with Town Ordinances in effect at the time of application.

14. All signs on the property shall comply with Town sign ordinances, sign permits, or conditional use permits granted by the Town.

Planning Commission discussion: Mike Greco talked to Trevor Oliver about this condition. Mr. Oliver thought that the Planning Commission intended to treat the CUP for the sign as a separate CUP. Mike understood the Planning Commission's desire is to roll the CUP for the sign into the CUP that has been presented. The applicant would still need to get a building permit for the sign, but would not need to go through a separate CUP process. It was also the intention of the Planning Commission to create a condition to limit the sign to the type and dimensions shown on the elevation drawing the applicant provided on March 3, 2008 (reference to Exhibit 14[b]). An additional stipulation was moving, flashing, or changing text would not be permitted. The applicant asked if they were limited to the exact size of the proposed sign on Exhibit 14(b), as they may wish to reduce the size of the sign. The Planning Commission suggested the following condition replace condition #14 proposed by Trevor Oliver: "The applicant shall be allowed one (1) internally lighted monument sign from among the designs shown on Exhibit 14(b), not to exceed the dimensions indicated on said Exhibit. The sign shall be located on the property as shown on the site plan submitted to the Planning Commission as of March 5, 2008. No moving, flashing, changing, or scrolling text or images shall be permitted."

15. The approved landscape plan shall be subject to monitoring by Town staff to ensure compliance. Minor modifications to these plans shall be subject to approval by the Town Engineer, and major modifications shall require Town Board approval.

Planning Commission discussion: Township landscape architect Sherri Buss suggested including "maintenance" as a condition. This would include both maintenance of the landscaping and maintenance of the infiltration basins. Planning commission recommended adding "and maintenance" after "by Town staff to ensure compliance."

A motion by: Mike Greco: To recommend that the Town Board approve the conditional use permit application of Glory to Glory based on the findings of facts listed on the resolution subject to the following conditions:

1. The Town Board shall review this permit annually. At this annual review, the Town Board must be provided with proof of compliance with all applicable Minnesota state reporting requirements for non-public schools for the preceding school year.
2. Use of the buildings depicted in the site plans shall at all times adhere to maximum occupancy standards as determined at the time a certificate of occupancy is issued.
3. No building on the property shall be used as a temporary or permanent residence.
4. The property shall be used for its approved purposes only between the hours of 7:00 AM and 10:00 PM Sunday through Thursday, and 7:00 AM to 11:00 PM on Fridays and Saturdays.
5. Before grading or construction may begin on the property, the property owner must obtain the following permits and/or approvals: Land Alteration Plan approval from the Vermillion River Joint Powers Organization; North Cannon River WMO Stormwater Pollution Prevention Plan (SWPPP) approval by the Town; NPDES construction permit from the MPCA; and any permits required by Dakota County for access to CSAH 9 (Dodd Boulevard) and/or the addition of turn and bypass lanes on Dodd Boulevard at the property entrance.
6. The Town Engineer shall review and determine approval of all final construction and engineering plans. Construction and engineering shall follow the site plans, elevations, landscape plan, and lighting plan submitted to the Planning Commission as of March 5, 2008, and the SWPPP to be approved by the Town Board. The Town Board may approve major changes to the plans. The Town Engineer may approve minor changes to the plans. The property owner shall reimburse the Town for any expenses incurred in plan review, consideration of changes, or supervision of construction.
7. The installation of any public infrastructure upgrades required to support the approved use, including but not limited to the installation of turn and bypass lanes on Dodd Boulevard, shall be undertaken at the sole expense of the property owner.
8. Before any use approved herein may commence operation on the property, all applicable permits and approvals shall be obtained, and copies of same provided to the Town Clerk.
9. Before any use approved herein may commence operation on the property, the property owner shall have the individual sewage treatment system plan reviewed by the Dakota County Water Resources Office to ensure the size of the system is appropriate for the proposed uses and projected capacities. The applicant shall also install a water flow metering system to monitor water usage on the site.
10. Outdoor lighting must be turned off one (1) hour after closing except for approved security lighting.

11. Church or school buses, vans, and trucks shall be stored in buildings and shall not be parked in surface parking lots except temporarily for the purposes of loading or unloading.

12. No gambling or use of liquor shall be permitted on the premises at any time.

13. Any proposed additions, modifications or alterations to the property following the commencement of approved use operations shall be presented to the Town Board. If formal modification of these approved conditions will be required, the property owner shall submit an application in accordance with Town Ordinances in effect at the time of application.

14. The applicant shall be allowed one (1) internally lighted monument sign from among the designs shown on Exhibit 14(b), not to exceed the dimensions indicated on said Exhibit. The sign shall be located on the property as shown on the site plan submitted to the Planning Commission as of March 5, 2008. No moving, flashing, changing, or scrolling text or images shall be permitted.

15. The approved landscape plan shall be subject to monitoring by Town staff to ensure compliance and maintenance. Minor modifications to these plans shall be subject to approval by the Town Engineer, and major modifications shall require Town Board approval.

The motion was seconded by Ken Olstad. Vote was taken on the motion, the motion passed by unanimous vote.

Planning Commission discussion on the Glory to Glory CUP application ended at 9:01 pm.