

EUREKA TOWNSHIP PLANNING COMMISSION PUBLIC HEARING

**Conditional Use Permit application
by Lonnie Malwitz for Glory to Glory Christian Center**

**February 19, 2008
Continued to March 3, 2008 at 8:00 pm
Eureka Town Hall**

Planning Commission Chair Mike Greco called the Public hearing to order at 8:07 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 and Jeff Otto.

Chair Mike Greco covered meeting protocol for the public hearing.

The following documents were entered into the record:

- Exhibit 5. An email from Scott Qualle the township building Inspector. The subject of the email is CUP questions. It is dated February 22, 2008. It is a 3-page email.
- Exhibit 6. An email from George Kohler dated February 23, 2008. The subject is RE: your additional CUP support documents request. It is a 4-page email.
- Exhibit 7. A memorandum from TDKA, Engineer, Architects and Planners. The subject is RE: Glory to Glory Church and School Conditional Use Permit Landscape Elements Review, dated February 26, 2008. A memo from Sherri Buss. It is a five-page memo with a diagram attached.
- Exhibit 8. An email from Sherri Buss. Subject: Glory to Glory Church Vermillion Watershed JPO review, dated February 29, 2008. It is a 1-page document.
- Exhibit 9. An email from Trevor Oliver. Subject: Discharge of Firearms, dated February 26, 2008. It is a 1-page email.
- Exhibit 10. A letter from Dakota County Physical Development Division, RE: Access Spacing and Shared Driveways. It is addressed to Mr. Matthys and signed Gordon "Butch" McConnell. It is dated February 28, 2008. It is a 1-page document.
- Exhibit 11. A letter from the Association of Faith Churches and Ministers International. It is dated February 29, 2008. The subject of the letter is the membership of Dean and Cheryl Engelman in the AFCM. It is signed Julius J. Kaseman, President and Founder. It is a 1-page document.
- Exhibit 12. Is from the Minnesota Secretary of State website. It is a profile of Glory to Glory Christian Center. It is undated. It is a 1-page document.

- Exhibit 13. A product detail from Menards for a 36'x36' x 12' workshop. It is an undated document. It is one page.
- Exhibit 14.A. It is a 2-page application form from Lonnie and Gayle Malwitz for a Monument Sign, Illuminated, on-site, larger than fifty (50) square ft in size. It is a Land Use and Zoning Request Application for a Conditional Use Permit for that sign. It is signed and dated February 29, 2008. It is 2 pages.
- Exhibit 14.B. Is three elevation drawings of the proposed sign for Glory to Glory Academy. It is a 1-page document. It is undated.
- Exhibit 15. Is a lightshed and light plan document. The first 2 pages are maps. The first page shows lumens for the light plan. The second page the lightshed. The last three pages show specifications of Decashield 400 Luminaire light. It is an undated document a total of 5 pages.
- Exhibit 16. Cutoff classification for controlling stray light. It is a 6-page document, undated.
- Exhibit 17. Sheet L1. It is a Landscape Plan, last revised February 27, 2008. It is a 1-page document.
- Exhibit 18. Sheet A1. It is a Site Plan, last revised February 27, 2008. It is a 1-page document.
- Exhibit 19. Sheet A2. Showing Elevations, last revised February 27, 2008. It is a 1-page document.
- Exhibit 20. Is an email from Russ Matthys, Subject: Rain Garden Detail for Glory to Glory site. It is dated February 29, 2008. It is a 2-page email to Sherri Buss. It includes a diagram labeled as: Rain Garden Infiltration Detail. Document totals 3 pages.
- Exhibit 21. Email from Sherri Buss. Subject line: RE: Glory to Glory public hrg. Cont'd. 03-03-08, dated March 3, 2008. It is a 5-page email responding to questions from Planning Commissioner Nancy Sauber regarding Exhibit 7 from TDKA.
- Exhibit 22. Email from Sherri Buss. Subject: RE: Glory to Glory public hrg. Cont'd. 03-03-08, dated March 3, 2008. It is to Mike Greco regarding sign requirements for the application. It is a 1-page document.
- Exhibit 23. Email from Sherri Buss. Subject: RE: Glory to Glory public hrg. Cont'd. 03-03-08, dated March 3, 2008. It is to Mike Greco regarding lighting information provided by the applicant. It is a 1-page document.

George Kohler asked that the following documents be entered into the record:

- Exhibit 24. Illumination gradient map for Decashield 400 as specified on the site plan. It replaces the earlier photometric submission.
- Exhibit 25. Large aerial photo, showing an overview of the site and the location of the proposed conditional use.

George Kohler- 14913 Williamsburg Curve, Burnsville summarized the changes that have been made to the plan. The parking lot area was reduced. It was originally 198 stalls. The parking will be to the south and east (Map L1). The smaller parking lot eliminates 4 light poles with 2 fixtures per pole. The parking lot will hold 100 cars. The landscape plan shows a greater number of trees. This includes Spruce and Autumn Blaze maples around the perimeter of the site. The location of the playground is on Sheet A1 just west of the classroom area. The storage building is located at the end of the parking lot on the south side of the property. Mr.

Kohler questioned whether the storage shed needed to meet the 30-foot setback requirement. The County Letter, Exhibit 10, speaks to issues of shared-access driveways. The County does not have any issues with a shared-access driveway. The County prefers this kind of access over separate driveways. They look at ways to reduce driveways because of the hazard they create. The County is willing to work with the Church to reduce impacts to wetlands on both sides of the County road, due to the turn lanes. The monument sign location was added. The lighting plan was submitted to Sherri Buss. The diagrams show that when you get to the edge of the parking lot, the lightshed measures one-tenth of a foot-candle.

The placement of the storage shed was discussed. The storage shed must be placed outside of the 30' setback requirement. George Kohler proposed a 20'x40' building 30 feet from the property line.

At 8:30 pm Chair Mike Greco opened the floor for public comment.

Gary Estrem- 10270 250th St W. Lakeville. He asked if the Planning Commission had given thought to water runoff. The rain garden mentioned will handle a 1-inch rain. Mr. Estrem asked about 2-inch, 3-inch, or 4-inch rains. Lonnie Malwitz tiled 30 years ago. The tile outlet runs under Dodd Road to Mr. Estrem's property. He is concerned about the additional runoff onto his property. What about the 100-year rain with 5 inches of water, and the spring snow melt? We will be dealing with a lot more water than we did before. He also asked about car oil leaking onto the parking lot. What happens to the oil that washes off with the water?

Beth Eilers- 10185 250th St W. Lakeville. There have been several rains that wash over the road (250th St.) that the wetlands can't handle. She reviewed the Comprehensive Plan. Some of the goals are: *The people of Eureka desire to preserve the rural environment of the township by allowing for moderate growth in the housing of the Township. To ensure that the current and future population of Eureka can adequately be served by public and private facilities. To ensure aesthetically pleasing residential development in appropriate areas. There are significant areas of wet soils and some of these areas are unsuitable for nearly all land uses.* We are talking about a piece of wetland that is going to affect people around the proposed development. *Unsuitable for nearly all land uses except for pasture and open spaces. The wetlands serve an essential role in storm and water retention and flood control and groundwater recharge.* All of these things are important to people who live in Eureka Township. It goes on to say, *it is important to protect both the ground water and surface water resources.* The wetlands are an example of storing spring melt, rainwater and very effectively releasing into the stream slowly. When wetlands are drained runoff enters the stream much faster causing erosion and flooding problems. Further ground water supplies may diminish and increased runoff reduces the opportunities for ground water aquifer recharge, which contaminates the water of people that live around there. These things are important. We are talking about moving a wetland to put in a parking lot. Extensively paved areas can adversely affect the aquifer recharge capability in the area. This is what the township is talking about in the Comprehensive Plan. You must consider these issues when you are considering the application. It affects the health, safety and morals of this community. Noise is being increasingly recognized as a pollution problem in recent years. There are 3,000 cars on Dodd Blvd right now. By adding this development, it will add to it significantly. In the meeting on December 3, 2007, there was a request made for a permit for the driveway from the County on Dodd Road. Has this permit been received? They have a permit for the shared driveway, but what

about the driveway off of Dodd Road with the center turn lane? She also asked about the State of Minnesota documentation of the nonprofit status. Does this make it a church? What establishes this organization as a church? The parking was reduced. Exactly how many parking stalls are there now? It sounds suspiciously like they are trying to accommodate to the requests that the Planning Commission made to this particular conditional use permit while they are still planning to move forward with their original plans for a 1,500 person sanctuary. Because the wetland is being affected, a watershed review should be done. Has this been done? If it hasn't been done, there are plenty of answers that we don't have yet before you can approve the permit. Mr. Kohler mentioned the candle light. The proposed lighting has a 90-degree angle. This is not candle light. It is parking lot lamp lights. It is intended to light a parking lot. I did research on Glory to Glory Church, with respect to the future development of the property. They are planning for the future. The plan is to build a 1,500-person facility. This is their ghost plan. Other city councils look at the ghost plan when considering the original plan before them. Will the future plan development that is in their design fit with the piece of property and the people around it? The Planning Commission must consider that when considering the permit. The Glory to Glory web page shows that they are affiliated with the AFCM. They are an international organization associated with Destiny Church in Burnsville, which is a very large church. Keeping with that, I fully believe that they intend to move forward with the 1,500-person sanctuary. This affects the health, safety and morals of the people of this community. Water runoff, noise, increased traffic, increased accidents.

James Andreas, 23221 Ottawa Ave. Lakeville. It is a church. I am member number 35. Dean and Cheryl mean well. All they are is a church and a school. Their goals are contentment. Sunday services are held from 10:00 to 11:30 am. There are 150 to 200 persons in attendance. The parking lot is basically empty in 15 minutes. The current church is in the middle of a neighborhood. There have never been any complaints about people leaving the church. Watershed: The State of Minnesota is requiring a pond. The DNR has specifications and requires holding ponds for runoff. An oil leak in the parking lot will have no more impact than cars driving on the road with an oil leak.

Lori Andreas, 23221 Ottawa Ave., Lakeville. Has been a member since 2000. By placing the church along the roadway, it becomes like a security blanket. It will light the area at night, it will create serenity, it will be a place to see. It will be a beacon to distinguish the turn from a distance.

The Planning Commission reviewed the comments and addressed the issues.

Mike Greco- Mr. Estrem had questions about the rain runoff since some of the property is tiled and drains onto his property. Mike Greco asked if the applicant is aware of the tiling issues and where the drainage is, and how the drainage fits into the retention ponds and stormwater control on the site.

George Kohler- There is tiling that runs through the corner of the property that will not be disturbed. The water will drain westward, flowing under the existing culvert under Dodd Blvd. There are rain garden features in the parking lot. Wetland issues are being discussed with the Vermillion River JPO and the MPCA to ensure compliance to their regulations.

Russ Matthys- 13594 Pilot Knob Road, Apple Valley. He is the Engineer for the project. The runoff from the parking lot would run around the perimeter of the site to allow for adequate penetration. It would then run south along Dodd Blvd through two major rain garden features before entering the wetland area and then the culvert under the road and into the wetlands on the other side of the road. It would flow into an existing creek.

Mike Greco- under Township and County rules, a permit is need from the North Cannon Watershed, as well as approval from the Vermillion River Watershed.

Russ Matthys- An additional permit is required from the Minnesota Pollution Control Agency.

At 10:09 pm the public hearing was recessed. The hearing resumed at approximately 10:25 pm.

Kenny Miller- The stormwater permit. Is it a stormwater permit for construction?

Russ Matthys- The PCA permit is a stormwater permit for construction. The Vermillion River JPO requires that runoff meets their characteristics. The water runs off into the Vermillion River. The Vermillion River is designated as a “special waters” by the State of Minnesota. There are additional requirements for flushing of particles from the runoff. Soil borings will determine infiltration of the soils.

Trevor Oliver- Typically a Storm Water Plan engineer would do a 25-year and a 100-year storm event study. The work would be done to the specifications in the plan.

Mike Greco- The wetland across the street, do we know what the capacity of the wetland is? This is in reference to the comment about washing out the road on 250th St.

Russ Matthys- I do not know. Are you asking as far as taking an additional flow? Part of the purpose for retaining a 1-inch rain event on the site is also to help retain drainage from the site that currently exists, so that there is not an increase of rate of water from the site, or the quantity of water coming off the site. There should be no net rate or quantity increase.

Mike Greco- The Planning Commission acknowledged the public comments concerning the comprehensive plan compliance. Planning Commission members had no comments at this time.

Driveway permits- Additional permits that are required will be obtained before the building permit is issued. There are a number of items that will be required to be obtained before development occurs, including a driveway permit from the County, approval from the Vermillion River JPO in terms of their watershed plan, approval from the Township for the North Cannon Watershed requirements, building permits for the building and storage shed, etc.

Nonprofit status as a church- The Planning Commission has the letter of accreditation from their accrediting organization. The Township does not have a definition for church in its ordinance, so we default to State Statute for a definition. Exhibit 11 would meet the definition of a church. The applicant has gone beyond that to show that they are a nonprofit corporation.

Trevor Oliver- You need to stay away from trying to define it too tightly for obvious reasons. Tax basis and the accreditation letter both demonstrate that they are a church. Meeting the State's statutory requirements for compulsory education qualifies them as a school, and is enough proof for the Township.

Mike Greco- Parking- It is reduced to 100 parking spaces. Lighting- The Planning Commission is aware of the lighting. The landscape architect, Sherri Buss, reviewed the lighting plan (Exhibit 24, 15, and 16 referenced). Ms. Buss suggested some additional conditions that the Planning Commission can discuss later.

Concerns with the size of the church-The Planning Commission understands concerns regarding the size of the church and the long-range plan for the church, but what is before the Commission in the application is for a building of a particular size and a particular capacity. The township does not need to approve a larger version down the line. The conditional use permit would indicate very clearly that any additional buildings or additions would require an amended conditional use permit, which would require another public hearing.

Trevor Oliver- The permit will be specific about what type of building will be allowed. The findings and recommendations, and the permit itself, will refer to the site plan as far as dimensions, capacities, etc.

Mike Greco- Traffic and crashes. Traffic will increase. However, absent information that shows additional traffic generated by this use is going to increase the risk of traffic accidents or the turn lanes will not be adequate for the traffic flow, this is not a basis for not approving the use. The Planning Commission is trying to identify conditions that will mitigate the impact of the use, such as the addition of turn lanes. The County regulates the driveway location and they are in favor of the proposed shared access. Both the Township and the County feel the applicant is doing everything possible to mitigate the traffic impact on the road.

Sharon Buckley asked for clarification of the accessory building. Exhibit 13 defines a 32'x 36' pole building. A 20'x 40' building was mentioned by Mr. Kohler. It is pretty clear that the accessory building needs to meet the setback requirements. Mike Greco- In his presentation, George Kohler proposed a 20' by 40' building to meet setback requirements. A1 needs to be modified to show the updated dimensions. Mr. Kohler confirmed this response.

Mike Greco asked if there was additional public comment.

Mike Kalbfell- 9794 250th St W. Lakeville. Did you find about hunting, shooting and target practice? There are people that use this area for these types of activities. Will a school have an affect on these activities?

Trevor Oliver- There is nothing particular about the school that will affect a person's ability to use a firearm on the neighboring property. There is a federal school zone, 1000 feet from a school property. However, it exempts having or shooting a gun on private property, whether you are the

owner of the property or not. The state gun law has a 300-foot school zone. If it is your own property, you are exempt, and it only applies to reckless discharge of a firearm. There are no federal, state or local laws barring anyone from having a weapon on private property right up to the property line. There is nothing prohibiting a person from discharging a weapon, even right up to the property line. Putting in a school or church is not going to make the surrounding properties a weapon-free zone.

Mike Kalbfell- I am concerned that they will hear gunfire and may be concerned.

Kenny Miller- Township ordinance requires a 500' buffer zone around a residence.

Trevor Oliver- The township ordinance is 500' from the building. The building is basically located 500' or more from the property line. If there is an overlap area, the ordinance would apply to that area. But this would be true whether it is a church, a house, or a school.

Mike Greco- The applicant should be on notice that they will hear gunfire in the township.

Beth Eilers- They don't have a driveway permit for the driveway. At what point do they need to get the permit. Has the county seen the plans for the shared driveway and have they approved the plans? Have they approved the driveway access? There is a busy intersection near the access. (Dodd Blvd & 250th St). The intersection will be affected by the increased traffic. I have concerns with the accessory building. It was mentioned at the last meeting that Malwitz had offered to store equipment. Persons at the last meeting had no idea that there was going to be an amendment to the permit for a new building. I also have concerns over the use qualifying as a church. I have concerns over the water runoff and the capacity of the wetlands across the street of the site. Will it be overburdened with additional water? We have questions for the County, the Vermillion River Watershed, and other organizations. They should be present tonight to answer these questions.

Mike Greco- The applicant will apply for these permits when they apply for the building permit. They will be part of the conditions of the permit. All permits need to be applied for and requirements met before the building permit will be issued. Mr. Oliver, is the addition of an accessory building to the application at this point a problem?

Trevor Oliver- No. An accessory building of this type does not require a conditional use permit. It is good it is on the site plan. It can be included in the CUP. If they came in at a later date and asked to place a storage shed, this request would not be amending the CUP, it would be an accessory use.

Nancy Sauber commented that at the public hearing on February 19th, the applicant was told if they wanted to have their own storage, that it needed to be added to the plan, along with the playground area.

Mike Greco- Demonstrating that the use is a church. Trevor Oliver- The conditional use is based on it being a church. The Township has the mandate from the federal government that we cannot discriminate in our land use decisions based on religious affiliations. It is a church. They have

shown some affiliation with a larger group. The building is being used as a church. If at some time in the future it is not being used as a church, it will be a violation of the CUP.

Mike Greco- Water runoff. This will be addressed with a condition that there will be no net quantity increase in water runoff from the site.

Stipulating that the building can't be larger than a certain size. A condition such as this would have no effect since the applicant could simply come in for an amendment to the CUP and ask that this condition be amended.

Trevor Oliver- That's correct. Future size is not a valid criterion to reject an application.

Chair Mike Greco asked three times for any additional public comment. Hearing no additional public comments the public hearing was closed at 9:41 pm.

The Planning Commission recessed for 10 minutes.

At 9:55 pm the Planning Commission reconvened. The Planning Commission tabled regular Planning Commission business to move forward with consideration of the conditional use permit application.

April 4, 2008 is the 60-day rule date that the township needs to adhere to without needing to request extensions.

The purchase agreement for the property has three contingencies. Inspection, land use approval, and financing. Closing is to be not later than April 30, 2008.

The Planning Commission reviewed the Finding of Facts on the application, with reference to Ordinance 3, Chapter 4, Section 13- Conditional Use Permits.

"A. Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:"

The applicant's response to each criteria, which were submitted with the original application, were discussed.

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

Applicant's response: *The establishment of Glory to Glory Christian Center (Glory to Glory), including a church and small private school, in Eureka Township will not create a burden on the existing public facilities. The average Sunday attendance is approximately 130 individuals from 50 families. Glory Academy has a staff made up of a principal, an administrator, 4 teachers and 2 assistants. It currently serves 26 students.*

- a. *It is our plan to develop play areas and sports fields on the site and therefore not to rely on such public facilities.*
- b. *Glory to Glory's facilities will utilize private well and septic systems on site. Its demands on electric, telephone and internet services should be easily met by providers serving this area within their current capacities and infrastructure.*
- c. *Access to the site will be from Dodd Road, which we understand can easily accommodate the relatively small incremental increase in traffic generated by them.*

Planning Commission discussion: There are no park facilities within the Township so it would be difficult to overburden them. Dakota County will require the installation of turn lanes and encourages the use of a shared driveway to access the use (reference to Exhibit 10 and letter from County dated February 7, 2008). Sharon Buckley asked if they have anything from the County verifying in writing that they will alter the structure of the road to include the turn lane and bypass lane at the owner's expense.

Trevor Oliver- since Dodd Blvd is a County road, the Township will not be issuing the permits. The requirement to obtain the permits can be part of the conditions, but the Township should not place conditions on the County permits.

The Planning Commission wanted to make sure that the landowner will be responsible for all costs in upgrading the road.

2. The use will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.

Applicant's response: *The property is currently used for cultivating agricultural crops. The developed site will include landscape plantings, wetland and rain garden areas, and at least 200 new trees to enhance existing screening. There will be nothing to deter development of neighboring properties. In fact, the site access and driveway at the northwest corner of the site will eventually serve as shared access to future development of adjacent property north of the site.*

Planning Commission discussion: To prevent the impact on the neighborhood, the Planning Commission will require the use of trees for screening of the building and the lighting. There are conditions that need to be set to meet this requirement. The

applicant was asked to revise the landscape plan in response to some comments at the public hearing.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.

Applicant's response: *The structure, site layout and landscaping will have an appearance that will enhance the area and will not have an adverse effect on adjacent properties.*

Planning Commission discussion: Landscaping conditions will be imposed for screening and aesthetic purposes on the west and north side of the building. Lighting pollution will be minimized with buffers. The Planning Commission heard no factual evidence of an adverse effect on adjacent properties.

4. The use is reasonably related to the existing land use.

Applicant's response: *Glory to Glory use of this land for a church and private school are acceptable uses for property in the Agricultural District. (see #5 below)*

Planning Commission discussion: This property is zoned Agricultural. This is an allowable conditional use in the Agricultural District.

5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant's response: *The requested use of this land for a church and private school are allowable "Conditional Uses and Structures" under Eureka Township Ordinance 3, Chapter 2, Section 1.C, as amended August 13, 2007.*

Planning Commission had no additional comments.

6. The use is not in conflict with the Comprehensive Plan of the township.

Applicant's response: *It is our understanding that the proposed use is not in conflict of the Eureka Township Comprehensive Plan.*

Planning Commission discussion: There are some environmental issues that need to be dealt with to meet this requirement. Engineering for a 100-year storm event. No net quantity increase in runoff from the site. The stormwater requirements from the Vermillion River JPO and North Cannon Watershed.

Does the Comp Plan reference to rural environment and moderated growth have relevance? Is this use incompatible with the rural environment? There are two existing churches and two schools in the Township. It is an allowable conditional use, so it is consistent with land uses permitted in the township. Aesthetically the applicant is making an effort to provide a rural look to the use through landscaping

and building materials. The landscape architect made suggestions for changes in the landscape plan to enhance the rural look.

7. The use will not cause traffic hazards or congestion.

Applicant's response: *The use will not cause traffic hazards or congestion. It is our understanding that the Dakota County Highway Department will require the property access to include right hand turn lane for the north bound traffic and a left turn bypass lane for the south bound traffic on Dodd Road. It is our intension to fully comply with Highway Department requirements to safely handle traffic in and out of the property at the Dodd Road access.*

Planning Commission discussion: A recommended condition will be that access includes a right turn lane and a left bypass lane. The applicant will pay for the road reconstruction. This is not something that should be paid for by the tax payers of the Township.

The sign will not have flashing or moving words, as this is a potential for a traffic hazard.

The sign application could be treated as a separate CUP. It has a different deadline as the initial application. Or, it can be rolled into the current conditional use permit.

The Planning Commission asked Mr. Oliver to prepare the Finding of Facts consistent with the discussion at tonight's meeting.

The Planning Commission then discussed recommended conditions for the permit:

1. Annual review to establish ongoing compliance with ordinance and conditions.
2. To continue to qualify as a "school" under township ordinances, any school operating under the CUP must, as part of the CUP annual review, demonstrate compliance with all applicable Minnesota state reporting requirements for nonpublic schools for the previous school year.
3. To continue to qualify as a "church" under township ordinances, any church operating under the CUP must, as part of the CUP annual review, demonstrate certification as a church by a recognized accrediting organization.
4. The maximum occupancy of the building shall be established by state code.
5. No building on the property shall be used as a temporary or permanent residence.
6. Normal operating hours shall be 7 am to 10 pm Sunday through Thursday and 7 am to 11 pm on Friday and Saturday.

7. Before grading or construction may begin on the site, a Land Alteration Plan for the site shall be submitted to the Vermillion River Joint Powers Organization in accordance with their Land Alteration Plan Review Process. Grading or construction shall not begin until the Land Alteration Plan has been approved by the local government unit responsible for enforcing the Vermillion River Watershed plan. Obtaining North Cannon Watershed permit and NPDES permit should also be added to this condition.
8. Before the school or church may begin operation all applicable, local, county, state and federal permits shall first be obtained and a copy provided to the Eureka Town clerk. North Cannon Watershed permit also needs to be obtained. The Township has adopted this ordinance for the entire Township. This would be a local permit. Trevor Oliver should add this language.
9. Upgrades to Dodd Blvd, such as turn lanes and bypass lanes, shall be at the expense of the applicant.
10. The individual sewage treatment system plan shall be reviewed by the Dakota County Water Resources Office to ensure the size of the system is appropriate for the site and for the proposed use.
11. Lighting must adhere to the lighting plan (exhibit A1) as presented. Lighting must be turned off within one hour of closing, except for security lighting.
12. Sign shall have no moving, LED or electronic text. The sign will be internally illuminated of the type shown as examples “B” or “C” on Exhibit 14.b.
13. 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.
14. No gambling or use of liquor shall be permitted on the premises at any time.
15. Any future expansion—including additional signs, buildings, structures, parking lots, access routes, lighting, and or additions to existing structures—shall require an amendment to the CUP following procedures established by township ordinances. Trevor Oliver was asked to look into this condition to see if all these items are covered. A classroom trailer—is this an expansion of the use or an accessory use?
16. Landscaping plan was reviewed by Sherri Buss. See Exhibit 7 and 21. The Planning Commission discussed options presented by Sherri Buss. A copy of the recommendation was given to Russ Matthys. The discussed changes will be incorporated into the landscaping plan. Concerns over headlights shining onto neighboring property were discussed. The lay of the property and distances to adjoining property was noted. Mr. Malwitz owns the property adjacent. Mr. Malwitz wishes to farm the property to the property line and is not concerned with the screening of the property. This information will be sent to Sherri Buss for consideration of screening of the property to the north. The applicant will present a

revised landscape plan before the scheduled meeting on Wednesday, March 5, 2008. Landscaping will be consistent with the approved landscaping plan (L1). The owner is responsible for maintenance of plantings and replacement of dead plantings.

17. The Site Plan must be revised showing the storage building meeting the setbacks requirements. The use will be consistent with the approved site plan (A1), and Exhibit 4 and Exhibit 19.
18. Engineering the site to handle a one-hundred year storm event.
19. No net quantity increase for stormwater runoff for the site. Number 18 & 19 may be covered under the required stormwater permits. Trevor Oliver will check into these two items, whether they need to be listed as conditions or are included in other permits.

Attorney Trevor Oliver will put together a draft of the conditions discussed at tonight's meeting.

Planning Commission discussion of the Glory to Glory CUP application ended at 12:17 am March 4, 2008.

The regular Planning Commission meeting was recessed, and will reconvene on Wednesday, March 5, 2008 at 8:30 pm.