

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Planning Commission Meeting of February 1, 2016**

**Call to Order**

Chair Sauber called the meeting to order at 7:00 PM. In attendance were: Chair Nancy Sauber, Vice Chair Lu Barfknecht, Commissioner Donovan Palmquist and Commissioner Randy Wood. Commissioner Fritz Frana was absent. Supervisor Carrie Jennings 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**

Additions to the agenda were made as follows:

- Under Old Business – add “Forms” and “TKDA” “Transfer of Building Rights”
- Under New Business – add “Annual Meeting Planning Commission Report” and “Ordinance 7 Corrections”
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Two meetings not listed on the Agenda are February 4, Special Town Board Meeting, and February 9, 2016, Comprehensive Plan Review and Solar Ordinance. On February 9<sup>th</sup> for a half hour before the meeting, the Planning Commission will take comments from the public with the planner from TKDA.

Motion was made by Chair Sauber and seconded by Vice Chair Barfknecht to approve the agenda as amended. Motion carried 4-0.

**Land Use and Zoning Items**

**Wayne and Candace Hallcock – 5319 280<sup>th</sup> Street West, Northfield, MN (represented by Eric Ruud, 2088 270<sup>th</sup> Street West, Randolph, MN, Top Notch Properties and Realty Services, 401 Oak Street, Farmington, MN) – Lot Split Application and Application for Conditional Use Permit.**

Mr. Ruud is working with Wayne and Candace Hallcock on a partial lot split, as well as a variance on building setbacks. Mr. Ruud stated that the partial lot split meets the requirements based on lot size. The Hallcocks request to split off 2.35 acres. They will keep a house and a shed and sell off some sheds and a house on the property.

Two sheds are closer than the 30-foot setbacks that are allowed. The Hallcocks have 47 feet between the two sheds and one could be made compliant—they would look for a variance on the one to split off permanently.

Mr. Ruud stated that there are three parcels, the land, Parcel A, and Parcel B, with three separate PID numbers, but not particular to size. There is no specific acreage depicted of any parcels. The Hallcocks want to identify the acreage as shown in the survey, but are only splitting off Parcel B at this time.

Chair Sauber stated that putting in the PID number and getting the 79.70 acres shows that the county has no record of any subdivision. She stated that Parcel A of 79.70 acres is the property (PIN#13-03600-51-023), and Parcel B of 2.35 acres is to be split from Parcel A. It is not accurate from what the form says. Parcel A on the survey is confusing. Parcel B should not have a PID number until it gets split. Mr. Ruud stated that Parcel B does have a pin number but has no acreage listed. The survey shows something different and has to be corrected.

Chair Sauber asked Mr. Ruud if he had read the Ordinance. She stated that if Mr. Ruud were to draw the property line 30 feet from the sheds, and do whatever is needed to make it still 2 acres, that would be in keeping with the Ordinance. The Ordinance states, "*The landowner must show that the variance is necessary to alleviate practical difficulties or particular hardship resulting from strict application of the ordinance*". "Practical difficulties" as used in connection with the granting of a variance means:

1. The property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property, not created by the landowner or a previous landowner;
3. The variance, if granted, will not alter the essential character of the locality.

Chair Sauber stated the Planning Commission would not recommend granting a variance for this property because the Hallcocks are creating their own problem by drawing the property line where they are. That would not meet the criteria for granting a variance.

The Planning Commission can give a report to the Board, but due to the circumstances they would not recommend the Board grant this variance, as it does not meet the criteria listed in the Ordinance. If the variance were to go ahead to the Town Board, the Board would have to hold a Public Hearing as the Board of Adjustments and Appeals, and that is usually done before their regularly scheduled meeting. It could not be done this month as there is not adequate time for a notice to be put in the paper and letters to go out to the neighboring residents.

There was also some discussion on Ag Preserve.

Chair Sauber stated that the Planning Commission would recommend to the Board that they do not grant this variance, as the difficulty is not unique and that the landowner is creating their own issue. In order to do the lot split, they need to consider if there is another way they can split off the acreage and still meet the setbacks. The Planning Commission will report to the Board and see if they agree.

The Hallcocks need to put in writing that they are withdrawing the variance request, having it signed and dated so that our Treasurer can release the check back to them.

**Real Tree church – Delano and Jennifer Tonsager, 26301 Galaxie Avenue, Farmington, MN** – Lot Split Application and Application for a Conditional Use Permit.

Chair Sauber stated that the website shows Parcel A as 73.92 acres instead of the 72.93 as stated on the Lot Split Application. That error would need to be corrected. There are a number of questions including whether or not the CUP for the Ag Feed Store should be rescinded or vacated. Since this would be going from a taxable parcel to a non-taxable parcel we need to consult the Attorney. The Tonsagers also need a site plan that shows all the information the Planning Commission needs to have and that is typically on the survey. The site plan needs to show the well and septic, the additions to the building, and the setbacks from the proposed building to the proposed property line. The site plan also needs to show parking spaces and how many, how it will be surfaced, what type of lighting. The Township might require downward hooded lights, since you are getting a new CUP. The old CUP did not have any conditions on it at all.

The Planning Commission could go ahead with the lot split, but the CUP application is not complete and the Planning Commission is in agreement.

The Deputy Clerk will send the Tonsagers a letter stating that the CUP application is not complete and they need to show the requested items on the site plan. If the Tonsagers want to put in a sign, the Planning Commission would need a sketch of the sign. If the Church wants to light it, this would be the time to do it because a lighted sign requires a new CUP. Also need to provide information on the dimly lit cross.

Once the application is resubmitted to the Clerk and she verifies that all the information asked for is on the application, it would be considered a complete application and it would come back to the Planning Commission. The Planning Commission would look through the application and then set the date for a public hearing. All the information is on the checklist. It just needs to be put on the site plan. All measurements need to be noted and drawn to scale. The Planning Commission would also request you check with the county to see if they would require a turn lane, and have a letter from them when you

resubmit the application. For the public hearing the Planning Commission needs to have it published 10 days before and letters need to go out to the neighboring residents. Once the application is resubmitted and is complete, the letters can go out. The Clerk will not have to wait for us to review it again.

The Tonsagers will need to resubmit the CUP application with the following information:

- Site Plan (drawn to scale)
- Show well and septic placement
- Additions to the building with measurements and setbacks from each building to the property line
- Parking lot location and number of spaces and how will it be surfaced
- Where is the current lighting and what type of bulbs – The Township may require a downward hooded light
- Type, location and setbacks of sign and how will it be lit. This would be the time to submit lighting under this CUP, because if you wait to light it later on, a new CUP would be required for a lighted sign.
- Information and location of dimly lit cross—all measurements to be noted
- Letter from the county determining if the church will need a turn lane or not, as it is on a County road.

Chair Sauber made a motion to recommend to the Board that they approve the lot split application from Delano and Jennifer Tonsager for PIN#13-02200-52-011, which is 72.93 acres and they are splitting off 2 acres—the legal description for Parcel A is included on their Ag Preserve application and the survey is showing the two acres to be split off. Commissioner Wood seconded the motion. Motion carried unanimously 4-0.

### **Town Board Liaison Report –**

Supervisor Carrie Jennings listed the highlights from the Town Board draft minutes.

### **Old Business**

#### **Fence Setback Ordinance Review**

Chair Sauber to meet with the Attorney on February 23, 2016, to discuss how to meld state statues and our Ordinance. There are a number of questions concerning the Fence Ordinance. Will bring to Planning Commission in March and then schedule a public hearing.

**Recodification Review** –Public Hearing was held on January 27, 2016, and the Planning Commission gave the Board the changes, but wish to wait for the fence and sump pump ordinances. There were a couple things that Chair Sauber noted were not on the electronic copy.

- Ordinance 1, Chapter 4, the definition for Variances still says “undue hardships” instead of “practical difficulties”
- Ordinance 3, Chapter 3, Section 7, A4 –suggested it state “wetland determination”, rather than “assessment”
- Ordinance 3, Chapter 4, Section A5 – two commas are missing after 1982, and need to be put in.

Changes to be forwarded to Attorney by Deputy Clerk.

### **Comp Plan and Solar Energy Systems Ordinance**

Planning Commission to meet on February 9, 2016, with Sherri Buss. Request to the Board for a 6-month extension to the moratorium.

### **New Business**

**Data Revision – Building Permit Application Form** –Under Type of Work, it should say, “*check all that apply*” instead of “*check one only*”. Under Type of Structure, add a box for “*Single-family residential remodel*”. Also to include for Non-Ag Accessory Building- Ordinance 3, Chapter 4, Section 7C – “*The maximum area of all accessory buildings shall not total more than 5,000 square feet on 2-5.999 acres and not more than 10,000 square feet on 6-10.999 acres.*” The Deputy Clerk will check for a separate remodeling and addition building permit application. The old 200% of primary structure should be replaced. Since this covers addition and remodeling/Building-it does not need to have planning commission approval, as it is an over the counter permit—only zoning official and building administrator signatures. No changes to be made yet but Chair Sauber requested the form be put in packets for the March 7, 2016, meeting.

**Annual Meeting Report** – Presentation to include number of building permits, TBR’s, ordinance work, and public hearings.

**Ordinance 7 Corrections-** With a variance application, the Planning Commission can give a report and the Town Board, as the Board of Adjustments and Appeals, can hold the public hearing before their next meeting. There would be no additional fees incurred. The fee would only be needed for sending out the letters to residents within 1,000 feet. Chair Sauber stated the Township is asking too much money (\$600) for fees. The Township would still ask for escrow, in case there are any engineering fees incurred. It does not need to be posted in the paper, only posted 10 days in advance at the Town Hall. Chair Sauber to bring to Board’s attention at the next Board meeting.

### **Minutes**

#### **January 4, 2016 – Planning Commission Public Hearing – Sump Pump Draft**

**Ordinance** – Vice Chair Sauber made a motion to approve the minutes of January 4, 2016, for the Public Hearing of the Sump Pump Draft Ordinance as submitted. Vice Chair Barfknecht seconded. Motion carried unanimously.

**January 4, 2016 – Planning Commission Meeting** – Chair Sauber made a motion to approve the meeting minutes of the January 4, 2016, Planning Commission meeting as amended.

Commissioner Palmquist seconded the motion. Motion carried unanimously.

**Adjourn**

Chair Sauber made a motion to adjourn the meeting. Meeting adjourned at 8:10 PM.

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk  
Eureka Township

*Meeting Minutes approved as amended on March 7, 2016.*