

EUREKA TOWNSHIP PLANNING COMMISSION

PUBLIC HEARING

March 27, 2014

Planning Commission Chairman Lu Barfknecht called the March 27, 2014 Planning Commission Public Hearing meeting to order at 7:01 p.m. Planning Commission members present: Lu Barfknecht, Carrie Jennings, Butch Hansen, Fritz Frana and Allen Novacek. Clerk/Treasurer Linda Wilson recorded the minutes.

Agenda: Consider an application for a Conditional Use Permit
at 22222 Dodd Blvd. for a Living Waters Church

Audience members: See attached attendance sheet

Chairman Lu Barfknecht explained the rules and policies in conducting the meeting to audience members. The purpose of the meeting is to take public testimony, gather the information and reconvene at a later time to make our recommendation to the Town Board.

Scott Peterson Living Water Church

Scott Peterson, pastor of the Living Waters Church began the Public Hearing. The Living Waters Church currently meets in Lakeville at the Kenwood Middle School. Living Waters began in 2001 and is affiliated with the Minnesota Iowa Baptist Conference and Converge Worldwide. The ministry is looking for a more permanent site to establish a church as they have been renting space since they began their ministry and they would like to expand the ways they can serve and support the people of the community better. Living Waters provided a handout with information about the church, who they are as a church; their mission and an outline of the programs they are currently conducting.

At the previous public hearing the Planning Commission felt that there were additional items relating to the site plan and application form that needed to be clarified. Pastor Peterson provided the Commission with the Certificate of Survey and sight development plan.

Nancy Sauber – 9445 225th St. W.

Nancy Sauber agreed that she and her husband are in support of the use, it is a good use for the property given the location and it is a permitted use.

She made reference to Page 2 number 5 of the documents presented that a correction needed to be made to say conditional use, not non-conforming use. Nancy again requested that the Planning Commission have one of conditions be that no one is living there, they are not proposing to live there but if they should in the future propose to have a Pastor live there, she was not against that but would be a good opportunity for the Township to be aware of change and place any additional conditions which it may need at that time.

Bob Ruddle – 3646 130th St. E. Dundas

Bob Ruddle, adjacent property owner addressed the Planning Commission with questions pertaining to zoning on the property. He was concerned about the size of the building if changed from the current structure, adequate sewer and water needs. He was opposed to having a church on the property.

The Chairman asked if there were any other public comments three times.

A motion was made by Butch Hansen to close the public hearing. Motion seconded by Lu Barfknecht. Motion carries by unanimous vote.

Chairman Lu Barfknecht closed the public hearing at 7:20p.m.

PLANNING COMMISSION MEETING FOLLOWING THE PUBLIC HEARING NOT PART OF THE PUBLIC HEARING MINUTES 3-27-2014

Chairman Lu Barfknecht opened the discussion period at 7:22pm to discuss the public testimony and public hearing for the CUP for 22222 Dodd Blvd.

Fritz Frana asked Mr. Ruddle why he was opposed and what were his concerns. Mr. Ruddle addressed the Commission: he had concerns on Traffic issues; didn't feel the buildings currently on the property were a church environment; would there be half-way housing; problems with youth, would someone be living on the property. The Planning Commission indicated that the Township ordinances would need to be followed in whatever uses the Church would request for the property.

Fritz Frana asked Pastor Peterson if the church had any issues in the CUP that Glory to Glory had and he indicated that it was very thorough it had been a useful guide. He also asked if they had any church vehicles that would be stored on the property, Pastor Peterson indicated they only used their bus a couple of times a year and that it was stored off site unless provisions were acceptable on the property.

Hours of operation were discussed and clarified for the members. Pastor Peterson reinforced that no one would be living in the house. They talked about putting in temporary turn lanes and working with Dakota County on the timing that the project will be done. Septic system issues – the house is on one system and up to code; the outer building has its own but needs to be updated and would be brought up to code.

Pastor Peterson asked if the Planning Commission would make their recommendation to the Town Board with all of their conditions in writing, it's approved under these conditions, give us the guidelines and they will be followed so we don't have to come back again to address more issues.

The Planning Commission took the CUP from the Glory to Glory Church and did a comparison for Conditions of approval for the Living Waters Church. All commercial codes will need to be followed.

Chad Lemmons, attorney presented the Planning Commission with the findings of fact from the public hearing and Conditions of Approval from the public hearing on December 5, 2013.

Conditions of Approval as compared and added to verbiage of the Glory to Glory CUP for Living Waters to follow.

1. On December 5, 2013 and March 27, 2014, the Planning Commission held public hearings. Town staff published a notice in the paper and sent notices to the surrounding property owners. The Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission also considered reports from the Town staff.

The Planning Commission has reviewed the criteria below and would make recommendation to the Town Board for approval the conditional use permit for the 22222 Dodd Blvd. Living Waters Church, based on the following conditions:

Approval is subject to the following conditions:

1. The Town Board shall review this permit annually.

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 between the hours of 7:00am to 10:00pm Monday through Sunday.
5. Before grading or construction may begin on the property, all County, State and Federal government and watershed applicable permits must be obtained.
6. No screening is required as a condition of approval.
7. 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 27, 2014, 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.
8. Before a Certificate of Occupancy is issued for the worship center they must construct and maintain a turn lane at their own expense until such time as the turn lane is replaced by reconstruction of Dodd Blvd.
9. 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.
10. Before any use approved herein may commence operation on the property, the property owner shall have the individual sewage treatment system plans reviewed by the Township Septic Inspector 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.
11. Outdoor lighting must be turned off one (1) hour after closing except for approved security lighting.
12. Church or school buses, vans, and trucks shall be stored in buildings or properly screened except temporarily for the purposes of loading or unloading.
13. No gambling or use of liquor shall be permitted on the premises at any time. **Commission did not decide to keep or not put it in.**
14. 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.
15. The sign shall adhere to the current Township permit ordinances.
16. The landscape shall be subject to monitoring by Town staff to ensure maintenance.

Butch Hansen made a motion to draft the Findings of Fact and Conditions for Living Waters Church to be reviewed at the April Planning Commission meeting to be forwarded to the Board for their approval. Motion seconded by Allen Novacek with the addition- we wouldn't necessarily be forwarding it as it is drafted; there may be a change in the process. Chad Lemmons added - final recommendations to the Board. Butch accepted the additions. Butch withdrew his motion so he could restate.

Butch Hansen made a new motion to revisit this at the April meeting to come up with a final draft and final recommendations for conditions to be forwarded to the Board. Allen Novacek seconded the motion. Carrie Jennings added that they are going to compile the two different sets of recommendations into one final list for approval. Butch Hansen again withdrew his motion.

A motion was made by Carrie Jennings that we compile the conditions discussed tonight for final approval at the April Planning Commission meeting. Motion was seconded by Lu Barfknecht. Motion carries by unanimous vote.

Butch Hansen made a motion to adjourn. Motion seconded by Carrie Jennings. Motion carries by unanimous vote.

Meeting adjourned at 9:15pm

**PROPOSED FINDINGS OF FACT
REGARDING LIVINGS WATERS CHURCH
APPLICATION FOR CONDITIONAL USE PERMIT**

Criteria No. 1: The use will not create an excessive burden on existing parks, schools, streets, or other public facilities and utilities which serve or are proposed to serve the area.

Findings: The use will not create an excessive burden on existing parks, schools, or other public facilities and utilities which serve the property. The proposed turn lane should alleviate any traffic burden created by the proposed use.

Criteria No. 2: The use will be sufficiently compatible or separated by 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.

Findings: The proposed use is sufficient and compatible with and separated by an adequate distant from adjacent agricultural and residential uses. As a result, the proposed use will not depreciate the value of existing properties or deter their development of surrounding property.

Criteria No. 3: The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.

Findings: The existing structures and landscaping are compatible with surrounding properties.

Criteria No. 4: The use is reasonably related to the existing land use.

Findings: The use is reasonably related to the existing land use. Use of the property as a church and offices are an allowable conditional use and are reasonably related to an existing land use.

Criteria No. 5: The use is consistent with the purpose of the Zoning Ordinance and the purpose of the Zoning District in which the Applicant intends to locate the proposed use.

Findings: Ordinance 3, Chapter 2, Section 1C allows for churches as a conditional use in an agricultural district.

Criteria No. 6: The use is not in conflict with the Comprehensive Plan of the Township.

Findings: The use is not in conflict with the Comprehensive Plan of the Township. With the Application and the conditions set forth below, the proposed use will be compatible with the rural character of the land use in the Town. The proposed use will comply with the goal stated in the Comprehensive Plan for Environmental Stewardship and Natural Area Protection.

Criteria No. 7: The use will not cause traffic hazards or congestion.

Findings: Subject to construction of a turn lane, the proposed lane will not cause traffic hazards or congestion.

Conditions of approval:

1. This approval is conditioned upon the Applicant demonstrating to the satisfaction of the Planning Commission and Town Board that the following conditions have been met:
 - a. Construction of the turn lane pursuant to plans approved by the Town;
 - b. Compliance with approved building plans and specifications;
 - c. The Town Board shall review this Permit annually;
 - d. Use of the buildings depicted on the site plan shall at all times adhere to maximum occupancy standards as determined at the time a certificate of occupancy is issued;
 - e. No building on the property shall be used as a temporary or permanent residence;
 - f. Before grading or construction may begin on the property, all applicable county, state, federal and watershed permits must be obtained;
 - g. The Town Engineer shall review and determine approval of all final construction and engineering plans. Construction and engineering shall follow the site plans, elevation, landscape plan and lighting plan submitted to the Planning Commission as of March 27, 2014 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;
 - h. Before a certificate of occupancy is issued for the Worship Center, the occupant must construct the turn lane, and maintain the turn lane at Applicant's own expense until such time as the turn lane is replaced by reconstruction of Dodd Boulevard by Dakota County;
 - i. Before any use approved herein may commence operation upon the property, applicable permits and approvals shall be obtained and copies of the same provided to the Town Clerk;
 - j. Before any use approved herein may commence upon the property, the property owner shall have the individual sewage treatment system plans reviewed by the Township septic inspector to ensure the size of the system is appropriate for the proposed uses and protected capabilities. The Applicant shall also install a water flow metering system to monitor water usage on the site; if recommended by the Township Septic Inspector.
 - k. Outdoor lighting must be turned off by midnight or one (1) hour after activities stop except for approved security lighting;
 - l. Any school bus, van or truck owned or operated by the church shall be stored in buildings or properly screened except temporarily for the purpose of loading or unloading;
 - m. Any proposed additions, modifications or alterations to the property following the commencement of approved use of operation shall be presented to the Town Board. If the Board determines that formal modifications of the approved conditions are required, the property owner shall submit an application in accordance with the Town Ordinances in effect at the time of application;
 - n. All signs shall adhere to the Township Permit Ordinances in effect at the time application to construct or place a sign is made;
 - o. The landscaping of the property shall be subject to monitoring by Town staff to ensure maintenance.