

Un-Official

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of January 21, 2016

Athens Township Government Center

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 p.m. by Chairman Lyle Reynolds. Members present were Jake Carpenter, Marlys Balfany, Lyle Reynolds, Cindy Anderson, Craig Bjorklund and Dave Henderson. Absent was Dan Woodfill. Also present were Jim & Carolyn Braun, Staff Members. (*For the guest list see enclosed*)
3. *Approve Agenda:* Marlys Balfany made a motion to approve the agenda as presented, seconded by Cindy Anderson. Motion carried unanimously.
4. *Minutes of December 17, 2015:* A motion to approve the minutes as presented was made by Dave Henderson, seconded by Marlys Balfany. Motion carried unanimously.
5. *Open Forum:* No one was on hand for the open forum portion of the meeting.
6. *Public Hearings:*
 - a. *Interim Use Permit – Steve Benolkin:* Steve Benolkin has applied for an Interim Use Permit to allow a home occupation to refurbish used motorcycle parts at 2345-261st Avenue Northeast, Isanti, Minnesota. Jim Braun told the Commission that Steve Benolkin has been reclaiming used motorcycle parts since he moved to Athens Township in 2002. Jim went on to say that Steve does not sell to customers over the counter at his site but sells parts over the internet or in newspaper ads. Steve then ships the items to the buyers by United States Postal Service or other forms of delivery services. Steve has been working from a steel accessory structure near his single family dwelling and in recent years has built a structure away from his dwelling in the trees that serves as a workshop, an office for his cycle parts business and his construction business and an area as a museum of sorts for his classic motorcycles that he has rebuilt over the years, (*Steve raced motorcycles professionally in the past*). The structure that Steve is moving his cycle venture into has a work space of approximately 1200 square feet.

Chairman Reynolds asked for comment from the audience:

Robert Svare, 26366 Xylite Street Northeast, commented that his property line is shared to the east with Steve Benolkin. Bob Svare said over the years that there has been a lot of noise from dirt bikes racing and traffic problems with the number of vehicles on the site at any one time. Bob Svare is also concerned about this property becoming more industrial/commercial than agricultural/residential. Steve Benolkin answered that he has in the past been working with two individuals that want to ride dirt bikes professionally. He also said that he has allowed some of his relatives to ride on his property from time to time. Steve mentioned that he was allowed to ride with friends two nights per week during certain hours. *(This was allowed by the Town board a number of years ago on the Stallberger property which is now owned by Robert Svare)* Steve would also like to apply for a permit to allow guest to ride on his property from time to time. Chairman Reynolds told Steve that he didn't think that there was any provision in the ordinance for such a permit. That request would be governed by the "nuisance ordinance" and the "mass gathering" part of the town code.

Marlys Balfany questioned Jim Braun about the part of his report that mentioned Steve Benolkin would like to have two swap meets per year. Jim Braun said that would have to be separate from the home occupation issue. Carolyn Braun commented that because Isanti County passed the "Rural Tourism Ordinance" and if the Township follows suit it may allow for a use such as requested (swap meets). Until the Township adopts some type of ordinance or approvals it would not be permitted at this time.

Dean Thompson, 2351-261st Avenue Northeast, questioned what driveway was going to be used for this business? Jim Braun replied that there will be no customers coming to the business so the driveway is a moot point. Any of his three driveways were prior approvals by Isanti County as the roadway is a County Highway. Lyle Reynolds said that the driveway situation is not an item for discussion in this application.

Dan Mujwid, 2051-261st Avenue Northeast, commented on parts of the Town Code that relate to protecting the agricultural nature of the Township. Dan went on to say that there are six pages of uses that are not agricultural in nature that are allowed. He went on to say that he could not find cycle parts sales as a permitted use. Jim Braun said that the use is a home occupation that is done in either his home structure or in an accessory structure. The type of business does not matter because it's confined inside of a structure. Dan feels that the Township should not allow any type of business venture within the township unless it's within a zone that permits it. Dan went on to say that he is a business owner and has his business in the City of Isanti and feels all businesses should operate the same way. Jim Braun remarked to Dan that in the 19 years that he has been the Zoning Administrator for the Township that there have been many approvals for home based occupations in accessory structures, such as cabinet shops machine shops and etc. Dan's final comment was that he didn't move into the Township to live in a business district.

Bob Svare wanted some kind of guarantee that this business would not turn into a retail operation sometime in the future. Jim Braun told him that there would be no retail sales allowed and if there were Steve would have to answer to the Commission as well as the Town Board.

1. The dedicated work area shall not exceed 1200 square feet.
2. One non-resident employee shall be allowed or members of the household residing on the premises may be employed in the home occupation.
3. No outside storage or open display of merchandise shall be allowed. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
4. All parking shall be contained on the site. Adequate off-street parking shall be provided.
5. No signage was requested or will be allowed without an amendment to the interim use permit.
6. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial use.
7. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
8. Hours of operation shall be 8:00 a.m. to 8:00 p.m. Monday through Saturday, for outside operations. Inside operations shall be 24 hours per day with no noise emulating from the structure.
9. Storage of used oil, by-products and etc. in approved containers and disposed of as per Minnesota State Laws.
10. Open to inspections by the Zoning Administrator from time to time.
11. Sales limited to online sales only. No retail over the counter sales will be allowed.

A clarification was made that this application does not include any approval for a swap meet or auction at this time as Town Code does not address this type of use at this time.

Jake Carpenter made a motion to approve the request for an interim use permit to sell motorcycle parts and classic dirt bikes retail by means of online only in an accessory structure with the eleven conditions mentioned.

A roll call vote was taken: Ayes: Reynolds, Anderson, Carpenter, Balfany
Nays: Henderson, Bjorklund

Motion passes, The Board of Supervisors will act on the request February 1, 2016.

7. *Old Business:*

- a. *Identify Comprehensive Plan Issues – Carolyn Braun:* Carolyn briefly reviewed the items that have not been completed for the comprehensive planning, including review of the transportation system and a discussion about potential changes to the zoning districts to allow new commercial areas. It was suggested that the site corner/intersection at 245th Avenue (in the industrial area) be included as an area that needs upgrading. These issues will be addressed in the next few meetings.

8. *New Business:*

- a. *Review Rural Tourism Ordinance.* Carolyn stated that the Town Board gave permission for her to work on this ordinance (and the ordinance for wineries) just the week before. She briefly discussed some concerns with the recently adopted county ordinance and stated that a draft for Planning Commission review would be available at the next meeting. Once the Planning Commission is comfortable with the draft, the proposed ordinance will be scheduled for a public hearing.
- b. *Review Farm Wineries, Craft Breweries & Micro Distilleries.* Carolyn indicated that this recently adopted county ordinance looks good and will likely only need to be incorporated into the town code format. A draft of this ordinance will be available for Planning Commission review at the next meeting.

9. *Miscellaneous.* None.

10. *Adjournment.*

A motion was made by Marlys Balfany, seconded by Dave Henderson to adjourn.
Motion carried unanimously at 9:15 p.m.

Respectfully Submitted

Jim Braun
Recorder Pro-Tem

