

Un-Official

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of March 17, 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 Lyle Reynolds, Cindy Anderson, Marlys Balfany Jake Carpenter, Ian Ebeling and Dave Henderson. Absent was Dan Woodfill. Also present were Jim & Carolyn Braun, Staff Members. Guests (See attached attendance sheet)
3. *Approve Agenda:* Dave Henderson made a motion to approve the agenda as presented, seconded by Marlys Balfany. Motion carried unanimously.
4. *Minutes of February 18, 2016:* The word quest was misspelled in the text, noted. A motion was made by Dave Henderson to approve the minutes as amended, seconded by Cindy Anderson. Motion carried unanimously.
5. *Open Forum:* No one was on hand for the open forum portion of the meeting.
6. *Public Hearings:*
 - a. *Emerald Estates 2nd Addition – Preliminary Plat:* Jim Braun described to the Commission the process that the application took, that met the Ordinance requirements.

On January 18, 2016, Craig Bjorklund submitted an application and fees for a preliminary plat for Emerald Estates 2nd Addition. This action was done two days before the four per forty became legally effective (legal provided from Isanti County News) The application was submitted under the two per forty regulations of the ordinance which allows the non-contiguous transfer of building rights from other parcels within the Township. Jim Braun pointed out on the plat map which parcels and sections the rights were to be transferred from and how many rights were available on each parcel.

A total of twelve rights are to be transferred to the Emerald Estates Addition Plat of which eight are to be placed on the west side of Highway 65 and four on the east side of the Highway. One building right will remain on all lands transferred from.

After checking the plat to make sure that the number of parcels did not exceed more than eight per quarter-quarter section, Jim made sure that all other aspects of the ordinance were met such as lot sizes and frontages.

After much research on the plat Jim felt that the application was complete. Next the legal notice was sent to the newspaper to assure that the correct number of days were given in the notice. Letters were then sent out to all the neighbors that surround the plat. A total of 42 parcel owners were notified which exceeded the 500 foot requirement of the ordinance, in fact the letters were sent out about ¼ mile around the plat. The public hearing was then set for the regular Planning Commission Meeting.

Because Craig Bjorklund was unable to attend the hearing Jim Braun introduced Blake Bjorklund and Kayti Bjorklund Strandlund who were at the meeting to answer questions on behalf of Craig Bjorklund. Jim Braun asked Blake & Kayti if they had anything to add and they said that Jim covered the request very well.

Questions about covenants were discussed. Carolyn Braun explained that the Township can require covenants but ultimately the controls in the covenants are between the developer and the purchaser of the lots, the Township does not enforce the covenants. Enforcement is done by the developer and later on by an association of property owners within the development. The type and size of houses can only be dictated in the covenants as Carolyn told the Commission that the Township has no housing standards in the Town Code.

A question was raised about the retention ponds that exist in the plat for Emerald Estates 1st Addition, would they have to be increased. Jim Braun checked with the engineer for the project and the retention ponds were sized for a sixteen home development when Emerald Estates was first developed in 2003. Since that time the rules on retention ponds have changed and they now have more capacity than needed. Jim said that he would be looking for a letter concerning that from the engineer soon. Blake Bjorklund spoke up that he had a letter from the engineer faxed to him that day and submitted it to the Commission. It was passed around for the Commissioners to view.

Chairman Reynolds opened the public hearing portion of the meeting at 7:28 p.m.

Janice Palmer read a letter that was sent to her as the Chairman of the Township Board of Supervisors to read from Susan Green that owns a home at 25024 Lincoln Drive Northeast. Mrs. Green speculates that the Township would have to rezone the property from agricultural to residential. She also wants the same

covenants placed on new addition that were on Emerald Estates 1st Addition. She wants construction values of no less than \$350,000.00 on each house with exterior partial stone or brick trim and etc. Jim Braun explained that a rezoning was not needed as the district is already Agricultural/Residential which allows this plat. As far as the covenants are concerned the Township may require them but the developer has to submit them and enforce them.

Janice Palmer, 25248 Lincoln Drive Northeast, commented that she felt more information should have been discussed before this project went to preliminary plat approval such as what type of houses and valuation of the structures and etc. Carolyn Braun explained that the preliminary plat approvals are only a “concept plan” for the development for zoning purposes. When the Board of Supervisors approves the preliminary plat they approve with conditions that before a “final plat approval” will be given certain items have to be put into place such as a development agreement, covenants, trails, lighting and etc. Jim Braun remarked that if everything has to be put in place before a preliminary plat is approved why have a preliminary plat approval because the plat would be ready for final approval. Jan also questions paving a portion of Davenport Street and placing street lights in that portion of the addition.

Don Mickelson, 25122 Lincoln Drive Northeast, questioned why there seems to be a blank spot south of Lot 8 to 249th Avenue Northeast. Jim Braun explained that if that were a lot it may be difficult to place a structure on that parcel as that lot requires two front setbacks. Also that lot may have been left blank in order to place an access road to the parcel that will be left between Emerald Estates 2nd Addition and Highway 65 as there is a controlled access of 300’ from the centerline of the southbound lane of Highway 65 along 249th Avenue traveling west before an access point can be placed for ingress and egress.

Kevin Domogalla, 25225 Davenport Street Northeast, remarked that he felt that the four lots would be a benefit to the home owners already living on Davenport Street. It would save the treed area and have some nice homes built there which would also help with the value of their homes. Kevin went on to say that he would like to somehow see the street paved in front of the development. Lyle Reynolds brought up the fact that in the Subdivision Ordinance if a “town road” is surfaced as part of a development the cost could also be spread to other individuals that own property on the road. Jim Braun spoke up and said that when the four-per-forty items were brought up it was decided by the Board of Supervisors that only interior roads in a development would need to be surfaced. This face was borne out by Dave Beckstrom, Supervisor as he is the one that brought that rule forward.

Alexandra Kovarik, 25297 Davenport Street Northeast, questioned how the rest of the land of the east side of Highway 65 will be used in the future. Blake Bjorklund said that for now it will be used for agricultural purposes. Alexandra asked if there were any plans for a gas station to Blake and he said not to his knowledge.

David Henderson, 25151 Davenport Street Northeast, asked Jim Braun if there were any plans for a gas station on the corner of 249th and Highway 65. Jim Braun said at one time there was discussions on the possibility of having a gas station with a small office complex there. Jim went on to say that a former Board of Supervisors suggested that the Planning Commission look at the possibility of rezoning the property to the north of the commercial area south of 249th Avenue Northeast as there are no more available lots for sale that are zoned commercial in the Township. Carolyn said they will be looking at that possibility while working on the Comprehensive Plan if the Commission ever gets back to working on it.

Chairman Reynolds closed the public hearing at 7:50 p.m.

Question from Ian Ebeling about how the rights were transferred from the east side of Highway 65 to the west side. Lyle Reynolds explained that the Code allowed the transfer of building rights at the time the 1st Addition was platted. The rights from the whole 160 acre parcel were transferred to the area now known as Emerald Estates 1st Addition. The remainder of the 160 that was not used in the addition was put into “out lots” without any building rights. When the four-per-forty request was turned down the question was asked if two-per-forty was still in place and the answer was “yes”. Carolyn then asked if transfers were contiguous or non-contiguous and was told “non-contiguous” which meant development rights could be moved from anywhere in the Township to parcels in “common ownership” as long as they did not exceed eight parcels per quarter-quarter section. Also during the transfer one building right has to be left on each parcel transferred from.

Requiring paving of 253rd Avenue and Davenport Street Northeast was again brought up. Lyle Reynolds said that there is no part of the ordinance that requires the developer to single handedly pay for paving the road. If this were to be required it would be a cost share between benefiting parcel owners to pay for the improvements. Lyle went on to say that the cost of paving would probably over shadow any profits from the four parcels for sale on the east side of Highway 65.

Ian Ebeling asked about the cost of maintaining 253rd Avenue Northeast. He would like to know how much for maintenance and gravel opposed to paving the road. A question on the estimated cost of paving was brought up and if it would help if the Township participated in half of the cost. Lyle Reynolds answered that the roads that have been paved in the past have been done by usage and 253rd Avenue and Davenport Street would probably not be a high priority on the list.

There was miscellaneous discussion on having the developer bond for damage to the roads. Jim Braun answered being that the roads are Township Roads and the lots will not be developed until sold for homes (which could be years) it hard to make the Developer bond. Jim went on to say, if that is the case anyone building on a Township Road no matter where it is in the Township should have a bond for damages. It has been a policy for years that contractors working on a home site, a

single family home, a building or even a septic system has to pay for any damage to any road surface during construction or maintenance.

Cindy Anderson brought back the question on the park dedication. Discussion on would there be a park in the area of Emerald Estates 2nd Addition or would the dedication monies be given to the Park Board to use on another park function. This question is a condition of approval for the “final plat” and will be worked out with the Parks Board.

Marlys Balfany discussed concerns about surfacing the road and the placement of street lighting on the east side of the development.

Lyle Reynolds asked Blake Bjorklund if any site preparation would be done on the addition. Blake responded that any site preparation will be done when and if the lots are sold in the future and that could be some years from now.

After some more discussion Lyle Reynolds brought the discussion back to the Commission. Dave Henderson commented that he felt that the plat was a proper use. Again, more discussion was centered around the roads on the east side of the plat. Lyle Reynolds told the Commissioners that was an item for the Board of Supervisors to work on. The road question instead of being an item of approval of the preliminary plat will go to the Board as a recommendation.

Again, Dave Henderson remarked that it is a proper use of the parcels and he made a motion to recommend approval of the preliminary plat with the conditions discussed. Motion seconded by Ian Ebeling. Motion carried unanimously subject to the following conditions:

1. That the Developer furnishes the Township with the Private Covenants.
2. Soil Borings are completed before final plat approval will be given.
3. Street lighting on the east portion of the addition
4. A Developers Agreement is in place before final plat approvals
5. Park Dedication Fees paid before final plat approvals.

7. *Old Business:*

- a. *Final Draft – Rural Tourism Business Ordinance:* Due to the late time, the Commission briefly discussed this ordinance and agreed to postpone discussion to the April meeting.
- b. *Final Draft – Farm Wineries, Craft Breweries and Micro Distilleries.* It was discussed that this ordinance is mostly complete. Discussion centered around on-site signage with a suggestion that the maximum size be 35 square feet, which is the consistent with the county standards, and limiting temporary (flag-type) signage to ten feet in height and two in number. As such the standard under Signs needs to specifically state these standards.

Dave Beckstrom suggested adding a phrase to the Nuisance Standards consistent with the wording in Section 20.9 (3) viii of the draft rural tourism ordinance. The commission agreed to this change.

8. *New Business:*
9. *Miscellaneous: Plan Discussion.* No discussion was held due to the late time.
10. *Adjournment:* Being that there was no further business a motion was made by Dave Henderson, seconded by Ian Ebeling to adjourn. Motion carried unanimously at 9:25 p.m.

Respectfully Submitted,

Jim Braun
Recorder Pro-Tem