

ATHENS TOWNSHIP  
PLANNING COMMISSION MEETING  
7:00 pm Athens Township Government Center  
Minutes of Thursday, October 19, 2017

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 pm by Chairman Dave Beckstrom. Members present were Dan Woodfill, Marlys Balfany, Dave Henderson, Dave Beckstrom, Cindy Anderson, and Jake Carpenter. Also present was Zoning Administrator, Chloe McGuire Brigl, and applicants Jen Stanley, Samir Salama, and Don Hansen. Also present was Steve Hass, who maintains Township roads.
3. *Minutes of September 21, 2017:* A motion to approve the minutes as presented was made by Henderson, Anderson seconded. Motion carried unanimously.
4. *Open Forum:* Beckstrom opened the public forum. Seeing no residents present for the open forum, Beckstrom closed the public forum.
5. *Public Hearings*

a. *Conditional Use Permit for Jennifer Stanley/Dance Dynamics at 1001 261st Ave NE*

Jennifer Stanley, owner of the home at 1001 261<sup>st</sup> Avenue NE and of Dance Dynamics, has applied for a conditional use permit to allow for a dance studio in an accessory building on a residential lot. Training and educational facilities are allowed in the residential/agriculture district through a conditional use permit.

The home is 3,200 square feet, and the accessory buildings are 6,085 square feet. The lot is approximately 10 acres and located to the east of Athens Town Hall.

Dance Dynamics has been located in Isanti for the past 12 years and rents space at 2 Enterprise Ave, Suite A4. Their lease is up in August of 2018 and they are looking at moving their business in the next year.

Training and educational facilities are allowed in the residential/agriculture district through a conditional use permit. The home located on the property is approximately 3,200 square feet, and the accessory buildings on the property are 6,085 square feet. 1,885 feet would be dedicated to the dance studio.

Jen Stanley, applicant, described that most of the classes they have are 14 people and that there are usually around 10 cars.

Balfany asked about suggested condition 2, that read there should be no more than 15 occupants of the space at a time, and suggested it say 15 students at a time because there may be parents in the studio.

Beckstrom asked about permitting, and wanted to know if there were state permits that the studio had to get. Stanley responded that there are no state permits necessary. Balfany asked about the parking lot and wanted to know if there was a type of surface the applicant wants. Stanley described that she wants to keep the trees that are currently on the property and have parking in the middle and have cars be able to circle around the lot so they are not conflicting. She also noted that she wants a blacktop surface.

Beckstrom opened the public hearing and described the public hearing process. Seeing no one wishing to comment, Beckstrom closed the public hearing.

Henderson asked if the Planning Commission should add a condition that when the Stanley's sell the property, the permit expires. Henderson said that he does not want it to be there forever.

Woodfill noted that conditional use permits run with the land. Stanley asked about the difference between a conditional use permit and an interim use permit. Beckstrom described that interim use permits have an end date and run with the owner, and that conditional use permits run with the land.

Balfany noted that condition number 9 says end times of 8:30 pm for operations, and if the classes end at 8:30 pm they should have a later end time. Stanley said they go from 4:00 pm to 8:30 pm and 9:00 pm on the weekends it is earlier, on Saturday for about 2 hours. As the night goes on, the kids get older so that it is quieter and there are less kids. Stanley said that people tend to clear out by 9:15 pm, and by then it is just a few cars.

Beckstrom said that the permit should be specific about times, and suggested the end time should be 9:30 pm. Stanley said there will never be Sunday classes. Beckstrom suggested that hours of operation should be 8:00 am to 9:30 pm, Monday through Saturday.

Henderson summarized that the Planning Commission had suggested new hours of operation and the number of students as a condition on the permit. Stanley stated that the lobby they have right now is generous, and that they want a smaller lobby, and that they encourage people to drop off their students and leave. Parents of very young children will likely stay.

Carpenter asked if they are currently in a commercial building. Stanley said yes, and that it is near the bowling alley in Isanti just south of the John Deer dealership.

Beckstrom said that there needs to be a limit on the number of people, and suggested 40 people in the building, or whatever the building inspector designates as the limit, whichever is less.

Carpenter asked what the accessory building is now. Stanley said it was for tractors, and that there is heat, drainage, electricity, and hot water. Stanley said she will do it right, right now there is a bathroom in the rental space, and they would like one in the dance studio, so the lobby and bathroom are in the same place. The exterior will not change.

The only outdoor change is the parking lot. Balfany asked if there are two exits; Stanley said there are, there are 3 exits.

Beckstrom said that there should be a condition for the building inspector to approve the space. Stanley said that there will need to be exit lights and things like that, and she is willing to do that.

Beckstrom stated that the Planning Commission should add a blanket statement about complying with all MN state and health department rules and regulations. Beckstrom said the code does mention signage but it should be a condition of approval.

Anderson asked about signage. Stanley said she would like a sign on the building. Carpenter asked if 40 people is reasonable. Stanley said on father-daughter dance day is the day they have the most kids, and she would like to leave it up to the inspector to designate. Where they are now, the inspector helped with the limits where they currently are.

Henderson asked what the maximum is. Stanley said it really depends. Stanley said if there are 15 in the class there are probably 20 - 25 in the room. Woodfill suggested that one of the conditions should read "at no time shall the occupancy exceed the limits set forth by the building inspector."

Woodfill stated condition number 3 is contradictory to itself. Henderson said he should delete the first half and have it read that no non-resident employees may be allowed.

McGuire Brigl stated we should get rid of condition number 4. Henderson said we should add "state health" to condition number 5. Henderson asked about signage and Beckstrom brought up the code. Henderson suggested we use 35 square feet for maximum sign size. Condition number 6 was changed to 35 square feet.

Condition number 7 was altered to remove the third sentence about the number of parked cars. Balfany asked if we care about surface of parking lot. Beckstrom said no. Condition number 9 was changed to 'operations' and condition number 12 was changed to 'supervisors.'

Henderson said we should add a condition that the conditional use permit expires when unused for one year or when the property is sold.

Stanley asked if her sign can be illuminated. Woodfill said that there are strict regulations about signage going onto the road. McGuire Brigl said she will look into it.

Woodfill suggested a condition similar to the following: "The conditional use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- a. A violation of any of the conditions listed above; or
- b. The use has been discontinued for a minimum of one (1) year; or
- c. When Jennifer Stanley no longer resides on the parcel; or
- d. January 1, 2028."

Balfany motioned to recommend approval, Henderson seconded.

Henderson summarized that we changed condition number 3, removed 4, changed 6, changed 8 (sentence 3), changed 9, and added new condition about revoking permit.

Motion passed unanimously.

*b. Interim Use Permit for Jennifer Stanley/Dance Dynamics at 1001 261st Ave NE*

Jennifer Stanley, owner of the home at 1001 261<sup>st</sup> Avenue NE and of Able Rental, has applied for an interim use permit to allow for a rental business in an accessory building on a residential lot. Home occupations in an accessory building are allowed in the residential/agriculture district through an interim use permit.

The home is 3,200 square feet, and the accessory buildings are 6,085 square feet. The lot is approximately 10 acres and located to the east of Athens Town Hall.

Able Rental has been operating in North Branch from several different locations for the past three years. They want to locate their business at their home residence.

Per the Athens Town Code, the size of the accessory structure home to the occupation shall not exceed the footprint of the dwelling or 1,200 square feet, whichever is less. The proposed accessory structure is approximately 4,200 square feet.

Beckstrom asked if they could pass the interim use permit application since the requirements in the Code says the accessory building can only be 1,200 square feet or less. Beckstrom suggested that Staff researches this before it goes to the board and see if it has to meet all the requirements.

Beckstrom opened the public hearing.

Nancy Johnson asked about signage. She noted that since there are two proposed businesses, then there are probably going to be two signs. She said that the code mentioned a pylon sign and that is not typically in a residential area. Beckstrom said he thinks it is more for agricultural areas, like a farm or apple orchard. Beckstrom said that he is not sure if they can be lit, like the one in front of Town Hall. He said that if a light is pointing up at it then he does not think it is a lit sign. Johnson stated that she does not want it to be industrial.

Beckstrom, seeing no one else wishing to comment, closed the public hearing.

Balfany asked if we should go through the conditions that Staff typed up. The conditions are:

1. The Building Inspector must approve the space and no occupation of the space shall take place before his approval.

2. No more than the residents and one non-resident employee may occupy the space at any given time, or the capacity limit set forth by the Building Inspector, whichever is less.

Woodfill suggests changing to: “at no time shall the occupancy exceed the limits set forth by the building inspector.”

Balfany noted that there should be customers allowed. Beckstrom asked Stanley how many customers she expects. Stanley asked how can you tell if they are dance customers or rental customers. Beckstrom said he wants to make sure we cover our bases and recommends we pick a number that she can live with for a long time. Stanley said that if she has a party how could they tell. Balfany said its really in there to protect you.

Stanley stated that 10 people seems fine. McGuire Brigl will change it to: “10 customers at any given time.”

*Update: “No more than 10 customers shall be onsite at any given time. At no time shall the occupancy exceed the limits set forth by the building inspector.”*

3. One non-resident employee shall be allowed. Only persons who are members of the household residing on the premises may be employed.

Stanley commented that this requirement seems bad because they have a lot of employees for deliveries. She asked if this meant that employees had to sit on the road during deliveries.

Woodfill said if they have more than one employee then it does not fit the code. Woodfill said that they will be in violation of the permit if they have more than one employee. Beckstrom described that they need to have this as a condition because of the Code, and Stanley said that she would like to move forward with this permit.

Balfany noted that the two sentences should have the word “and” between them.

*Update: “Only one non-resident employee shall be allowed and persons who are members of the household residing on the premises may be employed.”*

4. The facility must meet all state and local building and fire code requirements for the proposed use.
5. The applicant must provide a parking plan to be approved by the Zoning Administrator before any construction
6. All signage must meet the Athens Township Code. Signage shall not exceed eight (8) square feet and shall include only the name and address of the business.

Beckstrom said he would like to talk about this at a future meeting to update the Code. Beckstrom said that because we have specific requirements in the Code for signage, this should be removed and the applicant can work with Staff to get the proposed signage approved.

*Update: Remove second sentence.*

7. All parking for the use must be contained onsite. No parking shall take place on any grass. Parking must meet State requirements for accessible parking. Adequate off-street parking shall be provided, but not more than six parked vehicles may be present at one time. The applicant must provide a parking plan to be approved by the Zoning Administrator before any construction.
8. There will be no commercial vehicles associated with this use.
9. Operations shall take place between 8:00 am and 8:30 pm on weekdays.

Balfany said that their application says they do 8 am - 8:30 pm on Fridays but the conditions have Monday thru Friday.

Beckstrom asked Stanley what he wanted for hours of operation. Stanley said she wants 8 am to 9 pm Monday thru Saturday. It is rare that people drop off, like 5% of the business; Woodfill stated that no one wants to see things happening at 9 pm.

Beckstrom said we can change the hours of operation to include pickups for after work hours. Stanley said 8 - 8:30 for deliveries but 8 am to 6 pm for hours of operation. Beckstrom said you want to avoid being out of compliance.

Stanley said that she would like 8 am to 8:30 pm Monday through Saturday for business hours and allowing for only drop-offs on Sundays. Carpenter asked where they drop off if they are not open. Beckstrom said 8 am to 5 pm Monday thru Saturday with additional hours for drop-offs by appointment only. They drop off by the front until they get home.

*Update: "Operations shall take place between 8 am and 5 pm Monday thru Saturday with additional hours for drop-offs by appointment only."*

10. 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.
11. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
12. Any expansion or reconfiguration of the accessory building requires a new interim use permit application.
13. Only articles relating to the use may be stored and rented in the accessory building.
14. Use is open for inspection by the Town Staff or any Board Supervisor during business hours.

Woodfill mentioned that number 14 should read the same as the condition for the conditional use permit.

*Update:* Building is open to random inspection from Town Staff or Board Supervisors during business hours.

15. The applicant shall record the Interim Use Permit with the Isanti County Recorder's Office and provide proof of recording to Town Staff.
16. The interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:
  - a. A violation of any of the conditions listed above; or
  - b. The use has been discontinued for a minimum of one (1) year; or
  - c. When Jennifer Stanley and William Stanley no longer reside on the parcel;  
or
  - d. January 1, 2028.

The Planning Commission suggested proceeding assuming its allowed and then look into limits on accessory building sizes for the board meeting. Stanley asked if they have a certain percent of the building that is allowed. Beckstrom said he thought it was in the Code.

Beckstrom recommended that the Planning Commission table it until the next meeting and ask the attorney his interpretation of the code. Beckstrom said that the Commission has to ensure that it is done right. Beckstrom said that we can go ahead and approve the interim use permit for 1,200 square feet and apply for a variance, but you cannot apply for a use variance, there has to be something unique to the property. The ordinance is clear about why you can be granted a variance and it has to be outside of your control and not your making.

Motion carried unanimously to table until the next Planning Commission meeting.

*c. Preliminary Plat for Evergreen Acres – 249<sup>th</sup>/Xeon*

Jesse and John Green are proposing a preliminary plat for 30 acres off 249<sup>th</sup> and Xeon. They are proposing three lots, two 3-acres lots and one 21.6 acre lot. The applicant provided a copy of the deed, an assessor's map, soil boring information, and air photos.

Henderson asked if the mottled soils are okay; Hansen said that the soil borings were taken to make sure there is adequate distance. Carpenter said they appear to be fine except for boring #37, which does not show 2 feet to mottling but 18 inches.

Henderson asked if the sites are buildable. Carpenter says that they are licensed to take soil borings and it does show mottling on the bottom. Carpenter said that they require two pits at the end of the septic and they have gotten more particular about it for new

septic systems. Carpenter said all meet the footage except boring 37 that mottles at 18 and the house may need to be shifted away.

Henderson says it meets the frontage requirement, minimum lot size requirements, septic requirements, and that he would like the elevations to be shown at the soil borings.

Carpenter asked if they will build the home based on the existing borings, or if they will do further tests. Carpenter asked where the elevations on the soil borings are. Hansen says they can be provided. Hansen said that if you interpolate based on elevations, and that they did the elevations when they did the surveys. Hansen said they do have the elevations. Carpenter said to add the elevations on the plat or to add them with the soil boring information.

Hansen asked why we need interior easements. McGuire Brigl described the code says we need them and the Town Engineer asked they be added. Hansen said he will add the easements, change the road name which was incorrectly labeled, and add the elevations at the soil boring locations.

Beckstrom opened the public hearing.

Kay Matres asked why the Town would allow a dwelling near hunting land. You cannot hunt closer than 500 feet to a house. Beckstrom said this is more of a concern of how the State uses their land.

Cathy Hagford asked about the \$900 park dedication fee and if they put the money towards a certain park close by. McGuire Brigl said it is a set fee the applicant pays and goes into the general park fund. Carpenter asked if there was a way for it to go into a closer park, McGuire Brigl said it is just a large fund. Beckstrom noted that the residents should come to the Park Commission meetings in order to discuss improvements that they would like to get in the community.

Beckstrom closed the public hearing.

Hansen asked why the wetlands should be shown under easement. McGuire Brigl stated that her boss recommended it to make sure there is not future development on them. Henderson asked if he has an issue with easements. Hansen said that you need easements on smaller lots but he does not understand why they need them here.

Beckstrom asked for a motion. Carpenter motioned to approve. Henderson seconded. There was no further discussion. Motion approved unanimously.

*d. Variance for Samir Salama at 164X 253<sup>rd</sup> Ave NE*

Beckstrom described that we tabled the variance and McGuire Brigl and Beckstrom spoke to Peter Tiede about the variance. The Township Attorney believes that there is an alternative to a variance, and upgrade the road with signatures from the neighbors, get title work to make sure they have signatures from everyone who has it on their title and interest, then he would submit a plan to upgrade the road, and finally the attorneys would work on document to get signatures from everyone who has easement listed on

the plat. This means that Salama does not need a variance and would upgrade the road and then would be able to request the building permit.

Beckstrom looked for a motion to deny the variance request, because with the new direction, Salama can complete the road without a variance request. Beckstrom said if all goes well, it could happen quickly, by the next board meeting.

Henderson asked if the Township accepts the property just to the property or all the way to the game refuge because it is a long strip of property. Henderson said that you may as well deed all of it.

Salama asked who is in charge of getting signatures. McGuire Brigl stated that Salama is in charge of the signatures. The Township will not be involved until Salama creates dedication documents and presents them to the Township. Then, the Township will vote on whether or not to accept the road.

Beckstrom recommended denying the variance and having Salama take the steps outlined in the memo. Salama can apply for a building permit after upgrading the road.

Woodfill motioned to deny. Anderson seconded. Beckstrom asked if there was further discussion.

Salama asked for a copy of the memo, McGuire Brigl stated she sent it to him Monday but can forward it to him again. Beckstrom said that once everyone signs off, and the road is built, then he can apply for a building permit.

Salama asked that we add to the planning memo that if the roadway is approved, he can apply for a building permit. McGuire Brigl said she will note it in the minutes and add to the planning memo for the next board meeting. Carpenter asked why they would not accept the dedication of the road. Beckstrom stated that in his opinion, he does not see why it would not get accepted.

Salama asked if he can move forward. Beckstrom said he suggests getting all the signatures before starting and that the township engineer needs to approve the plans. Steve created the plans and said the trees will stay and that it will not impact the potato cellar. Beckstrom opened the public hearing. Seeing no one wishing to comment, Beckstrom closed the public hearing.

Steve Hass noted that he would rather do the cul-de-sac and not the hammerhead to allow for Township grader and snow plows to turn around. Salama said that he would like for it to go as fast as possible.

Motion carried unanimously.

*e. Ordinance Amendment – Section 20-32 (t) – Public Road Frontage*

Beckstrom opened the public hearing. Seeing no one wishing to comment, Beckstrom closed the public hearing. Beckstrom asked if the board was satisfied with the discussion. Woodfill asked about the frontage requirement and why we are not

proposing to change the requirements for lot depth. McGuire Brigl stated that they are different requirements and the Town would like to make the frontage on a public road requirement consistent with setback requirements and the County requirements.

Last month this was tabled; Henderson motioned and Anderson seconded.

Henderson said that the county is 150 feet on an easement and we are more restrictive but still in line with lineal footage. Beckstrom said it could make some lots buildable that were previously unbuildable.

Henderson motioned to approve the draft ordinance. Woodfill seconded. Motion carried unanimously.

6. *Old Business:* There was no old business.
7. *New Business:*
  - a. *89 253<sup>d</sup> Lane – Stop Work Order:* McGuire Brigl described that Nelson has been given a stop work order for an accessory pole barn building that was built approximately 45 feet from the private road easement. The Town Code has a 120 foot setback from private road easements. McGuire Brigl described that she needs a process in place to handle these types of situations. The Planning Commission discussed their options, including having the owner move the building. Carpenter asked if the owner could move the easement, Woodfill agreed that this seems like an option. Beckstrom and John Bartz discussed meeting with the resident to view the property and discuss next steps. McGuire Brigl will assist in connecting the resident with Beckstrom and Bartz.
8. *Adjournment:* Balfany motioned to approve. Henderson seconded. Meeting adjourned at 9:40 pm.

Minutes approved on this 16 day of November 2017.

/s/Chloe McGuire Brigl

Chloe McGuire Brigl, Zoning Administrator

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Dave Beckstrom, Planning Chair