

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Planning Commission Meeting of September 8, 2015**

**Call to Order**

Due to the absence of Chair Sauber and Vice Chair Barfknecht, a motion was made by Commissioner Palmquist to have Commissioner Frana chair the meeting. Commissioner Cleminson seconded the motion. Motion carried unanimously.

Planning Commission Acting Chair Frana called the meeting to order at 7:10 PM. Planning Commission members present: Acting Chair Fritz Frana, Commissioner Phil Cleminson, and Commissioner Donovan Palmquist. Chair Sauber and Vice Chair Barfknecht were absent from the meeting. Township Attorney Chad Lemmons was present. Supervisor Cory Behrendt attended as Town Board liaison. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Approval of the Agenda**

Commissioner Cleminson made a motion to address the first three items on the Agenda under Permit Requests and the two Land Use and Zoning items and to table the other items with the exception of the Town Board Liaison Report. Commissioner Palmquist seconded the motion. Acting Chair Frana added a friendly amendment to discuss the Fall Newsletter with Jody Arman- Jones and the Professional Services Agreement with TKDA in regard to the 2014 Comprehensive Plan. Acting Chair Frana also suggested the Deputy Clerk post draft minutes of the August 3, 2015, Planning Commission meeting and the Public Hearing draft minutes of August 20, 2015, and the Planning Commission Special Meeting draft minutes of August 20, 2015, on the Township website. Commissioner Cleminson accepted the friendly amendment. Motion carried unanimously.

**Permit Requests**

**Jerome Phillipe – 27798 Jamaica Avenue (9725 280<sup>th</sup> Street West-New Address of Building Site) and Mark Ceminsky, 7226 235<sup>th</sup> Street, Representative of Mr. Phillipe – Building Permit – New Home Construction.**

Mr. Ceminsky (representing Mr. Phillipe) stated that the clustering is complete and registered and Mr. Phillipe has applied for the building permit and septic permit for his new home construction. Attorney Lemmons stated that the cluster was indeed registered. Mr. Ceminsky stated that all site plan setbacks are listed on the site plan. There was also discussion on the 20-acre parcel and the 5-acre parcel.

Acting Chair Frana suggested that Brian Watson, Dakota County, come out to the property and flag the wetland area. Mr. Ceminsky stated that Mr. Watson has been out and does not have a problem with where the house is going, as it is on a hill. Acting Chair Frana stated that he would like Mr. Watson to flag the area to be consistent with what has been done in the past. Mr. Ceminsky stated that he would comply with the request.

Acting Chair Frana made a motion to recommend approval of the building permit on the 20-acre parcel contingent on Brian Watson flagging the area prior to building and the site plan is reflecting the first portion of the 20 acres-distance from the front to the back. Prior to meeting with the Board, Mr. Phillippe to provide complete dimensions. Commissioner Palmquist seconded the motion. Motion carried unanimously.

**Al and Fayette Ames – 24485 Cedar Avenue** – Building Permit – Addition to Home  
It was noted that on the building permit application the square footage on the addition changed from 3,496 square feet to 286 square feet for porch and kitchen, 1,092 square feet for the garage and 61 square feet for the deck. The residential garage is to be checked as well on the application.

Commissioner Cleminson made a motion to recommend approval of the Ames building permit application to the Board. Commissioner Palmquist seconded the motion. Motion carried unanimously.

**Jerry Wageman – 11460 Pinto Circle** – Building Permit – New Home Construction  
It was noted that on the proposed 5-acre parcel there is an existing barn owned by the neighbors. The Township has questioned if it is a buildable lot. Mr. Wageman had a document stating it was determined to be a buildable lot. Parcel A is a buildable lot and Parcel B is attached to the existing home site. Attorney Lemmons examined the document and stated it was clear regarding the two parcels.

Acting Chair Frana stated that the existing barn is 40x80 (3200 square feet) and the accessory building that Mr. Wageman is requesting to build is 2880 square feet. On a 5-acre parcel, there can only be 5,000 square feet of accessory buildings. Mr. Wageman could build the house and not the accessory building, and then have the neighbors purchase that piece and then build the accessory building.

**Jeff Otto-25580 Dodd Boulevard** stated he was on the Board when this issue originally came up. It was about preserving a grandfathered housing right. The property owners were advised to sell the property with the structure on it so the boundary would be preserved, and it was suggested that they would have an arrangement with the new buyer so they could get the lot, but be able to buy the structure back. It was about the sequencing. Mr. Otto also stated that at the time the Board did this in 2007, it was put in the form of a variance which also allowed it to be a shared driveway. In the variance the Board removed the one-year restriction, as they did not know when the lot would be sold.

Supervisor Behrendt read from the actual variance of August 13, 2007, stating the access to the public road was waived and access shall be a shared use of the existing driveway at 24875 Dodd, such that an addition access on Dodd will not be created. Mr. Otto stated the variance would not have needed to say shall, that they could apply for an amended variance to change the wording from shall to may. Supervisor Behrendt looked up the minutes from the April 2015, meeting and stated he made the motion to adopt the resolution removing the language. The part which required the separate driveway was removed. Where the house is built the width has to be 200 feet. It can be built anywhere on the property, as long as it meets setbacks.

Acting Chair Frana stated that there is no variance on the driveway and the way the house is situated is fine. The Planning Commission would recommend proceeding with the house, but not the accessory building.

Acting Chair Frana made a motion to recommend to the Board to approve the building permit application for Jerry Wageman, with the exception of the accessory building – striking the accessory building off of the permit application. Commissioner Cleminson seconded the motion. Motion carried unanimously.

### **Land Use and Zoning**

**Merlin Leine and Karla Schrader – 24698 Cedar Avenue** – Residential Solar Energy Inquiry. Represented by Derrick Meyer from All Energy Solar Company.

Attorney Lemmons read from Ordinance 3, Chapter 4, Section 13 B2 stating that all alternative energy systems require a Conditional Use Permit (CUP).

There was much discussion about the requirements and Mr. Meyer stated that he feels a building application permit should be sufficient as it is in other cities and townships. Acting Chair Frana said the Commission does not have an option. According to the way the Ordinance reads, it requires a CUP. Discussion was held between the Commission, Mr. Meyer, Ms. Schrader and Attorney Lemmons.

Commissioner Palmquist and Attorney Lemmons suggested that Mr. Meyer and Ms. Schrader come to the Town Board Meeting on Monday, September 14, and raise this issue and to bring a definition of residential solar energy and work with the language in the Ordinance.

Commissioner Cleminson made a motion that with no decision from the Planning Commission, to pass on to the Board for consideration next week as they have to tackle the moratorium on solar panels. Motion on the floor was not seconded nor voted on.

### **Brian Storlie – 24310 Cedar Avenue – Lot Split Application**

Commissioner Palmquist made a motion to recommend approval of the lot split application

for Brian Storlie and to be passed on to the Board. Commissioner Cleminson seconded the motion. Motion carried unanimously.

**Town Board Liaison Report – Supervisor Cory Behrendt**

- Deadline for submission of items for the Town Board agenda is Tuesday at 2:00 PM prior to agenda packet going out on Thursday. Resolution to be drafted for approval at September Board meeting.
- Dee Building Issues – Town Board created a covenant that joined the small parcel and the bigger parcel and the Town Board will view those as a single lot for zoning purposes. From a tax perspective, those two lots still exist. The covenant tells the Township to look at these two parcels as a single parcel.
- Scotts Miracle Gro – Purchased property for expansion and want to expand hours 24/7. The Board would not pursue expansion of that property and will not modify the Settlement. Agreement dated September 28, 2010.

**TKDA Comp Plan Contract**

Acting Chair Frana stated that the Planning Commission will lead the work on the Comprehensive Plan. The Commission’s work to begin in November 2015, with a draft plan to be completed within about one year. Project schedule should include two open houses, a Public Hearing and Town Board meetings for approval of the Draft and Final Plans. Planning Commission received from Sherri Buss from TKDA the project fee estimate of \$22,500 to complete the Township’s 2040 Comprehensive Plan Update.

Acting Chair Frana made a motion to recommend to the Town Board to approve the TKDA proposal for Comp Plan support and recommended they sign the contract agreement. Commissioner Palmquist seconded the motion. Motion carried unanimously.

**Jody Arman Jones – Fall Newsletter Update**

- Received road updates
- Recommendation from Planning Commission to put in the Newsletter that Certified copies of deeds will be required for applications, so people have a heads-up
- Deadline for Board and Planning Commission Agenda items for submission
- Questions and Answers from the Public Hearing will be put on the website –mention that the feedback will eventually appear on the website.

The following items were tabled for October, 2015, Planning Commission Meeting

- Transfer of Building Rights – Jeff Otto
- Sump Pump Ordinance – Vice Chair Barfknecht
- Fence Setback Ordinance – Commissioner Cleminson
- Feedback to Citizens – Commissioner Frana
- Planning Commission Policies and Procedures Manual
- Recodification Review
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**Adjourn**

Commissioner Palmquist made a motion to adjourn the meeting. Commissioner Cleminson seconded the motion. Meeting adjourned at 9:05 PM.

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk  
Eureka Township

*Meeting Minutes approved November 2, 2015.*