

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
December 6, 2022
7:00PM

Call to Order

The Planning Commission Meeting was called to order at 7:00pm by Chair Clancy

Commissioners Present: Bill Clancy (Chair)
Deb Burkhardt (Vice Chair)
Randy Wood (Commissioner)
Beth Eilers (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Ralph Fredlund, Nancy Sauber, Scott & Shari LaFavre, Leah Saari, Kathleen Kauffman, Kalynn & Justin Wendt

Zoom Participant: Julie Larson, Carol Cooper, Mike Behr, Jeff Otto

Approval of the Agenda

Motion: Chair Clancy moved to approve the agenda as is. Vice Chair Burkhardt seconded. *Roll call vote:* Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;
Motion carried 4-0.

Citizen Inquiry:

Wendt, Kalynn, CEO of Wendt Masonry, INC., inquiry regarding: 10132 235th St W, PIN 13-00700-50-011

Kalynn emailed the following list of questions prior to the meeting for the Planning Commissioners to review. An advanced list is appreciated, and the Planning Commissioners do make a good faith effort to answer questions as best as they can. It is advised, however, that Eureka Township does not provide assurance as to the use of the property to potential buyers. Any potential buyer should hire their own attorney to review the Township's current zoning ordinances to obtain legal opinion. Additionally, it is suggested that the potential buyer present a contingent offer on the property upon permit approvals by the Town Board.

1. Does this property have any liens on it? *Would need to check with Dakota County property and taxation – The Township does not track this information for any properties.*
2. Does this property have any easements? *Would need to check with Dakota County property records – The Township does not store this information for any properties.*
3. In the front pasture can we add an approach? *A driveway permit application would need to be completed with a detailed site plan included. Approval or denial would be determined after review of submitted paperwork.*

4. In that same front pasture, can we have outdoor storage? *It looks like the property's allowed square footage of storage buildings has already been met. (9,636 sq ft of existing accessory buildings on property)*

§ 240-24 Standards for accessory uses or structures

C. The maximum total area of all accessory buildings shall not total more than 5,000 square feet on two to 5.999 acres and not more than 10,000 square feet on six or more acres. There shall be no maximum limitation to total area for agricultural buildings, and agricultural buildings shall not be considered in the total sum of accessory buildings on an individual parcel.

[Amended 6-10-2013 by Ord. No. 2013-03; 5-8-2017 by Ord. No. 2017-04]

5. How many build rights does this property have? *The seller has indicated to the potential buyers that there is one housing right available. A house that was built in 2001 has since been lost in a fire and the documentation detailing the housing right transfer and pertinent language is missing. The current ordinance states the following:*

§ 240-22 Building permits.

(5) Uninhabitable dwellings.

(a) The owner or the owner's heirs, successors or assignees of a single-family dwelling that has been moved, destroyed or suffered damage rendering the dwelling uninhabitable and who desires to replace or restore the dwelling must initiate the building permit process or the moving permit process for the replacement or restoration work within 12 months of the date of the event if the following two conditions apply:

[1] There are one or more other undeveloped parcels or portion of such parcels in the same quarter-quarter section that do not have a pre-April 12, 1982 grandfathered housing eligibility; and

[2] The affected owner's parcel is not a pre-April 12, 1982 grandfathered parcel.

(b) Failure to have a complete permit application on file with the Town Clerk within the 12 months or to follow through any phase of the prescribed allowable timeline for completion of such work will cause the building eligibility to be returned to the public domain. In this circumstance, the building eligibility becomes available to the first eligible owner in the quarter-quarter section to claim it for use on an undeveloped parcel in that quarter-quarter section that does not already have a pre-April 12, 1982, grandfathered eligibility and subject to all other requirements this chapter.

6. If we renovate the large barn to live in, does that use one of our build rights? *Not enough information to properly answer this question, however it would use a housing right if it existed. The barn would become a dwelling.*

7. What is the lowest acre we can parcel the land out? *In theory, 2 acres.*

8. Can we build a home anywhere on the property? *Having a housing right, proper setbacks, and other requirements would dictate where a home could be placed.*

9. What is the status of the mineral rights? *The Township does not store this information for any properties.*

10. Are there any back taxes owed? *Would need to check with Dakota County property records – The Township does not store this information for any properties.*

The Wendt's shared that they would like to live on the property, possibly renovate the barn into a home, have cattle in the back and store equipment used for the masonry business they own. Chair Clancy stated that commercial use is prohibited in Eureka Township. A business is not allowed to be conducted out of an accessory building on the property, therefore all business equipment would have to be stored off site.

Permit Requests

LaFavre, Scott & Shari, 24335 Dodd Blvd., PIN 13-01800-25-040 *Accessory Bldg.

This application was withdrawn. A formal withdrawal was sent to the clerk on Sunday, December 11, 2022. The accessory building application submitted was for a proposed entertainment and storage building. The elaborate plan falls outside of the existing ordinances.

Discussion took place on the possibility of this being an addition to the home instead of a free-standing building. The LaFavre's will work with the architects to combat the challenges and present another application later for review.

Town Board Liaison Report

Supervisor Sauber highlighted items from the November Town Board Meetings

- Clubb Kids, 250th St. PID 13-02000-27-011/ PID 13-02000-25-011- Lot split approved
- Alex Delmore, Fairgreen, PID 13-01100-51-011 - Lot split approved
- The Board agreed that the Township Subdivision Ordinance will need to be revised to prevent applying the subdivision standards to simple lot splits.
- Discussed Township election and the pros and cons to moving the Township election to November. It was decided to leave the election in March.
- The Board requested Supervisor Sauber to speak with TKDA and Commissioner Clancy to speak with Bolton and Menk to obtain information about the services offered and report back to the Board.
- The clerk/treasurer position was reposted due to the resignation of Suzy Bergquist.
- Carrie Jennings provided feedback on the Mining Superintendent Scope of Work which was presented to her for consideration of the position.

Old Business

Met Council Packet: Potential 2040 Comp Plan Amendment-tabled to the next meeting.

Attached Garage Research- reviewed language from Empire Township Ordinances. A question was raised to determine if the Commissioners want to pursue a text amendment to close loopholes regarding attached garages. (no height restrictions, unlimited square footage) Most were favorable; however it was suggested to probe the City of Credit River first before composing an amendment.

Eureka Township PC Major Activity Tracker- updated by Vice Chair Burkhardt.

New Business

Housing Rights/Building Eligibility Forms for review- Jeff Otto and Clerk Solis updated the forms to assure alignment with the pending text amendment. The Town Board requested a preliminary review from the Planning Commissioners with the intent to be reviewed again.

A few recommended edits:

- removal of the term "permit" and "permit number"
- signature line reference changed to "Property Owner"
- removal of the Town Clerk's name from cover sheet

Motion: Chair Clancy recommended approval to the Town Board of the packet of forms, pending the following recommendations: Lot-split, final page, removal of the words Suzy Bergquist; and on the Building Eligibility Permit Application, correction of the access from 100 feet to 300 feet, as well as, the correction of signature of applicant and name of applicant to property owner and property owner; and the removal of the word permit from the title of each of the two pages so it reads- Building Eligibility Application instead of Building Eligibility Permit Application; and page two of the same document- the removal of permit number and also on page 1-removal of permit number. Commissioner Wood seconded the motion for discussion.

Commissioner Eilers suggested adding a line for an applicant to sign and date their withdrawal of the application.

A friendly amendment was added to the above motion: Please add a signature box to withdraw all applications. Commissioner Wood accepted the amendment.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;

Motion carried 4-0.

All changes made to the applications will be performed by Mr. Otto and the Town Clerk. Some suggested changes will be deferred to the Saturday, December 10, 2022, Town Board and Planning Commission workshop.

Approval of Meeting Minutes

Motion: Chair Clancy moved that the Planning Commission meeting minutes for November 1, 2022, be approved as prepared. Vice Chair Burkhardt seconded.

Roll call vote: Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;

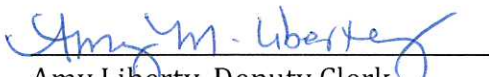
Motion carried 4-0.

Motion: Chair Clancy moved to adjourn the meeting. Commissioner Wood seconded. *Roll call vote:* Randy Wood-Aye; Bill Clancy-Aye; Beth Eilers-Aye; Deb Burkhardt-Aye;

Motion carried 4-0.

The meeting was adjourned at 9:08 pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 2-6-2023
Planning Commission Vice Chair Date



Planning Commission Meeting

Attendance
 December 6, 2022
 7:00 PM

| <u>Printed Name</u> | <u>Address</u> |
|-----------------------|-----------------------------|
| Leah Shari | 25506 Spearman Ave |
| LEAH SHARI | BEHR DESIGN // JORDAN, MN |
| Carot Fiesolano | 23680 Jersey Ct |
| Scott + Shari Lafaire | 24335 Dodd Blvd, Lakville |
| Kelwyn + Ewan Words | 20044 Justice Pkwy Lakville |
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