
The meeting was held in-person, with participation via Zoom also available.

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- 7 **1. CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:01 PM.
- 8
- 9 **2. PLEDGE OF ALLEGIANCE**
- 10
- 11 **3. ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Doug Parker, Sally Doherty, Kuchen Hale,
12 Justin Sykora. Absent were James Langan, Scott Patten, Christian Dawson and (excused). A quorum was
13 present.
14 **ALSO IN ATTENDANCE** – City Administrator Ron Moose, City Clerk Julie Yoho (via Zoom), Council
15 Member Randy Nelson
- 16
- 17 **4. APPROVAL OF AGENDA** –
18 Add item 8b “March meeting”
19 **Motion/Second Parker/Bowman To approve the agenda for the February 7, 2022 Planning Commission**
20 **meeting. Passed 6-0.**
- 21
- 22 **5. APPROVAL OF MINUTES** –
23 **A. Motion/Second Hale/Doherty To approve the minutes of the January 3, 2022 Planning Commission**
24 **meeting. Passed 6-0.**
- 25
- 26 **6. REPORTS AND PRESENTATIONS** - None
- 27
- 28 **7. PUBLIC HEARINGS** –
29 A. Michael Clust CUP application for wireless antennas at 12501 Hudson Rd S
30 Chair Kopitzke opened the public hearing at 7:04 p.m.
31 Administrator Moose provided a summary of the application which is a conditional use permit
32 application to co-locate an additional array of three wireless communication antennas on the existing
33 tower at 12501 Hudson Road South. The existing tower is located in the I-1A zone, which allows
34 telecommunications towers and antennas as conditional uses. A conditional use permit is required when
35 additional antennas are added to an existing tower.
36 Donna Goebel, one of the landowners of the site, stated she would like information from Crown on rental
37 fees as their lease agreement is with them. The landowners had not been notified by anyone but the city.
38 Michael Clust, applicant; stated the antennas are for Dish wireless and will co-locate on the existing
39 tower.
40 No other comments were received.
41 **Motion/Second Bowman/Parker to close public hearing. Passed 6-0.**
42 Hearing closed at 7:08 p.m.
43 Doherty stated the application is very straight forward; but she would like an answer to the question about
44 the lease agreement.
45 Parker asked if there would be expansion of the equipment on the ground. Also the tower is located very
46 close to the fence on the north side.
47 Michael Clust stated the additional equipment on ground will be a 7x5 steel platform. It will not require
48 expansion of existing fenced area.
49 Donna Goebel stated their lease is with Crown, who hasn’t contacted them about changes or additions to
50 the property.
51 Doherty stated that this is an important element to be solved.
52 Chair Kopitzke stated that we could add a condition that the land owner and lease holder meet conditions
53 of their contract. This is a private contractual matter.
54 Michael Clust stated that Dish and Crown will enter into a contract for the lease. Any fee increase for the
55 lease would generally occur after construction or install.
56 **Motion/Second Doherty/Hale to table the application until Crown and the landowner have**
57 **discussed the lease agreement for the land.**
58 Sykora asked about procedure and timing, since the city council meeting is next week.

59 **Motion Vote: Passed 5-1 (Sykora nay)**

60 Item tabled until next month.

61
62 B. Rise Vacation of drainage & utility easements in lots 4 & 5 of the Afton Business Park

63 Chair Kopitzke opened the public hearing at 7:29 pm

64 Administrator Moorse provided the following summary of the application. Rise purchased two of the lots
65 (lots 4 and 5) for its multi-building co-warehousing project. The approval of the conditional use permit for
66 the Rise project included the condition that lots 4 and 5 be combined, and the condition that the drainage
67 and utility easements along the property line between lots 4 and 5 be vacated.

68 Alan Catchpool, Engineer for project, stated that the lots have been combined.

69 No other public comments were received.

70 **Motion/Second Hale/Parker to close public hearing. Passed 6-0.**

71 Hearing closed at 7:31 p.m.

72 **Motion/Second Sykora/Hale to recommend approval of the Rise Application for the Vacation of the**
73 **Drainage and Utility Easements along the property line between Lots 4 and 5 of the Afton Business**
74 **Park Subdivision, with findings listed.**

75 **Findings**

76 1. The Afton Business Park Plat on Hudson Road east of Manning Avenue created six lots.

77 2. Rise purchased two of the lots (lots 4 and 5) for its multi-building co-warehousing
78 project.

79 3. The approval of the conditional use permit for the Rise project included the condition
80 that lots 4 and 5 be combined, and the condition that the drainage and utility easements
81 along the property line between lots 4 and 5 be vacated.

82 4. The lot combination, which has been completed, was required to eliminate the property
83 line between the two lots to avoid noncompliant building setbacks from this property
84 line.

85 5. The easement vacation was required because, with the combination of the lots, there is
86 no longer a need for easements in this location, and to avoid the proposed buildings
87 being located in the easement area.

88 6. The City Engineer has reviewed the proposed vacation and has no concerns regarding
89 the vacation.

90 Parker asked if the lots are ever separated would we need the easement.

91 Administrator Moorse stated if the lots are separated, the applicant would have to go through the
92 subdivision process, through which new easements could be required.

93 **Motion vote: All aye, 6-0 passed**

94

95 C. Novik/Weinkauf Variance at 14740 Valley Creek Trail S

96 Chair Kopitzke opened the public hearing at 7:33 p.m.

97 Administrator Moorse provided a summary of application which is for the property at 14740 Valley Creek
98 Trail to enable the existing nonconforming house, located closer to Valley Creek than the required setback
99 of 200 feet, to be replaced with a new house with a similar nonconforming setback from Valley Creek.

100 Julie Weinkauf, applicant, was present for questions. She stated that this is the only buildable area of the
101 property.

102 No other comments were received.

103 **Motion/Second Parker/Hale to close public hearing. Passed 6-0.**

104 Hearing closed at 7:37 p.m.

105 Parker asked about the septic drainage field and if it is in the flood plain.

106 Administrator Moorse stated that this is a mound system. The bed is raised several feet above 100 yr flood
107 level. The county has reviewed and approved permit for system.

108 Parker asked if they need to identify a secondary septic site.

109 Administrator Moorse stated that there is not another compliant site.

110 It was also indicated that, if a mound system fails it can be replaced on the same footprint.

111 Bowman asked about elevation of lower level.

112 Julie Weinkauf stated it is raised to meet requirements; garage also has been raised.

113 Parker asked about stream protection plans during construction.

114 Julie Weinkauf stated they are working with the watershed to meet permit requirements.

115 Sykora recommend going over and above requirements.

116 Doherty and Sykora stated the new septic will be an improvement for the site. The existing house and
117 system are very old.

118 **Motion/Second Hale/Doherty to recommend approval of the Joe Novik & Julia Weinkauf variance**
119 **application at 14740 Valley Creek Trl S, with findings, and conditions listed. Passed 6-0.**

120 Findings

- 121 1. The subject property and surrounding properties are zoned Rural Residential and are in
- 122 the Shoreland Overlay District
- 123 2. The property is in the Valley Branch Watershed District, and Valley Creek is a DNR-
- 124 protected waterway.
- 125 3. The existing house and garage are substandard in terms of their setbacks to Valley Creek
- 126 4. The property is restricted regarding land use due to the location of Valley Creek running through
- 127 the property, a steep hill in the northern portion of the property, and the property being at an
- 128 elevation near or below the 100 year flood elevation in the area of the house and garage.
- 129 5. The unique and difficult characteristics of the site were not caused by the property
- 130 owner.
- 131 6. There is a large detached garage located to the east of the house and a small shed located to the
- 132 west of the house.
- 133 7. The applicant is proposing that the proposed new house be connected to the detached garage
- 134 with a 172 sq. ft. elevated “bridge link” structure that would be a conditioned living space and
- 135 would allow drainage to continue to flow under the structure.
- 136 8. The applicant is proposing a 1060 sq. ft. addition at the rear of the existing house footprint.
- 137 9. The proposed house addition backs up to a steep hill
- 138 10. The proposed house is below the 35 foot maximum allowed height.

139 Conditions

- 140 1. The house shall be constructed according to the plans provided with the variance application,
- 141 with revisions to reflect the elimination of the basement and crawl spaces, and subject to
- 142 revisions as required or approved by the City.
- 143 2. The existing shed shall be reduced in size by removing 191 sq. ft. from the west side of the shed.
- 144 3. Existing vegetation shall be maintained to the greatest extent possible, particularly vegetation
- 145 that provides shade to the creek and screening of the house from the creek.
- 146 4. The setback variances granted shall reflect the approved survey/site plan and the actual distances
- 147 from the structures to the Ordinary High Water Level of Valley Creek.
- 148 5. All grading, drainage and erosion control issues and plans shall be subject to review
- 149 and approval, both before and during construction, by the City Engineer, and by the
- 150 Valley Branch Watershed District if the project meets permit thresholds.

151
152 **8. NEW BUSINESS**

153 **A. Groundwater Supply Protection/Conservation**

154 Administrator Moose provided a summary: At the January 3, 2022 Planning Commission meeting,
155 Commissioner Bowman suggested the Planning Commission initiate an effort focused on groundwater
156 protection and climate change resiliency that could include new regulations aimed at ground water
157 protection/conservation and climate change resiliency. Moose has found contacts at the county and
158 watershed who can provide information and education if the planning commission continues.

159 Doherty asked about council direction

160 Council member Nelson stated they were undecided, but he feels a broader conversation could be beneficial.

161 Kopitzke asked if the planning commission should be doing this work.

162 Nelson stated that several years ago he was a part of a multi-city groundwater task force – not sure if they
163 are still meeting.

164 Sykora stated that locally, it would be good to regulate irrigation systems; struggle with some of the bigger
165 issues.
166 Doherty stated the focus could be protecting drinking water source and waterways.
167 Bowman stated there are small measures that could be taken, it is not all or nothing.
168 Doherty asked for direction from the council. Are there any other specific topics the council wants us to look
169 at. The commission could look at problems Afton is faced with and potential solutions.
170

171 **B. March meeting**

172 It was noted that several members will not be able to attend the March 7 meeting. Members could attend
173 via Zoom as long as the location is available to the public and is published with the meeting notice. Staff
174 will email to see who will be available and if there will be a quorum.
175

176 Hale noted that in the “Council Meeting Highlights” and in one line of the meeting minutes from January
177 the Meyer subdivision is listed as 30th St, should be 50th St.
178

179
180 **9. OLD BUSINESS –**

181 **A. Update on City Council actions**

182 Administrator Moore provided a summary of the January 18, 2022 City Council meeting.
183

184 **10. ADJOURN**

185 **Motion/Second Hale/Doherty To adjourn. Passed 6-0.**

186 Meeting adjourned at 8:35pm
187
188

189 Respectfully submitted by:

190
191 JY

192 Julie Yoho, City Clerk
193
194

195 To be approved on April 4, 2022 as (check one): Presented: X or Amended: _____
196
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