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

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:02 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Doug Parker, Kuchen Hale, Justin Sykora Christian Dawson. Absent were James Langan, Scott Patten, Sally Doherty, and (excused). A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moose, City Clerk Julie Yoho (via Zoom), Mayor Palmquist
4. **APPROVAL OF AGENDA** –
Chair Kopitzke suggested moving item 9A to the beginning of the meeting.
Motion/Second Kopitzke/Hale To approve the agenda for the April 4, 2022 Planning Commission meeting. Passed 6-0.
5. **APPROVAL OF MINUTES** –
A. Motion/Second Hale/Parker To approve the minutes of the February 7, 2022 Planning Commission meeting. Passed 6-0.
6. **REPORTS AND PRESENTATIONS** - None
7. **PUBLIC HEARINGS** –
A. Kjersti & Kevin Kronstedt Variance application for a garage at 12770 4th St
Chair Kopitzke opened the public hearing at 7:07 p.m.
Administrator Moose provided a summary of the application which is to build a 960 square foot garage located 85 feet from the centerline of 4th Street vs. the required 105 foot setback. The proposed garage is located in the area of the existing paved parking area and meets the required 10 foot side yard setback. Because the proposed garage is located within 6 feet of the existing attached garage, the garage is considered an expansion of the attached garage. In the short term, the existing attached garage will continue to be used as a garage, and the applicants hope to convert it to livable space in the future.
The Kronstedt lot was created and the home was built prior to Afton’s first zoning ordinance. The lots in the neighborhood are all approximately one acre in size. The subject property is 0.85 acre. A number of properties in the neighborhood have garages located closer than 105 feet from the road centerline, particularly the properties directly to the east and directly to the south.

Kevin Kronstedt, applicant, stated he would like to build a similar garage as his neighbors, design-wise. With a variance he can use the existing driveway.

Jenny, neighbor to applicant, stated she has a similar garage which is closer to the road. She is supportive.

No other comments were received

Motion/Second Parker/Bowman to close public hearing. All aye, passed 6-0.
Hearing closed at 7:12 pm
Parker agreed that the neighborhood has many garages similar to this proposal.
Bowman stated that an alternative location would require cutting trees. No more impervious surface will be created here.
Sykora asked how they will service their well, if needed. (applicant has not considered)
Chair Kopitzke asked if the other homes had variances.
Administrator Moose replied that is unclear; many have been there for a long time.

57 Chair Kopitzke stated he doesn't see actual hardship.

58 **Motion/Second Hale/Sykora to recommend approval of the Kjersti and Kevin Kronstedt variance**
59 **application at 12770 4th Street South, with findings, and conditions. Passed 5-1 (Kopitsky nay)**

60 **Findings**

- 61 1. The subject property and surrounding properties are zoned Rural Residential
- 62 2. The lot was created and the home was built prior to Afton's first zoning ordinance.
- 63 3. With a lot size of 0.85 acres, the lot is small and very much nonconforming to the 5-
64 acre minimum lot size.
- 65 4. The proposed 960 square foot garage is located 85 feet from the centerline of 4th
66 Street vs. the required 105 foot setback.
- 67 5. The proposed garage meets the required 10 foot side yard setback.
- 68 6. The garage location does not conflict with the location of the septic system or the
69 well.
- 70 7. Because the proposed garage is located within 6 feet of the existing attached garage,
71 the garage would be considered an expansion of the attached garage.
- 72 8. A number of properties in the neighborhood have garages located closer than 105
73 feet from the road centerline, particularly the properties directly to the east and
74 directly to the south of the Kronstedt property.
- 75 9. For now the existing attached garage will continue to be used as a garage, and the
76 applicants hope to convert it to livable space in the future.

77 **Conditions**

- 78 1. The garage shall be constructed according to the plans provided with the variance application,
79 subject to any required revisions.

80
81 B. Chris Bliska rezoning from RR to AG at 14698 Afton Blvd

82 Chair Kopitzke opened the public hearing at 7:17 pm

83 Administrator Moorse provided a summary of the application: Chris Bliska currently operates Elm Tree
84 Farm, an orchard, on the 26.46 acre property at 14698 Afton Boulevard. He grows apples, pears and plums
85 for sale. Mr. Bliska has an agreement in principle with number12 Cider, a Cidery in Minneapolis, to split
86 50/50 the cider that they ferment from his apples. Meaning he delivers apples to them and they press them and
87 ferment the juice into cider. They get half of the resulting cider to sell at their ciderhouse and through their
88 distribution channels. Mr. Bliska gets half of the cider for an Elm Tree Farm label cider. This agreement is
89 contingent on local, state and federal approvals.

90 Because the State of Minnesota regulates hard cider under the same regulatory umbrella as wineries, the first
91 step in obtaining a license from the state to sell hard cider is to obtain local approval for a Farm Winery use;
92 which, in Afton, is allowed only in the Agricultural zone and requires a conditional use permit. Mr. Bliska
93 has indicated that approval of the Farm Winery use would not change the current operation at the farm. He
94 will continue to grow apples, pears and plums and sell to whichever markets he can get the best margins. The
95 hard cider would be sold on a wholesale basis through a license from the state.

96
97 Chris Bliska, applicant, stated he has no new activities planned, no change to the orchard. The state regulates
98 hard cider under a farm winery permit. He needs local approval first for state permit.

99
100 Tim Olson, 32nd St S., asked if there would be retail operating there as he has concerns about traffic. (no
101 retail, no additional traffic) Would taxes be different changing from RR to AG (unclear).

102
103 No other comments

104
105 **Motion/Second Parker/Bowman to close public hearing. All aye, passed 6-0.**

106 Hearing closed at 7:25pm

107 Hale asked if this is spot zoning

108 Kopitzke asked if there are implications to other lots on the quarter-quarter section.

109 Administrator Moorse discussed with planning consultant. His opinion is that it is not spot zoning. The
110 adjacent parcel to the southwest is AG.

111 Sykora asked if there are any other options

112 Administrator Moorse stated the ordinance could be amended to allow farm wineries in the RR zone. We
113 cannot give a use variance if not allowed in the zone.

114 Bowman asked the use changes in the future to retail sales, would they be required to come back?

115 Administrator Moorse stated the ordinance would have to change to allow retail sales, and would need an
116 amended CUP.

117 Sykora stated he would support the ordinance change. Chair Kopitzke agreed.

118 **Motion/Second Sykora/Parker to recommend approval of the Chris Bliska rezoning application**
119 **from rural residential to agriculture at 14698 Afton Boulevard South with findings.**

120 Findings

- 121 1. The property at 14698 Afton Boulevard is 26.46 acres in size and is zoned Rural
122 Residential.
- 123 2. The property is adjacent to property zoned Agricultural at its southwest corner.
124 The remainder of the property is adjacent to properties zoned Rural Residential.
- 125 3. The size and use of the subject property are well suited to the Agricultural zone.
- 126 4. The property is currently used as an orchard.
- 127 5. The sale of hard cider made from apples grown on the property requires a license
128 from the State of Minnesota, which requires the seller to have approval to operate a
129 farm winery.
- 130 6. A farm winery is allowed only in the agricultural zone, and requires a conditional
131 use permit.
- 132 7. A conditional use permit cannot be considered unless the property is rezoned to
133 agricultural.

134
135 Dawson noted that this increases land in the AG zone

136 **Vote: All aye, Passed 6-0.**

137
138 C. Chis Bliska CUP for farm winery

139 Chair Kopitzke opened the public hearing at 7:34pm

140 Administrator Moorse provided a summary of the CUP application: Chris Bliska, who operates the Elm Tree
141 Farm orchard on his 26.46 acre property at 14698 Afton Boulevard, has submitted a conditional use permit
142 application for a farm winery. Mr. Bliska is planning to provide apples from his orchard to a cidery that will
143 make hard cider. The cidery would market 50% of the cider and he would be able to market the other 50%
144 under his Elm Tree Farm label. The purpose of the farm winery permit is to enable Mr. Bliska to obtain a
145 farm winery license from the state that would allow him to sell the hard cider made from the apples grown on
146 his orchard on a wholesale basis. Mr. Bliska is not planning to make hard cider on his property, and is not
147 proposing to add any improvements to the property. If, in the future, significant improvements were to be
148 proposed to the property related to the Farm Winery use, an amended conditional use permit may be required.

149
150 No public comments

151
152 **Motion/Second Sykora/Hale to close public hearing. All aye, Passed 6-0.**

153 Hearing closed at 7:35 pm

154 Sykora stated the neighbors were concerned about potential retail (not allowed).

155 Chair Kopitzke stated the CUP goes with the land; any future retail would impact the community.

156 Chris Bliska stated there would also be federal and state licensing if there is a change of ownership.

157 Sykora recommended adding a condition that property will not be used for events. Also change language that
158 an amended CUP will be required if changes are made.

159 Parker asked for clarification of the current ordinance.

160 Administrator Moorse stated the current ordinance says no tasting, events or sales. If the ordinance changes,
161 the CUP regulates this property.

162 Bowman would like to add a finding that this “CUP is in support of agricultural endeavors in Afton”.
163 **Motion/Second Sykora/Hale to recommend approval of the Chris Bliska conditional use permit**
164 **application for a farm winery at 14698 Afton Boulevard South, with findings, and conditions listed;**
165 **including additional finding #3 “property will not be used for retail sales or public tastings”. All aye,**
166 **passed 6-0.**

167 Findings

- 168 1. The subject property is 26.46 acres in size and is currently used as an orchard
- 169 2. The sale of hard cider made from apples grown on the property requires a license
- 170 from the State of Minnesota, which requires the seller to have approval to operate a
- 171 farm winery.
- 172 3. Mr. Bliska is not planning to make hard cider on his property.
- 173 4. No improvements to the property are proposed.
- 174 5. A farm winery is allowed only in the agricultural zone, and requires a conditional use
- 175 permit.
- 176 6. A conditional use permit cannot be approved unless the property is rezoned to
- 177 agricultural.

178 Conditions

- 180 1. The conditional use permit shall be subject to the approval of the rezoning of the
- 181 property from Rural Residential to Agricultural.
- 182 2. Future significant improvements to the property related to the Farm Winery ~~may~~
- 183 will require an amended conditional use permit.
- 184 3. The property will not be used for retail sale or public tastings.

185
186 D. Jill Livingston CUP for events at 3390 St Croix Tr
187 Chair Kopitsky opened the public hearing at 7:44 p.m.

188 Administrator Moorse provided summary of the application which is for a Conditional Use Permit to allow
189 small gatherings and events, including but not limited to garden lectures and workshops, yoga in the garden,
190 culinary and wine gatherings, and wedding ceremonies and receptions, in addition to the existing retail and
191 residential uses at 3390 St. Croix Trail. The types of activities proposed are allowed in the VHS-C zone.
192 Staff is recommending conditions be placed on these uses to mitigate potential impacts, such as restrictions on
193 the number of guests allowed for the small gatherings and events, hours of operation and amplified music.
194 The applicant has indicated the number of guests for a small dinner would be between 12 and 24. The
195 number of guests for a wedding would be approximately 50. The applicant has indicated that amplified music
196 would not be used for the small gatherings and events. The hours of small gatherings and events could be
197 limited to not beyond 10:00 or 10:30 p.m.

198
199 Jill Livingston, applicant, was present for questions.

200 Chair Kopitsky asked if there was an existing CUP

201 Administrator Moorse stated in the past the property was used for retail and landscape design. Small
202 gatherings were held, no formal CUP.

203
204 No public comments received

205
206 **Motion/Second Bowman/Parker to close public hearing. All aye, passed 6-0.**

207 Hearing closed at 7:53 p.m.

208 Bowman asked about the definition of amplified sound. Also concern about parking for guests.

209 Livingston replied there would be acoustic or string instruments - no large speakers. Asked if there's a
210 decibel level in the noise ordinance.

211 Administrator Moorse stated decibels are mentioned in ordinance, hard to determine. If after 10 p.m. the
212 sound can be heard beyond property line, that would be a violation.

213 Hale stated that this is a wonderful idea for the property.

214 Chair Kopitzke stated the parking would be on the street.

215 Parker asked about toilet facilities.
216 Livingston stated she has a screened area where portables could be placed for larger events.
217 Chair Kopitzke recommended putting a limit on the number of events per year.
218 Discussion was held over the number of events and limits. Primary concern was parking.
219 Livingston felt most gatherings would be small, with yoga being weekly. All would be outdoors/seasonal.
220 Could limit larger events to no more than 50 people, 6 per year.

221 **Motion/Second Hale/Bowman to recommend approval of the Jill Livingston application for a conditional**
222 **use permit to allow Small Gatherings and Events at 3390 St. Croix Trail, with findings and conditions;**
223 **with added condition to limit to 15 per year for groups of 25-50 people. All aye, passed 6-0**

224 Findings

- 225 1. The property is zoned VHS-Commercial, and has been used for retail uses, a second
226 floor apartment, as well as periodic small gatherings.
- 227 2. The adjacent properties to the north and east are zoned VHS-Commercial. The
228 adjacent properties to the west and south are zoned VHS-Residential, including
229 Town Square Park, to the south.
- 230 3. Selling of food or alcohol requires the proper licensing or requires a caterer with the
231 proper licensing.
- 232 4. The types of activities proposed are allowed in the VHS-C zone
- 233 5. The small weddings and receptions could have noise and parking impacts, which
234 could be mitigated by limiting the size and hours of these events, as well as
235 prohibiting amplified music.

236 Conditions

- 237 1. Necessary licensing for the proposed uses shall be obtained by the applicant, or by a
238 caterer, as required.
- 239 2. Weddings and receptions shall be limited to 50 guests
- 240 3. The hours of dinners, weddings and receptions should be limited to not beyond
241 10:30 p.m.
- 242 4. Music for dinners, weddings and receptions shall not be amplified.
- 243 5. All activities shall comply with the City's noise ordinance
- 244 6. The fencing shall be designed and installed according to the plan that reflects the
245 design changes approved by the Heritage Preservation Commission.
- 246 7. Large gatherings are limited to 15 per year for groups of 25-50 people.

247
248
249 E. Thomas and Joalyce O'Connor Variance Application for a New House on the River Road Property
250 Directly South of 3786 River Road, with the property ID numbers 22.028.20.22.0012 and
251 22.028.20.44.0013.

252 Based on a request from the applicants, the variance will be considered at the May 2 meeting.
253

254 **8. NEW BUSINESS**

255 A. Draft Ordinance amendment to clarify timeline for implementation of a Variance
256 Administrator Moorse provided background information: The City Council, at its February 15, 2022 meeting
257 directed staff to prepare a draft ordinance amendment to clarify the one year requirement for implementation
258 of an approved variance, including clarifying the definition of "implementation". The draft ordinance was
259 reviewed by the Council and referred to the Planning Commission for review and comment.

260
261 Parker suggested defining "significant progress".
262 Administrator Moorse suggested "permit issued and activities begun"
263 Sykora asked for definition of "site improvements"
264 Parker asked what if there is no progress and site is abandoned
265 Sykora suggested we allow for updates and allow variance to continue if applicant requests
266 Other discussion was held on fee structure and large projects v.s. small.
267 Administrator Moorse will prepare changes to the draft for public hearing next month.

