

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
February 1, 2016, 7:00 PM

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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

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7 2. **PLEDGE OF ALLEGIANCE** – was recited.

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9 3. **ROLL CALL** – Present: Wroblewski, Kopitzke, Chair Ronningen, Kilmer, Seeberger, Patten, Nelson and
10 Doherty. Langan arrived at 7:19 p.m. **Quorum present.**

11
12 **ALSO IN ATTENDANCE** – Alternate Council Liaison Bill Palmquist, City Administrator Ron Moore and
13 Deputy Clerk Kim Swanson Linner.

14
15 4. **APPROVAL OF AGENDA** –

16 **Motion/Second: Patten/Kilmer. To approve the February 1, 2016 Planning Commission agenda as**
17 **written. Motion carried 8-0-0.**

18
19 5. **APPROVAL OF MINUTES** –

20 A. January 4, 2016 Planning Commission Meeting Minutes –

21 **Motion/Second: Wroblewski/Nelson. To approve the January 4, 2016 Planning Commission Meeting**
22 **minutes as presented. Motion carried 8-0-0.**

23
24 6. **REPORTS AND PRESENTATIONS** – none.

25
26 7. **PUBLIC HEARINGS** –

27 A. Tom and Clare Hoelderle application for an amendment to the zoning code to allow a commercial
28 wedding venue as a Conditional Use in the Rural Residential zoning district on lots 20 acres or greater as an
29 accessory use to a principal structure – Chair Ronningen opened the Public Hearing at 7:03 p.m.

30 Administrator Moore summarized that Tom and Clare Hoelderle own the property at 589 Manning Avenue,
31 located in the Rural Residential (RR) District. They would like to use the property as a commercial wedding
32 venue. Because this use is not allowed in the RR zone, they have submitted an application for an ordinance
33 amendment to allow a commercial wedding venue use in the RR zone.

34 The applicants' attorney, Mark Thieroff, spoke about the amendment to the zoning code. Thieroff felt the
35 amendment was in conformance with the City's Comprehensive Plan, would blend with existing land use
36 patterns and supports the characteristics of the Rural Residential zone and be in accordance with six of the
37 housing and land use goals as stated in the Comp Plan: maintain low density; preserve rural character; maintain
38 natural open spaces; maintain a low demand for public expenditures; promote wise land stewardship; and, resist
39 development pressures. He stated that the performance standards reflect the manner in which the applicants
40 propose to operate their wedding venue use. Thieroff stated that one of the objections from the 2013 request by
41 the Hoelderles for a commercial wedding venue was that the Comp Plan states that commercial is only in the
42 VHS district. He pointed out that those commercial ventures are "principal uses." He noted that there are several
43 types of accessory commercial uses in all areas of the city that are allowed: Bed and Breakfasts, Produce Stands.

44 Moore indicated he had supplied additional performance standards that the Planning Commission can also
45 consider adding.

46
47 Public Comment

48 David Holm, 4960 Pheasant Ct S, spoke in favor of the zoning amendment, but wanted the restriction to
49 access from state and county roads to be eliminated. He mentioned that owners of horse barns occasionally hold
50 parties and there have been no complaints to his knowledge.

51 Mark Donnelly, 12347 8th Street S, asked if the Hoelderles were restricted in holding weddings since 2013,
52 because they have had 5 to 7 weddings on site since 2013. He stated he moved out to Afton for the peace and

53 quiet and the weddings with the traffic that comes and the parking in the field stirs up a lot of dust and the music
54 is not what he signed up for or wants.

55 Charles Bennett, 12340 8th Street Ct S, indicated his property butts up against the barn, so he looks at a “sea
56 of cars” when they have held weddings over the last two years. He stated Afton is already losing part of its rural
57 character because of the development in neighboring Woodbury and Hudson. He asked what is to keep others
58 from using their property for other uses like a car repair service as an accessory use?

59 Danielle Wamstad, 1987 Manning Avenue S, spoke in support of the ordinance allowing the commercial
60 wedding venue use. She also did not want the access restricted to state or county roads. She said even on her 40
61 acres in the agriculture zone she can walk outdoors and hear her neighbors.

62
63 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:20 p.m. Motion carried 9-0-0.**

64
65 Commission Discussion

66 Kopitzke stated that if the use was going to be allowed in the Rural Residential zone it should also be
67 allowed in the Agriculture zone, as that is where the barns would be.

68 Nelson felt the requirement for access from a state or county road could be eliminated. ~~He felt a statement~~
69 ~~should be added that states, “this ordinance is to protect the health, safety and welfare of the residents of Afton.”~~

70 Patten felt parking is a concern as a sight nuisance; if it is a grass or gravel area it will be trampled down and
71 eventually be dusty. Looking at a field of cars is not what residents in the Rural Residential zone expect to see
72 every weekend. He commented that the ordinance amendment seems to be narrow and self-serving, rather than
73 written for the common good of the whole city.

74 Seeberger didn’t feel the ordinance amendment would pertain to just one property. She commented that
75 Woodbury has development and growth and Afton needs to manage a transition, but wants to maintain rural
76 character. She thought a commercial wedding venue would be a good fit for farms not operating anymore.

77 Langan commented that he lives two doors down from the wedding venue on 15th Street S that was
78 operating illegally until the city was successful in shutting it down. He said the receptions were out of control
79 and parking was often on the street, which was a problem. Since the city notified them to shut down, they have
80 held at least two events. Langan was concerned that if allowed in the Rural Residential zone, as property
81 develops around the site, will the events become or be seen as more and more boisterous. He is concerned that if
82 this ordinance amendment goes forward that other, problem venues, would be allowed to be reinstated.

83 Kopitzke reminded that the application in 2013 for a commercial wedding venue at the same property was
84 seen as “spot zoning.” He felt the city needs to consider how this compares with other allowed uses in the Rural
85 Residential zone. As compared to a Bed & Breakfast or a Produce Stand, it seems the use would have a lot more
86 traffic. Should the wedding venue be compared to a church? It is likely to have similar traffic counts, although
87 churches usually have paved parking lots.

88 Seeberger spoke that the 15th Street S venue was operating out of compliance, without regulations or
89 parameters.

90 ~~Wroblewski stated that Manning is a traffic concern. She indicated that when the applicants came before~~
91 ~~them in 2013 some neighbors were supportive. She is was glad to see that screening is proposed in the ordinance~~
92 ~~language, but perhaps that needs to be examined further.~~

93 Doherty also recollected that a number of neighbors in the RR zone were vocal about not expecting this type
94 of use in their zoning district.

95 Ronningen asked staff if it was determined how many properties in Afton the proposed ordinance would be
96 applicable.

97 Moore indicated he had not checked into that.

98 Ronningen stated that other commercial accessory uses are allowed in Afton, but they are on a much smaller
99 scale. She indicated that for this high traffic use which would probably also have music, that neighbors will be
100 affected. She commented that she lives 2-1/2 miles from downtown Afton and she hears the music from the
101 street dances in the Village in the summer.

102 Kopitzke reiterated that he would accept this use in the Agriculture zone because those properties are
103 accustomed to hearing loud noises such as tractors, he felt residents in the RR zone, not so much.

104 Doherty thought that the application in 2013 ended up being okay in the Agriculture zone.
105 Wroblewski asked which portion of this owners' property does parking take up. She stated that ~~it appears it~~
106 parking for a large number of cars takes up a lot of space.

107 Kilmer asked if there is screening of the cars in the parking area?

108 The applicant indicated, no, there was not.

109 Kilmer thought language may need to be put in the ordinance about the frequency of events and required
110 screening, especially if this will be allowed in Rural Residential. She felt there needed to be additional
111 performance standards.

112 Doherty felt this proposal is analogous to the "sled dog" ordinance amendment of a few years back. The
113 dogs "pulled on neighbors heartstrings," until they realized it could be in anyone's backyard if adopted.

114 Patten wondered if 20 acres would be a big enough parcel. Should the size be 50 acres?

115 Nelson felt the use feels characteristically rural and wondered if there is a way to craft the ordinance so that
116 the use could be done without causing complaints. He felt the addition of language to "protect the health, safety
117 and welfare" of the public would have to be complied with, or it gets shut down.

118 Wroblewski asked how enforceable the "protect the health, safety and welfare" clause would be.

119 Ronningen commented the City has not had a good track record of enforcement.

120 Kopitzke wondered if using the "protect the health, safety and welfare" clause to shut down a business
121 would invite a lawsuit on the city. He felt other performance standards could be specified for compliance.

122 Wroblewski wanted to have the information on how many properties this ordinance would be applicable to.
123 She also felt that more performance standards would make the ordinance more enforceable.

124 Ronningen wondered why the city would need to confine the building to "existing farm buildings." She
125 asked why it would not be okay to be able to build a building that would serve this function.

126 Wroblewski felt that the Agriculture zone seemed a better place to allow this use, as the acreage and
127 screening opportunities would lend a better event outcome.

128

129 **Motion/Second: Ronningen/Kilmer. To extend the application for the ordinance amendment to allow a**
130 **Commercial Wedding Venue as an accessory use in the Rural Residential zoning district to the March 7,**
131 **2016 Planning Commission meeting in order for staff to ascertain how broadly applicable this ordinance**
132 **would be for the entire City of Afton. Motion carried 9-0-0.**

133

134 **B. Danielle and Charlie Wamstad (Traditional Ventures LLC) variance application for a driveway**
135 **easement, 1987 Manning Ave – Chair Ronningen opened the Public Hearing at 7:52 p.m.**

136 Administrator Moorse summarized the Danielle and Charlie Wamstad (Traditional Ventures LLC) variance
137 application to Sec. 12-84. Driveway access permits and standards, and to Sec. 12-140. B.3 Permitted uses and
138 structures (in the Ag zone) to enable the construction of a driveway along the eastern portion of their property to
139 replace a driveway accessing Manning Avenue which will be eliminated as part of a Minnesota Department of
140 Transportation (MN/DOT) improvement project. Sec. 12-84 requires each lot to have access from the public
141 road on which it has frontage, even if it also has access through an easement on an adjacent parcel. Sec. 12-
142 140.B.3 requires a driveway in the Ag zone to be separated from adjacent driveways on the same side of the
143 street by 300 feet if located on a local or collector street. Moorse explained that the Wamstads own the parcel at
144 1987 Manning Avenue, and also own the parcel to the south that fronts on both Manning Avenue and 22nd
145 Avenue. The parcel at 1987 Manning currently has a driveway that accesses the parcel from Manning Avenue
146 near the intersection of Manning and Valley Creek Road. MN/DOT's plan is to improve the intersection by
147 adding a left turn lane from northbound Manning to westbound Valley Creek Road. MN/DOT must acquire
148 additional right-of-way which is determined to be from the east side of Manning, and includes land on which the
149 Wamstad's driveway is currently located. For safety reasons, MN/DOT does not want the driveway to continue
150 to access Manning Avenue. To provide an alternate and safer location for the driveway, the Wamstads are
151 requesting a variance to enable the only access to the property to be through a driveway on an easement through
152 the parcel to the south to access 22nd Avenue. Because the driveway serves slow-moving agricultural equipment
153 in addition to residential traffic, the access onto 22nd Avenue is preferred from a safety standpoint.

154

155 The Wamstads proposed driveway would be located on the eastern portion of their southern property and would
156 be 55 feet from the existing driveway on the property to the east. The ordinance requires a minimum separation
157 of 300 feet between driveways. The proposed location was selected because there are currently utilities in the
158 area of the driveway that make it unproductive for cropland and there is currently a driveway easement along the
159 eastern boundary of the property. Also, if the driveway was located 300 feet from the neighboring driveway, it
160 would be running through the middle of a current productive crop field. In addition, locating the driveway 300
161 feet from the neighboring driveway would place it less than the required 100 feet away from the intersection of
162 22nd Avenue and Meadow Bluff Trail. Moore added that a portion of the proposed driveway would cross an
163 area recently approved to be regraded to create a grassy waterway. The resolution approving the grassy
164 waterway required that, if a culvert is installed in the future to provide access across the grassed waterway, the
165 plans for the culvert will need to be reviewed and approved by the City Engineer. A permit for the driveway is
166 currently being processed through the Valley Branch Watershed District (VBWD), and the VBWD Board will
167 consider the permit application at its January 28 meeting.

168 Richard Forsythe, MN/DOT right-of-way appraiser, spoke of the accident reports at that intersection and
169 that as a safety perspective MN/DOT wants to close the driveway access, as it is across Manning from Valley
170 Creek Road. He contended that the new holding pond to be installed where the current Wamstad driveway is
171 located should curtail the water flowage across the Wamstad property (the proposed grassed waterway) where
172 the new driveway is proposed to be located.

173 Charlie Wamstad, owner, commented that there is currently a 66 foot wide easement which allows access of
174 farm equipment on the east side of the property where they propose to locate a new driveway.

175 Larry Headrick, neighbor to the east of the Wamstad property, spoke in favor of locating the driveway 55
176 feet to the west of their driveway and felt it was a much better access for the Wamstads than Manning Avenue.

177 A neighbor living just down the road from the intersection felt it was a solid case to move the driveway to
178 22nd Street S.

179
180 **Motion/Second: Nelson/Wroblewski. To close the Public Hearing at 8:04 p.m. Motion carried 9-0-0.**

181
182 Commission Discussion

183 Kopitzke asked what would happen if the city did not approve the variance?

184 The MN/DOT appraiser stated the access would stay the same. He stated that four properties are adversely
185 affected by the intersection improvements, but none are as affected as the Wamstad's.

186
187 **Motion/Second: Seeberger/Kilmer. To recommend APPROVAL to the City Council for variance requests
188 by Danielle and Charlie Wamstad (Traditional Ventures LLC) for changes in driveway access from 1987
189 Manning Avenue to 22nd Street South to enable the construction of a driveway along the eastern portion
190 of their southern property to replace a driveway accessing Manning Avenue which will be eliminated as
191 part of a Minnesota Department of Transportation (MN/DOT) improvement project and to allow said
192 driveway to be separated from the adjacent driveway on the same side of the street by 55 feet instead of
193 the required 300 feet even though located in the Ag zone.**

194
195 Findings

- 196 1. The property is unique and has exceptional conditions as ~~applied from~~ a result of actions by the
197 Minnesota Department of Transportation (MN/DOT).
198 2. Granting the variance will not confer special conditions to the applicant.
199 3. The minimum variance is being granted.
200 4. The variance request is the best alternative for a solution to the problem access and intersection
201 on Manning Avenue at Valley Creek Trail.

202
203 Conditions

- 204 1. The Valley Branch Watershed District shall approve a permit for the driveway over the grassed
205 waterway.

- 206 2. **The City Engineer shall review and approve the plans for the driveway.**
- 207 3. **The driveway shall be constructed and maintained according to the approved plans and permit.**
- 208 4. **That MN/DOT provide a letter to the city stating that this alternative is the best solution for this**
- 209 **property in alleviating the dangerous access situation that they are remedying on Manning**
- 210 **Avenue at Valley Creek Trail.**

211
212 **Motion carried 9-0-0. It was noted that the City Council would take action on this application at their**

213 **February 16, 2016 meeting.**

214
215 C. Washington County's updated Subsurface Sewage Treatment System (SSTS) Ordinance – Chair

216 Ronningen opened the Public Hearing at 8:10 p.m.

217 Administrator Moose reviewed that Washington County adopted an updated Subsurface Sewage Treatment

218 System (SSTS) ordinance in April 2015. He explained that when the County adopts an updated SSTS

219 ordinance, the City has one year to adopt the new ordinance by reference, adopt its own ordinance, or adopt a

220 city ordinance that modifies the County's ordinance. The City has in the past adopted the County's ordinance.

221 Moose noted that the Planning Commission, in its review of the updated septic ordinance, noticed an

222 inconsistency between the 6 hour septage incorporation timeline and the 48 hour timeline in Table XII. Girard

223 Goder of Washington County ~~addressing~~ addressed the seeming inconsistency. ~~His~~ He indicated they are not

224 conflicting timelines, in that the 6 hour timeline is for septage that has not been treated with lime. The 48 hours

225 is for septage that has been treated with lime.

226 Lana Meyer, 5325 Manning, owner and Chris Wagner, employee of Meyer Sewer Service, spoke in favor of

227 adopting the County ordinance to allow the land spreading of septage.

228
229 **Motion/Second: Kopitzke/Patten. To close the Public Hearing at 8:14 p.m. Motion carried 9-0-0.**

230
231 It was noted that the City wishes to have Washington County notify the City of any septage spreading permits.

232
233 **Motion/Second: Ronningen/Doherty. To recommend to City Council adoption of the updated Washington**

234 **County SSTS ordinance by reference. Motion carried 9-0-0.**

235 8. NEW BUSINESS -

236 A. Comprehensive Plan Process Steps – Administrator Moose reviewed that at the January 4, 2016 Planning

237 Commission meeting, staff was requested to provide information regarding the Comprehensive Plan update

238 process. Moose indicated the Metropolitan Council's information about the Comprehensive Plan update process

239 was sent to commissioners. He noted that the website has additional information, including the System Statements

240 specific to Afton that need to be reflected in the Comprehensive Plan update, as well as other technical assistance

241 information. Two links to the Metropolitan Council information were identified:

242 <http://www.metrocouncil.org/Handbook/Review-Process/Comprehensive-Plan-Updates.aspx> and

243 <http://lphonline.metc.state.mn.us/CommPage.aspx?ctu=2393887&applicant=Afton>.

244
245
246 An outline of the elements of the Comp Plan were:

- 247 1. Address each of the Plan Elements
 - 248 a. Land Use
 - 249 b. Transportation
 - 250 c. Water Resources
 - 251 d. Parks and Trails
 - 252 e. Housing
 - 253 f. Plan Implementation
 - 254 g. Resilience (in relation to climate change) *
 - 255 h. Economic Competitiveness *
 - 256 i. Implementation

- 257 2. Reflect the Met Council’s population, household and employment forecasts in the Plan.
- 258 3. Reflect Afton’s community designation , which is Diversified Rural, and the Met Council’s policies
- 259 related to that designation.
- 260 4. Reflect each of the Met Council’s System Statements in the Plan
- 261 a. Transportation System Statement
- 262 b. Water Resource Requirements/Wastewater System Statement
- 263 c. Regional Parks System Statement
- 264

265 * Resilience and Economic Competitiveness were identified as new plan elements added to this Comp Plan.

266
267 **Commissioners were asked to read the current Comprehensive Plan to familiarize themselves. They**

268 **were also asked to read the information on the Met Council Comprehensive Plan Update process.**

269 **Commissioners noted that they wanted input from City Council on the process to avoid any false**

270 **starts on the update process.**

271 **Commissioners requested that the Met Council Sector Representative be invited to the March PC**

272 **meeting and to invite City Council members. Everyone should be ready with questions for the Sector Rep.**

273
274 **9. OLD BUSINESS -**

- 275 A. Draft City Council Minutes - Update on City Council Actions – Alternate Council Liaison Bill
- 276 Palmquist reported that the Nature’s Trees variance requests were approved [by a 3-2-0 vote].
- 277

278 **10. ADJOURN –**

279
280 **Motion/Second: Doherty/Seeberger. To adjourn the meeting at 8:28 p.m. Motion carried 9-0-0.**

281
282 Respectfully submitted by:

283
284
285 _____

286 Kim Swanson Linner, Deputy Clerk

287
288 **To be approved on March 7, 2016 as (check one): Presented: _____ or Amended: X**