

West Lakeland Township

November 13, 2017

7:00 p.m.

Oak-Land Middle School

The Town Board Meeting 11/13/2017

Present: Chairman Dan Kylo, Supervisor Steven Ebner, Supervisor Dave Schultz; Carrie Seifert, Clerk; Jennifer Samec, Deputy Clerk; Ms. Marsha Olson, Treasurer; Mr. Dave Dupay, Planning Commission Chair; Duane Stensland, Building Inspector; Attorney Viet-Hanh Winchell, Attorney Scott McDonald, Mr. Ryan Stempksi, Township Engineer

Public Hearing for a billboard on a 1.5 acre parcel bounded by Stagecoach Trail, Interstate 94, and Hudson Road

Chairman Kylo called to order a public hearing to consider an application by Stephen H Land Company for variances related to a proposed billboard to be located on the 1.5 acre parcel bounded by Stagecoach Trail on the east, Interstate 94 on the north, and Hudson Road on the south. At 7 PM. Mr. Jacob Steen, representing the landowner, provided a summary of the request. The requested variances are for the size and height of the signage, and to allow construction on a smaller lot than allowed. There is currently a post on the 1.5 acre site, and Stephen H Land Company would like to install an electronic billboard. The lot is unique in that it is a currently existing lot and substandard due to MnDOT condemnation. The lot also has constraints for other uses due to the steep slopes approaching the highway. The proposed billboard size is consistent with other commercial billboards in the area. It was noted there was a billboard of similar size, but not an electronic billboard, about ½ mile from the proposed site.

Mr. Dupay presented the planning commission recommendations. The planning commission was sympathetic with the limited potential uses of the lot. The erection of the billboard was approved in the past, but halted by Washington County having the area zoned as residential instead of commercial. Township zoning is now commercial, but it is not specifically an allowed use in that zone.

At 7 PM, Chairman Kylo opened the hearing for public comment. Mr. Ken Jorgensen, 717 Nordic Ave, noted that the use was not an allowed use in the township, and would require an amendment to the zoning ordinance to allow the use. Mr. Duane Stensland, 15199 8th Street, objected to the lighting that would be generated from the electronic billboard, and expressed concerns that may come from neighboring Afton residents. Ms. Karen Bohnert, 1254 Omaha, expressed concerns that an electronic billboard of this size would destroy the rural nature of the township and reduce property values, and could create a precedent to allow additional large signage in the township. Mr. Bill Reiners, 15172 Hudson Blvd, expressed concern because his property would be directly impacted, and is concerned with the level of light emitted from the large size and extended height.

Chairman Kylo closed the public hearing at 7:20 PM

Regular Meeting of the Board of Supervisors

Chairman Kylo called to order the regular meeting of the board of supervisors at 7:20 PM to consider the application for variances for the Stephen H Land Company. Supervisor Ebner noted that although the digital sign would have less light emitted than a standard billboard, it is still a lot of light. There is also concerns about additional requests for similar large billboards or signs, and does not wish to see a proliferation of billboards. Mr. McDonald was asked about the suggestion the use could not be allowed without modification of the code. Mr. McDonald noted that section 8.8.5 does allow advertising signs, the intent that this is for signs relating to uses on the lot. It is correct that billboards are not an allowed use under section 4.5.2. To move forward with this request an amendment would be needed to allow this use as a conditional use. Mr. McDonald also noted that any action would need to

West Lakeland Township

November 13, 2017

7:00 p.m.

Oak-Land Middle School

have facts supporting that decision. Due to the timing of the request, the board should also request extension of the 60 day limit on consideration of the request. Chairman Kylo expressed his understanding of the residents' concerns over the light, the size, and the desire to retain the rural tranquility. He is also not ready to set precedence to allow billboards in the township. Chairman Kylo noted additional concerns expressed in writing from other township residents.

Chairman Kylo moved to deny the requests for variance based on the light exposure on neighboring properties, the impact of the flash of the electronic billboard, the impact on the sight lines from neighboring properties, the magnitude of the size and height requested compared to those allowed in the current ordinance and potential safety concerns to motorists travelling on Stagecoach and Hudson Road. Chairman Kylo further moved to direct the township attorney to draw up a resolution documenting such findings. Seconded by Supervisor Schultz, the motion carried.

Ms. Winchell presented a letter of notification to the applicant for an extension to the 60 day time period for review, noting the limited meeting times of the board. Chairman Kylo moved to approve the notice of extension under Minnesota Statute 15.99. Seconded by Supervisor Schultz, the motion carried.

Chairman Kylo suspended the regular meeting to open a public hearing to consider Preliminary Plat approval for Autumn Run Second Edition at 7:45 PM

Public Hearing to Consider Final Plat for Autumn Run Second Edition and a request for variance to the requirement for one acre buildable home site for Lot 7.

Chairman Kylo called to order a public hearing to consider final plat approval for Autumn Run Second Edition and a request for variance for the one acre buildable homesite for Lot 7 at 7:45 PM. Mr. Dan Thurmes, Cornerstone Surveying, presented the proposal for a 12 lot plat on 32 acres. The plat would have a new cul-de-sac serving the lots off 10th Street, and an extension of the cul-de-sac at the end of Oldridge Avenue to service the remaining lots. Lot 7 has an existing home, which will be removed. The plat also requests a variance for that lot to allow a buildable home site of .62 acres, as it is already an existing home site. There is a 25 ft wide strip from this property to Oakgreen Avenue that would be part of lot 6. Once approved, there would be a further request to vacate the existing drainage and utility easements. Valley Branch Watershed District has provided preliminary approval of the development.

Mr. Dave Dupay presented the recommendations of the planning commission. In general, the planning commission recommended approval of the preliminary plat, conditioned on the variance for the one acre buildable requirement for Lot 7. It appeared on the documents reviewed by the planning commission there was sufficient space for all necessary buildings, services and the driveway. Allowing the variance was not unanimous. Other concerns included the steeper grades on the cul de sacs, and drainage concerns on the lots furthest to the north. Updated soil tests should be a condition for approval. It was also suggested that there be written support from Washington County on the approval of access on 10th Street. The developer provided written support of the agreement, indicating the access point is acceptable and no turn lane would be required at this time.

Mr. Ryan Stempski provided a summary of the engineering review. It was noted that to ensure the grading plans are sufficient, all lot pads are constructed as noted on the preliminary plat, and any change in grading would need to be reviewed by the township and Valley Branch Watershed District. There are additional comments which can be addressed in the final plat. When the cul de sac is reconstructed, that right of way would be re-established. There are concerns with the steep slope on the driveway for Lot 7.

West Lakeland Township

November 13, 2017

7:00 p.m.

Oak-Land Middle School

Chairman Kyлло opened the hearing for public comments. Ms. Karen Bohnert, 1254 Omaha, asked about the drainage from Lot 5. There is concern about the impact on the natural lowland to the east of the proposed development. Mr. Tim Myhra, 1223 Oakgreen, expressed concerns about the 25 ft section from the development to Oakgreen Avenue. The concerns that this not be returned to the use as a vehicle access point, and that the land be retained with natural vegetation to prevent erosion, and that the drainage between lots 8 and 9 be managed so that this does not aggravate any erosion along that 25 ft strip. The developer noted that the drainage plans are sufficient to manage the 100 year event, and there should be no more, or even less, volume of run off than is currently experienced. Ms. Linda Thiel, 1267 Oakgreen Ave N, also expressed concerns about the erosion along this 25 ft strip between the development and Oakgreen Avenue. She also indicated that the US Forestry Service has taken an interest in this land, and requested additional study be done. Mr. Thurmes is not aware of any encumbrance by any government agency on this land. She also has additional concerns about this land being used as an access point, and causing security concerns for the homeowners adjoining this property. Mr. Hause, the developer, indicated that this was not to be used as an access point, and would agree to remove the access to Oakgreen, not clear the property, and restrict any motorized vehicle access. Ms. Eileen Sandstrom, 1165 Oakgreen, supported that the 25 ft section between the development and Oakgreen Ave be kept with natural vegetation, and not allow access to Oakgreen Avenue. Chairman Kyлло closed the public hearing at 8:44 PM

Regular Meeting of the Board of Supervisors

Chairman Kyлло reopened the regular meeting of the board of supervisors at 8:44 PM to review the preliminary plat approval for Autumn Run II and the variance to the requirement for 1 contiguous buildable acre for Lot 7 of this development. Supervisor Schultz expressed concerns about the driveway location on Lot 7, and not in support of a shared driveway as a solution. As a former member of the planning commission, Supervisor Schultz recalled a discussion of a realignment of the property lines to remove the 25 ft strip, but that cannot be required of the developer. He supported the removal of the access point on Oakgreen Avenue, restrictions from use by motorized vehicles, and retention of the vegetation along this 25 foot strip. Chairman Kyлло also expressed some concerns about the impact of the 25 ft strip between the development and Oakgreen Avenue, and supports removing the access point on Oakgreen Avenue, restriction from use by motorized vehicles, and the vegetation be retained. Mr. Thurmes and Mr. Hause agreed to put a deed restriction on Lot 9 to control the use. Mr. Stempski noted that the developer's agreement, per current standard procedures, will include a storm water maintenance agreement to provide for maintenance and correction of the erosion control measures into the future. If the facilities do not function or fail, there is a mechanism to address the issue. After discussion, Chairman Kyлло moved to direct the township attorney to draft resolution documenting approval of the preliminary plat for Autumn Run Second Edition, with a variance for the construction of Lot 7 to have only .62 contiguous buildable area, contingent upon deed restrictions for Lot 9 with regard to the 25ft wide portion of the lot to Oakgreen Avenue to prohibit motorized vehicles and retention of vegetation, contingent upon removal of the access point from the property to Oakgreen Avenue, agreement to the storm water maintenance agreement, and allowance for a special taxing district as needed, vacation of the existing easements, allowing 32 ft road easement on 10th Street, and demonstration that Lot 7 can meet all setback requirements including the driveway of a standard residential lot. Seconded by Supervisor Ebner, the motion carried.

Approve the Minutes

West Lakeland Township

November 13, 2017

7:00 p.m.

Oak-Land Middle School

Supervisor Ebner moved to approve the minutes of the October 2 2017 regular meeting with minor corrections. Seconded by Supervisor Schultz, the motion carried.

Supervisor Schultz moved to approve the minutes of the November 6, 2017 special meeting with attorney Kevin Quigley. Seconded by Chairman Kylo, the motion carried.

Treasurer's Report

Ms. Olsen presented the treasurer's report for October 2017, reflecting \$26,743 in receipts and \$53,066 in expenses, and \$2,346,202 in current assets. The current assets include \$500,000 in escrow. Supervisor Schultz moved to approve the treasurer's report. Seconded by Supervisor Ebner, the motion carried.

Public Comment Period

A question was raised on the application of the Prairie Island Indian Community for the transition to trust land in West Lakeland. Chairman Kylo noted that this is the end of the 30-day comment period. The township hired an attorney with expertise in the area of Indian Affairs, to assist in drafting the township comments. This letter will be posted on the township website.

Fitzgerald Assisted Living Facility

Mr. Isaac Stensland provided a summary of the review and updated correspondence with regard to the findings for the use of this property as an R4 residential facility. The building was given a certificate of occupancy in 1999 as a single family residence, and was licensed in 2009 as a residential assisted living facility by the Minnesota Department of Health. There should have been a new certificate of occupancy issued at that time, which would have required compliance with the IBC building code. Since no such request was initiated at that time, the property is to be evaluated under the current building code. It is this code that requires the sprinkler system be installed. The documentation provided by the landowner speaks to requirements under the state fire code, not the building code. There can be solutions, in Mr. Stensland's opinion, to allow for the shared party walls, but will need sprinklers, accessibility and exit lights.

Ms. Winchell noted that the lack of application of the certificate of occupancy makes the property in violation of the township code, and the fact that a residential assisted living facility of this size is not an allowed use in the current code, the use is also in violation of the town code. There can be no more than six residents of the property until a conditional use permit is obtained. No response was received to her letter to the property owners.

It was agreed that the landowner be sent a letter stating the township's position on the code violations, and the need for sprinklers and ADA compliance, and invite the property owners to the next town meeting to address resolution.

Additional Business

Chairman Kylo signed the resolutions documenting the building variance granted for 772 Neal Avenue North, and approving compliance action relating to the property at 991 Neal Avenue North.

Chairman Kylo presented a draft resolution to withdraw from the Gateway Corridor Commission. With the realignment of the corridor, there is no immediate impact on West Lakeland Township. Supervisor Ebner moved to approve the withdrawal, and direct the township attorney to prepare a resolution documenting the withdrawal. Seconded by Chairman Kylo, the motion carried.

West Lakeland Township

November 13, 2017

7:00 p.m.

Oak-Land Middle School

Supervisor Schultz noted a recurrence of aggressive dogs in the township. It was suggested that there be a meeting with Ms. Pelnar, the animal control office, and the Washington County Sheriff staff, to ensure all parties agree on the process for addressing these issues.

It was agreed by the board to not host a Santa event this year.

Adjourn

Having no further business, Supervisor Ebner moved to adjourn the meeting. Seconded by Supervisor Schultz, the motion carried. Chairman Kylo adjourned the meeting at 10:06 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Elizabeth Anne Vance". The signature is written in a cursive style and is placed on a light yellow rectangular background.

Elizabeth Vance
Recording Secretary