

Pursuant to due call and notice thereof, a Planning Commission meeting was held on Tuesday, August 19, 2008 at 6:30 p.m.

At 6 p.m. the Planning Commission did a walk through of the property at 814 Chinook Ave to review the house owned by Marvin Stoermann.

PRESENT: Eric Larson, Katie Reiling, Bob Pogatschnik, Doug Millaway, Rick Fischbach

ABSENT: None

The meeting was called to order at 6:37 p.m.

MINUTES OF JULY 15, 2008

Motion by Katie Reiling to approve the minutes as written, second by Bob Pogatschnik, all in favor and carried.

PJ'S VARIANCE-PUBLIC HEARING

The public hearing was opened at 6:40 p.m.

Bill Blonigen was present at the meeting and he explained that the patio will be squared off with the building. The building is not squared with the property. The planning Commission felt that by PJ's adding this patio to their property they will be enhancing the beach area which was a goal for the Planning Commission. Amy explained that the next step is for PJ's to apply for a Conditional Use Permit. Amy will put the CUP on the agenda for September 16. Amy did explain that after the CUP process Bill will need to decide whether he wants the City attorney to draft the "Agreement" or if he will have his attorney draft the document.

The planning Commission did suggest that it might be a good idea to suggest to the parks board to intall a knock-down by the fire hydrant near the bike trail. Katie Reiling will let the park board know.

Motion by Katie Reiling to close the public hearing at 6:55 p.m., second by Bob Pogatschnik, all in favor and carried.

Motion by Katie Reiling to recommend to the City Council to approve the variance authorizing the front setback of 0' instead of 30' as set forth in the ordinance, second by Rick Fischbach, all in favor and carried.

809 UPPER SPUNK LAKE RD CONDITIONAL USE PERMIT—PUBLIC HEARING

The Public Hearing was opened at 6:55 p.m.

There were several individuals present to express their concerns with regard to this Conditional Use Permit. These individuals were concerned about possible soil contamination. They had concerns regarding safety/environmental issues that would accompany a business involved with dismantling vehicles. The Planning Commission explained to these individuals that they have to have a plan which is regulated by the State of MN to operate this type of business. The Planning Commission explained that the CUP is to put restrictions on this property. The Planning Commission would also do yearly site visits.

John Klein did discuss the traffic issue. He said that most vehicles will be brought in by a trailer. If there was ever a need for a semi to be used, he stated there is a large enough turn around area on the property so there would never be any stopping/backing up on the actual county road. They will be bringing in cars one at a time and the hours will be 8 to 5. They estimate absolutely no more than 10 vehicle in and out of this property per day. They said the size of this building will be adequate for at least the next 5 years. This property will also be an authorized DHL shipping facility. In the future if they expand the DHL may be moved to another locations.

Motion by Bob Pogatschnik to close the Public Hearing at 7:24 p.m., second by Eric Larson, all in favor and carried.

Motion was made by Rick Fischbach to make a recommendation to the City Council to approve the Conditional Use Permit for John Klein with the following restrictions (City Clerk to review language--language may be altered slightly):

- The screening/fence will need to be installed to conceal any cars/parts within the property.....*
- Annual review of the conditional use permit with on-site inspection.....*
- Any and all hazardous materials and contaminants to be properly disposed of...*
- This permit is nontransferable.....*
- In the event the property is sold or no longer used for this purpose, John Klein is responsible for cleanup of all contaminants and hazardous materials....*
- If contamination occurs, the Conditional Use Permit will cease if area contaminated is not properly cleaned up by specific time frame imposed by proper authorities....*

- *The City of Avon would like verification from John Klein on a yearly basis that all appropriate inspections are taking place and are in accordance with the State of Minnesota....*

second by Katie Reiling, all in favor and carried.

407 4th ST NW VARIANCE-PUBLIC HEARING

The Public Hearing was opened at 7:26 p.m.

The Planning Commission went over the calculations with Brad Herkenhoff again. Brad contacted Dan Lais of the DNR and presented the Planning Commission with information regarding rain barrels and also rain gardens. The runoff that would come from the shed would be directed into rain barrels which would be behind the shed. This water would then be used to water the yard, plants, etc. The shed would need approximately 3 barrels to handle run off from the shed.

The Planning Commission did discuss different options that were discussed at the last meeting. Brad explained that although taking out the patio would eliminate his need for a variance, it would be more expensive to take out the patio and replace with a deck than the shed he is proposing to build.

Motion was made by Katie Reiling to close the public hearing at 7:48 p.m., all in favor and carried

Motion was made by Bob Pogatschnik to recommend to the City Council to allow maximum lot coverage of 26.5% instead of 25% as set forth in the ordinance, which would allow a 12 X 20 shed to be constructed and also his driveway to be widened on both sides with the understanding that a rain barrel system and/or rain garden will be installed to accommodate the run off from this shed, second by Doug Millaway, all in favor and carried.

PLANNING COMMISSION RESOLUTION-BIOFUEL BURNERS

The Planning Commission reviewed the ordinance from the City of Albany regarding Biofuel burners.

Motion was made by Bob Pogatschnik to recommend adoption of City of Avon Resolution 08-02 with the following corrections:

Section: _____ . PROHIBITION. Outdoor Biofuel Burners are prohibited and shall not be installed or operated within the City of Avon. (ADD) No outdoor grain or biomass storage facilities (grain bins and feed bins).

Section _____: **USE REGULATIONS.**

Subd. 6: Fuel Storage. Outdoor fuel storage is limited to two cords of wood, which is the amount of wood that can be stacked to 4 feet height by 4 feet wide by 8 feet long. Other fuel sources are similarly limited to a volume not to exceed 4 feet height by 4 feet wide by 8 feet long. (STRIKE) Any structures constructed to contain or store fuel for Biofuel Burners must be constructed in accordance with the applicable zoning regulations.

second by Eric Larson, all in favor and carried.

814 CHINOOK AVE-MARVIN STOERMANN PROPERTY

The Planning Commission agreed that as long as we receive documentation from an engineering/surveying firm that the basement has been altered so it is above the OHWL, the city can then issue a building permit for this property to be fixed so it is in accordance with the State Building Code.

NOTES:

- Check if beach zone is also known as C3
- Check with other cities for a worksheet for CUP's
- Check and see if Jarnots variance/building permits are older than a year
- Check on chairs for council chamber

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Amy Pogatchnik
Zoning Administrator