

PLAN COMMISSION MEETING, May 11, 2016

(Draft – Not official until approved.)

The regular meeting of the Plan Commission for the Town of St. Croix Falls was called to order by Chairman James Beistle at 6:00 p.m. on Wednesday, May 11, 2016, at the Town Hall. Proper notice was given as the agenda was posted at the Town Hall and on the Town's website on May 4, 2016. The Pledge of Allegiance was said. Present by roll call were Chairman James Beistle, commission members Katie Appel, Dee Dombrock, Al Frokjer, Dave Robinson and Norval Valleen. Also present were town clerk Janet Krueger, zoning administrator James Alt and legal counsel Gary Bakke. Numerous members of the public were present of which seventy-three individuals signed in prior to the start of meeting.

Valleen/Frokjer **moved** to adopt the agenda; **motion carried.** Robinson/Dombrock **moved** to approve the meeting minutes as printed for the April 13, 2016, plan commission meeting; **motion carried.**

No public comment was had.

Public Hearing: Amendment to the Town's Driveway and Highway Access Ordinance. Mr. Alt presented the proposed amendment which would exempt any driveway location that was previously approved as part of a subdivision plat. No public comment was made and the hearing was closed.

Frokjer/Valleen **moved** to recommend town board approval of the Driveway and Highway Access Ordinance amendment exempting driveway locations when it has been previously recorded with a subdivision plat; **motion carried.**

Public Hearing: Amendment to the Town's Zoning Ordinance No. 1. Mr. Alt presented the proposed amendment which would eliminate the need for a special exception of a legal non-conforming structure as long as the structure meets the setback from the centerline of the road. No public comment was made and the hearing was closed.

Dombrock/Frokjer **moved** to recommend town board approval of the Zoning Ordinance No. 1 amendment to eliminate the need for a special exception of a legal non-forming structure not meeting the road right-of-way set back as long as the structure meets the setback from the centerline of the road; **motion carried.**

Public Hearing: Rezone Request for parcels 044-00740-0000 and 044-00741-0000. Mr. Alt presented an application to rezone two parcels currently in the agricultural zone which do not meet the zone's minimal acreage. Josh Yunker, Polk County Land Surveying, was sworn in and representing the applicant explained the applicant would like to sell both parcels, one of the parcels has a residential use and part of a field and the other parcel is open with a field. The applicant would like to move the lot line so the full field is on one parcel but the property line cannot be moved in the current zoning district due to minimal lot sizes. No public comment was made and the hearing was closed.

Robinson/Valleen **moved** to recommend town board approval of the rezone request to rezone two parcels from the Agricultural District to Transitional District; **motion carried.**

Public Hearing: Minor Subdivision request of parcel 044-00618-0000. Mr. Alt presented an application for a minor subdivision of parcel #044-00618-0000 into three lots. Applicants John Werner and Rhett Werner were sworn in and presented their request to subdivide their thirty-nine acre parcel into three lots. Lot 1 consisting of 2.57 acres; Lot 2 consisting 1.17 acres; and a third lot consisting of the remaining acreage. No public comment was made and the hearing was closed.

Frokjer/Dombrock **moved** to recommend town board approval of the minor subdivision contingent upon Polk County approval of the Town's rezone request; **motion carried.**

Public Hearing: Special Exception Request for a drive up kiosk. Mr. Alt presented a request to open a drive up kiosk in the commercial district at 2028 US Highway 8 and stated the kiosk would need to meet the required setbacks. Julia Amrhein, owner, was sworn in and explained her intentions of opening a drive up kiosk to sell coffee, smoothies, and baked goods. No public comment was made and the hearing was closed.

Frokjer/Valleen **moved** to recommend town board approval of the special exception for a drive up kiosk at 2028 US Highway 8 with the following conditions: the business will follow all laws and obtain and maintain all proper permits; there will be a one year probationary period from approval during which any complaint will trigger a review of the permit and/or conditions by the Plan Commission and/or Town Board; and the special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself; **motion carried.**

Public Hearing: Special Exception Request to sell used service vehicles. Chairman Beistle stated he has a personal relationship with Mr. Anderson which has nothing to do with the application before the planning commission. Mr. Alt presented the applicants request. Andy Anderson, representing Boss Equipment, was sworn in and explained that Boss Equipment would like to be able to transfer title when selling used service vehicles. Kevin Baumgart inquired on where the business was located. Steve Palmer inquired on parcel size which is approximately 8 acres. With no further comment the hearing was closed.

Robinson/Valleen **moved** to recommend town board approval of the special exception for Boss Equipment to sell used service vehicles with the following conditions: the business will follow all laws and obtain and maintain all proper permits; there will be a one year probationary period from approval during which any complaint will trigger a review of the permit and/or conditions by the Plan Commission and/or Town Board; and the special exception shall terminate upon the sale or transfer of ownership of either the parcel of land or the business itself; **motion carried.**

The plan commission recessed at approximately 6:35 p.m. to allow setting up equipment for a presentation which will be part of the next hearing. The plan commission reconvened at 6:50 p.m.

Public Hearing: Special Exception to operate an ATV/UTV racetrack. Mr. Alt stated that the applicant Robert Carlson had originally applied for a special exception in 2015 and a hearing was held on April 8, 2015. At that time the Plan Commission requested additional information from the applicant which included, but was not limited to, an erosion control plan for the site; a site plan showing the proposed layout for the racetrack, parking areas, and spectator areas along with ingress and egress for spectators and racers. The applicant informed Mr. Alt that he had obtained the information and requested to be put on the next agenda. Mr. Alt stated he had not received any additional information from the applicant prior to tonight's meeting. Robert Carlson, applicant, was sworn in and presented a slide show showing aerial photos of the property pointing out the general location of the proposed track, spectator areas and parking. No site plans were provided. Attorney Brian Nodolf, legal counsel for Dancing Dragonfly Winery, whom are opposed to the special exception request was sworn in. Mr. Nodolf questioned the validity of the public hearing based on what he felt was an incomplete application; and expressed that he felt the proposed use was incompatible to his clients business and the Town's Comprehensive Plan. After Mr. Nodolf's testimony, Mr. Carlson stated he was withdrawing his special exception application and will continue to use his property for his personal recreation. Mr. Baumgart was sworn in and stated the Town has ordinances and requested that the Town review its noise ordinance. Since the applicant has withdrawn his special exception request the Chairman closed the hearing.

Closing public comment was had. Kelly Sylte expressed her dismay at complements to Mr. Carlson when he just stripped the commission of their duties and the due process. Steve Palmer inquired on how anyone can respond when prudent details were not available and stated the proposed special exception was for the

wrong place and at the wrong time and complimented the Bluhm's for having done everything by the book when establishing their business in the Town. John Davis complimented the Bluhm's and their legal counsel for their opposition to the ATV/UTV racetrack and felt compliments should not have been given to Mr. Carlson for he was short on presentation, was combatable and aggressive.

There being no further business, Valleen/Appel **moved** to adjourn; **motion carried** and the meeting adjourned at 8:06 p.m.

Minutes prepared by Janet Krueger, Town Clerk