



LINWOOD TOWNSHIP

ANOKA COUNTY
22817 Typo Creek Drive N.E.
Stacy, Minnesota 55079
(651) 462-2812 • Fax (651) 462-0500
E-Mail: info@linwoodtownship.org
Website: <http://linwoodtownship.org>

Public Hearing Minutes

21-01-VAR

January 19, 2021

Public Hearing for 21-01-VAR 24122 Fawn Court NE was opened by Vice Chairman Tom Searing at 7:06 pm.

Commission members present: Tom Searing, Gary Gustafson, Tom Sausen, Amanda Anderson, Joe Hermann, Jim Garrison
Commission members absent: Joe Dolphy, Laura Kearns,
Town Board members present: Carol Searing
Staff present: Sandy Lathrop, Natalie Zabrzinski

Tom Searing read the Public Hearing notice:

“Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a virtual public hearing on January 19, 2021 at 7:00 pm. to consider a request for a variance from the required 150 feet Shoreland Ordinary High Water Level (OHWL) setback from a Natural Environment lake for the construction of a new deck.

Applicant: Arlene Erickson

Property location: 24122 Fawn Court NE, Stacy, MN, PID: 26-34-22-23-0007”.

Tom asked the applicant Arlene Erickson to explain her variance request. She explained that when her contractor tried to get a permit to build a deck on her property, they learned that Fawn Lake has a 150 foot setback from the lake. When she purchased the house 2 years after it was built, she believed she would be able to add on a deck since there are two sliding glass doors facing the lake on a second level. She questioned why the building inspector who allowed the house to be built without a variance would allow patio doors on that level without knowing that a deck would be planned for.

She deferred to Joe Becker, the contractor who is trying to pull the permit for constructing the deck. He explained that after talking with the Zoning Administrator, there seemed to be no way to get a permit for the deck without a variance. The plan is for a catwalk along the house with a

deck in the middle. They would like to attach the deck to the house and use diamond pier footings and composite materials. There would be no steps to the ground.

Gary Gustafson asked how close to the lake the deck would be, Sandy Lathrop stated that it would be 20 feet to the Ordinary High Water Level. He then asked how close to the OHWL the neighbors are, Sandy stated that one neighbor is about 43 feet and the lot on the other side is vacant, the next adjacent property has a structure is approximately 106 feet to the OHWL. The Shoreland Ordinance allows for setback averaging which does not apply on this instance since this deck would be closer to the OHWL than either of the properties.

Gary Gustafson asked if any of the neighbors had commented. Sandy Lathrop said that one neighbor, who does not adjoin this property, phoned and stated that he was in favor of a variance for the deck.

The Zoning Administrator referred to the Staff Report as to contact with other agencies. The Building Inspector is not in favor of the request since he believes we should enforce the ordinances in place. As to the safety issue of patio doors without a deck, they can be blocked as to not allow a wide opening or removed and replaced with windows. He did not have any structural reasons not to allow the variance. Jamie Schurbon, representing the Sunrise River Watershed Management Organization did not give opinions. Lucas Youngsma, the District from the DNR, personally feels that a deck is not a necessity and that a variance should have been included with the house permit and should have included a proposed future deck in that variance. Sandy felt that none of the comments gave strong reasons structurally or environmentally as to granting or denying a deck.

Joe Becker spoke with BDM, the contractor who built the house, said that since it was an existing lot, he was told that a permit was grandfathered in and there was no talk of a variance. Sandy Lathrop stated that the Ordinance states that if a lot was in existence prior to the implementation of the ordinance and it can meet all setbacks, a variance is not needed. The original permit being granted was due to a misinterpretation of the ordinance. This request does not meet the OHWL setback, so therefore requires a variance consideration. She stated that as an FYI, the lot to the west of this property is vacant and may want to get a building permit in the future.

Gary Gustafson asked how far the house is from the actual lakeshore, not the OHWL. The Site Plan provided by the Builder states that it is approximately 60 feet from the lake. Arlene said there is something in the Shoreland Ordinance that allows a structure 10 feet from the OHWL but it can only be 8 feet high and that won't work for her.

Sandy Lathrop explained that there is a provision for a water-oriented accessory structure, which would include a detached deck. Tom Searing said that an option is to allow the deck with the detached deck guidelines.

Arlene Erickson said that she considers the patio doors without a deck are a safety issue. Joe Becker said that he had requested documents from past permits on the lake and that one had

been allowed a few years ago. The Zoning Administrator reminded the Commission that they could not use past mistakes as criteria to continue allowing setback encroachments.

Amanda Anderson said that she believes the homeowner should not be punished for the mistakes of past employees and that the house was obviously designed for a deck and she should be allowed to finish the house. One of the criteria for a variance is if it was caused by the owner and in this instance, it was not caused by the owner. She feels that a deck should be allowed with size restrictions.

Joe Hermann questioned if a deck could be designed to meet the criteria of a detached deck that is allowed to be placed ten feet from the OHWL.

Gary Gustafson said that it would appear stupid if we refuse to let her have a deck.

Joe Becker said that he had spoken with Andy Schreder from Rum River Construction Consultants to say that a detached deck is not as structurally sound as an attached deck.

Tom Searing read a not that he had received from Chairman Joe Dolphy that said *“Regarding Variance Application 21-01 VAR, after reviewing the information in the Variance application, comments from Other agencies, our Building Official, References in Our Comp Plan, Anoka County Shoreland Zoning Ordinance, and comments in the Staff Report, I would recommend denial of the Variance Request.*

It appears that the Building Permit issued in 2014 was done with little or no regard for the requirements and ordinances at the time. Regardless of the design or layout of the house, it was built as a non-conforming structure. Any further encroachments on shoreline setbacks, or additional impervious surface, would add to the non-conformity, and show blatant disregard for the Ordinances we currently have in place. I also strongly agree with our Building Official that if we are not going to abide by our Ordinances, why even have them.”

Gary Gustafson replied “Why have variance guidelines if we can never grant them? We need to use some common sense once in a while.”

Jim Garrison and Tom Sausen said that they are in favor of granting the variance.

Tom Searing said if there was no other input, he would close the Public Hearing at 7:27pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Vice-Chairman: _____
Thomas Searing



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Planning and Zoning Commission Minutes

January 19, 2021

Meeting call to order at 7:03 p.m. by Vice Chairman Tom Searing

Pledge to the Flag was recited.

Commission members present: Tom Searing, Gary Gustafson, Tom Sausen, Amanda Anderson, Joe Hermann

Commission members absent: Joe Dolphy, Jim Garrison, Laura Kearns,

Town Board members present: Carol Searing

Staff present: Sandy Lathrop, Natalie Zabrzewski

Approval of Agenda

Motion by Gary Gustafson, seconded by Amanda Anderson to approve the Agenda. All ayes, motion carried.

Approval of P&Z minutes from November 17, 2020

Motion by Gary Gustafson, seconded by Joe Hermann, to approve the Agenda. All ayes, motion carried.

Public Hearing for 21-01-VAR 24122 Fawn Court NE

Tom Searing opened the Public Hearing. Separate minutes were done.

P & Z Meeting reconvened at 7:27pm.

Tom Searing called for a vote on the Variance. Sandy Lathrop reminded him that Findings of Fact need to be answered in order to determine if a variance could be granted.

Zoning Administrator Sandy Lathrop reminded the Commission that the impervious surface issue needs to be addressed. The ordinance reads "The combined area of all buildings and impervious surfaces on a parcel of land may not exceed 25% of the total area of the parcel or 25% of the buildable area, whichever is more restrictive." This property appears to be at the maximum impervious surface already.

Tom Searing asked the contractor if the plan could be decreased to 250 square feet.

Findings of Fact

- A. That granting the variance will not result in a use that is otherwise not permitted in the zoning district.

Finding: This is true, a deck is a permitted use in the R-1, Shoreland Overlay District. A deck should not be considered an impervious surface as long as the surface underneath it is impervious.

- B. The property owner proposes to use the Property in a reasonable manner.

Finding: Having a deck on a home on a lake is not only reasonable but desirable.

- C. The variance will be in harmony with the purposes and intent of the official controls (any related Ordinances).

Finding: Since a freestanding structure, i.e. a water-oriented accessory structure, can be as close as 10 feet from the OHWL, with conditions that it is no more than 250 sq ft and no taller than 10 feet, not exceeding 8 feet above grade at any point, an attached deck built with the same specifications would appear to be harmonious with the purpose and intent of the Ordinances.

- D. The variance will be consistent with the Comprehensive Plan.

Finding: The Comprehensive Plan requires protection of natural resources, keeping the garage in its current location and placing the septic system as far away from the shoreline as feasibly possible would have the least impact on the shoreland.

- E. The “practical difficulties” standard to approve a variance application has been met.

- i. That special conditions and circumstances exist which are peculiar or unique to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same District (and which result from lot size or shape, topography or other circumstances over which the owners of the property since the enactment of the Ordinance have had no control):

Finding: A factor that makes this property peculiar or unique is that the house was allowed to be placed in its current location without a variance and no mention of being too close to the OHWL. While a deck may not be a necessity, the house has two sliding glass doors on a second level about ten feet from the ground which caused the owner to believe that a deck would be allowed. The lot has no other location for a deck.

- ii. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of the right commonly enjoyed by other properties in the same District under the terms of this Ordinance.

Finding: A literal interpretation of the Ordinances would preclude this being a buildable lot since meeting the setbacks would not allow any structure on the property. It would deprive the owner from having a deck which is commonly enjoyed by neighbors and residents along the lake.

iii. That special conditions and circumstances do not result from the action of the applicant.

Finding: The applicant did not build the house with sliding glass doors ten feet high, nor did she have any indication that a deck would not be allowed.

iv. That granting the variance will not alter the essential character of the locality.

Finding: Many of the homes have decks facing the lake.

Motion by Gary Gustafson, seconded by Amanda Anderson to recommend that the Town Board grant the variance to allow a deck subject to the following conditions:

- The deck shall be no larger than 250 square feet.
- The surface under the deck must be pervious.
- The deck may be no taller than ten feet.
- A setback from the OHWL of no less than twenty feet shall be maintained

A roll call vote was taken. All members in attendance voted aye, Motion passed. Tom Searing told Arlene Erickson that the Town Board meets at 6:00pm. Sandy Lathrop asked Joe Becker to submit a revised plan prior to the Town Board meeting.

Zoning Administrator Reports and Comments

Lincoln Estates – Zoning Administrator Sandy Lathrop updated the members that the Sketch Plan that was submitted previously will be changed and a Preliminary Plat will be submitted reflecting the removal of the two lots on the west side of Typo Creek Drive NE.

Old Business

2-Story Accessory Building

Vice Chairman Tom Searing asked if everyone had a chance to read his email regarding the definition of a two-story building.

He stated that a couple of meetings ago, the P&Z recommended that a two-story accessory building could include a story with a ceiling that is not complete, such as a walkway around the ceiling of the first floor. He stated that the Town Board rejected that description and sent it back to the P&Z Commission directing the P&Z to correct the ordinance so it requires a full ceiling between the two stories. He suggests that 803.03(b) should have the wording added “The second story of an accessory building will have a complete floor.”

Tom Searing noted that Zoning Administrator included a few other clarifications that she would like in the Accessory Building ordinance since a Public Hearing would need to be held. Tom stated that he is not in favor of discussing the other items since they would take too long to discuss. He felt that Sandy’s additions could be dealt with in the future. Sandy Lathrop said that the definition

of a second floor has come up one time and the other issues are items she deals with every month or two. And she would like the clarifications put into the ordinance.

Vice Chairman Tom Searing read the items as follows:

The second story of an accessory building will have a complete floor. Amanda Anderson said she disagrees with that definition. Tom Searing said that he agreed with her as of the previous discussion and the only reason he changed his mind is that the Town Board directed that the P&Z needed to change their mind and not defy them, which would force the Board to define it without the P&Z approval. Amanda asked why the Town Board felt that way. Supervisor Carol I Searing said she could not answer that question without going back and reading the minutes. Amanda felt that the 2nd story be more open would allow taller storage. Carol said that the Board did not feel that was the intention of a second story. Gary Gustafson asked why we care. If you can have a 17 foot tall sidewalls for a 2 story, you should be able to have a 17 foot tall one story building. Sandy said the reasoning may be structural and it should be looked into prior to making recommendations to change the sidewall heights.

Supervisor Carol Searing said that the Town Board gave the P&Z a directive to come up with the words for the ordinance. The task at hand is are you going to do what the Town Board asks or are you going to defy the Town Board. That is the only question here. You can change the ordinance for height another day but that is the only questions her. Tom Searing said he is only one voice and an old military man that follows the chain of command and Amanda Anderson said that she is a millennial who does the opposite and Gary Gustafson said he never liked following the rules.

Amanda Anderson said she feels there is some learning to do about this and is struggling with having to make a decision without being educated about something,

Joe Hermann said that he does not agree with stating that it has to be a full story and can only understand if it is a structural thing.

Sandy Lathrop said that at this time, the Board just wants a definition of a second story. Amanda said maybe in the future a definition could be discussed about defining a loft.

A discussion was held regarding the height of an RV. Sandy Lathrop suggested that this discussion was about a second story. If fitting in an RV is the issue, that would be a single story sidewall height discussion.

Motion made by Gary Gustafson to table the Accessory Building changes, motion failed since there was no second.

Joe Hermann said that he feels the definition of a second story should be acted on.

Tom Searing said that he would entertain a motion for a full ceiling on a second story building and the other items can be considered as a separate issue. And if the Commission decides to defy the Town Board, it is a whole separate issue.

Amanda Anderson said she doesn't feel this is defying the Town Board and questioned what is trying to be accomplished. She would like to know what a building inspector would recommend what is appropriate for a loft and if it should be allowed and a second issue is what is appropriate

for a sidewall height. And what will fix the issue of having campers all over people's property and a building not being taller than the house in a situation like a Rambler.

Carol Searing said that people complain about someone across a street blocking their view of a lake. Amanda said that could also mean people could complain that someone planted trees or added a second story. If people want to be guaranteed a lake view, they need to buy property on the lake.

Carol asked for the P&Z to get back to what the Town Board told the P&Z to do. Tom Searing said he wants to add a sentence that says the second story will have a complete floor.

Tom said the P&Z could sit there and argue all night and get nothing so he would like a motion

Motion by Jim Garrison, seconded by Joe Hermann that 'the second story of an accessory building will have a complete floor.' Roll call vote was taken. All ayes, motion passed.

Tom Searing read the other proposed changes. The area of a lean-to shall be included in the allowable square footage of detached accessory structures. All accessory buildings and/or structures over 120 square feet in size require a building permit prior to construction, unless specifically under this ordinance. Accessory structures 120 square feet or less (storage sheds) do not require a building permit unless it is built on a permanent concrete foundation or is served with electricity. Storage sheds shall comply with all setback and building requirements and require a zoning permit. Storage sheds in all districts shall be no more than 120 square feet and shall be limited to a sidewall height no greater than eight feet.

"Sidewalls are measured from the top of the concrete floor to the bottom of the ceiling joist." Tom Searing said it should be concrete floor or ground in the case of a dirt floor, whichever is higher. Amanda Anderson questioned whether it should be measured from the inside or the view from the outside. The Zoning Administrator stated that this is an issue to be determined. With engineered trusses the ceiling joists could be at fourteen feet and the sidewall on the exterior could be sixteen feet. In talking with the Building Inspector, what needs to be determined is the aesthetics and if we are concerned about the appearance from the outside or the inside. This is the definition of what is currently being enforced. Amanda said she envisions our height restrictions as viewed from the outside appearance. Sandy Lathrop suggested that this could be a long discussion, so we should set this one item aside for future discussion.

Motion by Jim Garrison, seconded by Joe Hermann to have a Public Hearing at the next meeting to consider amending the Accessory Building ordinance as discussed. Roll call vote was taken. All ayes, motion carried.

New Business

None

Old Business

Home Occupation – Sandy Lathrop said she could not draft a Home Occupation ordinance without more input from the P&Z. Some discussions have been centered on very little restrictions. This would allow a noise generating business at any hours in a neighborhood of very small lots. Some scenarios should be considered. Amanda Anderson said customer facing

businesses would have an impact more than the location on a property. Tom Searing said that he likes the wording that says the business shall no generate a nuisance. If the noise is determined by decibels, you would need to have a decibel reader and would the burden of proof be on the complainant. Amanda Anderson said if you limit deliveries, some residents might personally exceed the limit. Tom Searing said if we are too restrictive, people just won't let the Township know that they have a home occupation. Joe Hermann suggested that we could register a business without a fee and if there was a complaint about a home-business, we could require them to register. Carol Searing said she has received complaints recently about residents not wanting certain businesses in their neighborhood.

Tom Searing said regulating home based businesses is about what bothers the neighbors.

Carol Searing said something to consider is determining when does it go from a home occupation to a business that doesn't belong in a residential area.

Zoning Administrator wondered about putting in requirements for an interim use so that when an issue arises, the ordinance is in place to enforce it. It was determined that the Zoning Administrator should review other municipality's ordinances for using an interim use process.

Work In Progress

Not discussed

Other Business

None

Motion made by Jim Garrison, seconded by Joe Hermann, to adjourn. All ayes, motion carried. Meeting adjourned at 9:05 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Vice-Chairman: _____
Thomas Searing



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Planning and Zoning Commission Minutes February 16, 2021

Meeting call to order at 7:00 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Amanda Anderson, Joe Dolphy, Jim Garrison, Gary Gustafson, Laura Kearns, Tom Sausen, Tom Searing

Commission members absent: Joe Hermann

Town Board members present: Carol Searing

Staff present: Sandy Lathrop, Natalie Zabrzinski

Approval of Agenda

Motion by Tom Searing, seconded by Amanda Anderson to approve the Agenda. All ayes, motion carried.

Approval of P&Z minutes from January 19, 2021

Motion by Laura Kearns, seconded by Tom Searing, to approve the Agenda. All ayes, motion carried.

Approval of PH 21-01-VAR minutes from January 19, 2021

Motion by Laura Kearns, seconded by Tom Searing, to approve the Agenda. All ayes, motion carried.

Public Hearing 807.03 Zoning Code Amendment

Chairman Joe Dolphy opened the Public Hearing at 7:02pm. Separate minutes were done.

P&Z meeting reconvened at 7:05pm

Proposed changes to 807.03 as follows:

- A) Paragraph 3(b) shall have the following added: **"The second story of an accessory building will have a complete floor."**
- B) Paragraph 6(c) shall have the following added:

- i. **"The area of a *lean-to* shall be included in the allowable square footage of detached accessory buildings or structures.**
 - ii. **The area of a storage shed shall not be included in the allowable square footage of detached accessory buildings or structures."**
- C) Paragraph 6(d) shall have the following words added: **"The area of a *lean-to* which is attached to the structure shall be included in the allowable square footage of the private garage.**
- D) Paragraph 7(d) shall have the following added:
 - i. **"The area of a *lean-to* shall be included in the allowable square footage of detached accessory buildings or structures.**
 - ii. **The area of a storage shed shall not be included in the allowable square footage of detached accessory buildings or structures."**
- E) Paragraph 7(e) shall have the following added: **"The area of a *lean-to* which is attached to the structure shall be included in the allowable square footage of the private garage."**
- F) Paragraph 7 shall have the following added:
 - f) **"Storage sheds shall be no more than 200 square feet and shall be limited to a sidewall height no greater than eight feet.**
 - i. **Storage sheds less than 120 square feet do not require a building or zoning permit unless it is built on a permanent concrete foundation or is served with electricity.**
 - ii. **Storage sheds 120 square feet to 200 square feet require a zoning permit.**
 - iii. **Storage sheds shall comply with all setback and building requirements."**
- G) Paragraph 12(b) subitem-v **"Private garages and accessory buildings shall be harmonious with the style and color of the siding and roofing of the dwelling unit."** shall be deleted.
- H) Paragraph 14 shall be added as: **"Proposed accessory buildings which meet the definition of the term "agricultural building" in Minn. Stats. § 326B.103, subd. 3 may be exempt from the requirement to obtain a building permit but are subject to all standards of this section, with the exception of size restrictions and total number restrictions. A site plan must be submitted and administratively approved by the building official or zoning administrator or designee prior to commencing construction on any accessory structure which qualifies as an agricultural building.**

Motion by Tom Searing, seconded by Jim Garrison to recommend approval to the Town Board of above listed changes to 807.03. All ayes, motion carried.

Zoning Administrator Reports and Comments

Lincoln Estates – Zoning Administrator Sandy Lathrop updated the members that a Preliminary Plat application is being worked on, awaiting reports. The proposal will be for 7 lots which is a change from the 9 lots approved on the Sketch Plan. Chairman Dolphy asked if the we had all agency reports. and may be coming to the P&Z in March.

New Business

None

Old Business

Home Occupation

Tom Searing said that he preferred most of the items listed in the longer version proposed. Tom questioned if we want to regulate the percentage of the structure that could be used for the business. Sandy Lathrop said you would regulate the percentage of the structure to keep the primary use as residential, otherwise it could be used only as business in a residential zoning district. If you allowed over 50% of the structure as business, it would not belong in a residential district.

Tom Searing asked what other members thought about using an accessory building for a business.

Joe Dolphy said that he felt if it was in an accessory structure, it should be an interim use so that conditions could be imposed on an individual basis depending on the area of the home business. He felt that if it was contained in the house, it may not need an interim use permit. Gary Gustafson said that he would like to see that no more than 50% of the primary structure be used for the business.

Amanda Anderson would like to see accessory buildings be allowed for business use and is not opposed to an interim use being required.

Joe Dolphy said that he felt there was a contradiction about the GVW

Tom Searing said he thought the longer version had more advantages. Joe Dolphy said he thought you could merge the two versions. Sandy Lathrop said she thought the size of the property or zoning should be used to regulate the type of business. She also brought up an issue that needs to be considered of when does a business change from someone having a couple of work vehicles being stored at home but being used offsite to a home occupation or a business that no longer belongs in a residential neighborhood. Amanda asked if our current ordinances cover how many vehicles are allowed in a yard.

Laura wondered about verbiage about allowing your own delivery truck but can't store subcontractor equipment on the property. Joe Dolphy suggested that this might be covered in the proposed wording from Paragraph 10 "There shall be no exterior storage of business equipment, merchandise, inventory, heavy equipment, or other materials and miscellaneous items used in the home occupation except for one business related automobile, truck, or van not exceeding 25 feet in length or a gross vehicle weight rating of 9,200 pounds may be parked on the premises. (a) In addition to the above, in the R-A zoning district, or within any urban residential district on property ten acres or greater in size, one additional business-related vehicle shall be allowed. Said vehicle may exceed the weight and length limitations outlined above. One business related trailer shall be allowed provided the trailer is attached to a vehicle and the combined length of the vehicle and trailer does not exceed 46 feet."

Carol Searing stated that she likes the wording that it doesn't change the character of the neighborhood. Joe Dolphy and Laura Kearns agreed that if it changed the character, it should at least require an interim use permit.

A discussion was held regarding hours of operation and sound-proofing of some businesses and it was decided that those types of issues could be dealt with as conditions of an interim use permit on a case-by-case basis.

Members prefer the lengthy version, with the following adaptations:

- In the following verbiage: "The area set aside for home occupations shall not exceed 25 percent of the total floor area of such residence." Change to "shall not exceed 45 percent of the total floor of any such residence".
- Delete: "No home occupation shall involve the use of hazardous materials or activities that require a hazardous waste generator's license." Add: "A home occupation shall not generate sewage of a nature or type that cannot be treated by a standard off-site sewage system or hazardous wastes without an approved plan for off-site disposal acceptable to the Township under an interim use permit."
- In the following verbiage: "There shall be no exterior storage of business equipment, merchandise, inventory, heavy equipment, or other materials and miscellaneous items used in the home occupation except for one business related automobile, truck, or van not exceeding 25 feet in length or a gross vehicle weight rating of 9,200 pounds may be parked on the premises", change it to "28 feet in length or a gross vehicle weight rating of 26,000 pounds".
- In the following verbiage: "If a public hearing is deemed necessary, the zoning administrator shall schedule the item for consideration by the town board and shall notify the surrounding property owners of the hearing date.", change it to "for consideration by the Planning commission"
- Use the following verbiage: "An interim home occupation may have more than one onsite employee, who does not reside in the home, if the applicant can satisfactorily prove unusual or unique conditions or need for additional nonresident assistance and that this exception would not compromise the intent of this chapter."

Sandy Lathrop pointed out that the purpose of this ordinance is not to encourage home based businesses, but to provide an avenue for some home based businesses to operate, with conditions and restrictions, in a residential neighborhood. Jim Garrison, Tom Searing, Gary Gustafson and Joe Dolphy agreed

Zoning Administrator Sandy Lathrop asked members to contact her with any other suggestions prior to submitting a draft at the March meeting.

Sandy asked how many members would attend an in-person meeting in March. Tom Sausen, Jim Garrison, and Joe Dolphy responded they would attend in person. Amanda Anderson, Gary

Gustafson and Laura Kearns did not respond. Tom Searing stated that he would not attend in person. Natalie said she could hold a meeting that could be in-person and virtual which would allow the public to speak.

Work In Progress

Not discussed

Other Business

None

Motion by Jim Garrison, seconded by Amanda Anderson, to adjourn. All ayes, motion carried. Meeting adjourned at 8:34 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.



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Public Hearing Minutes February 16, 2021

Public Hearing convened at 7:04 p.m. by Chairman Joe Dolphy

Commission members present: Amanda Anderson, Joe Dolphy, Jim Garrison, Gary Gustafson, Laura Kearns, Tom Sausen, Tom Searing

Commission members absent: Joe Hermann

Town Board members present: Carol Searing

Staff present: Sandy Lathrop, Natalie Zabrzenski

Public Hearing opened at 7:02pm. Chairman Dolphy read the Public Ohearing Notice:

Public Hearing 807.03 Zoning Code Amendment

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a virtual public hearing on February 16, 2021 at 7:00 pm. to consider amendments to Chapter 807.03 of the Town Code to modify, establish and clarify standards for accessory structures. A copy of the proposed changes can be requested at the Town Hall offices or viewed on the Township website.

Details for joining the virtual meeting will be available on the Township website prior to the meeting.

Chairman Dolphy asked if anyone from the Public was logged in. There were none. He then asked if any of the members had any comments or questions on the proposed amendments to 807.03. Tom Searing stated that it all looked good to him.

Motion by Gary Gustafson, seconded by Tom Searing to adjourn the Public Hearing. All ayes, motion carried. Public Hearing adjourned at 7:05pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning and Zoning Commission Minutes March 16, 2021

Meeting call to order at 7:02 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Amanda Anderson, Joe Dolphy, Jim Garrison, Gary Gustafson, Joe Hermann, Tom Sausen, Tom Searing

Commission members absent: Laura Kearns

Town Board members present: Carol Searing

Staff present: Sandy Lathrop, Natalie Zabrzenski

Approval of Agenda

Motion by Tom Searing, seconded by Jim Garrison to approve the Agenda. All ayes, motion carried.

Approval of PH minutes Amending 807.03 from February 16, 2021

Motion by Tom Searing, seconded by Gary Gustafson, to approve the Agenda. All ayes, motion carried.

Approval of PZ minutes from February 16, 2021

Tom Searing noted that the last sentence of Zoning Administrator Reports and Comments: Lincoln Estates should be changed from "Chairman Dolphy asked if the we had all agency reports. and may be coming to the P&Z in March." to "Chairman Dolphy asked if we had all agency reports, Sandy Lathrop said the Preliminary Plat may be coming to the P&Z in March."

Motion by Tom Searing, seconded by Jim Garrison, to approve the Minutes as amended. All ayes, motion carried.

Meeting was recessed at 7:05 pm to convene the Public Hearing. Separate minutes were done.

Meeting reconvened at 7:17 pm.

Jason Rud said that Anoka County has a Preliminary Plat review process unique to Townships that will be followed after the Town Board approval. Joe Dolphy asked if there was a shared

driveway for Lots 6 and 7. Jason stated that it is a dedicated shared access, with two independent driveways.

Motion by Gary Gustafson, seconded by Amanda Anderson, to recommend the Town Board approve the Preliminary Plat subject to any Final revisions of the Township Engineer. All ayes, motion carried.

Joe Dolphy stated that the Park and Recreation Commission recommended a cash contribution of a minimum of \$2,000.00 per newly created lot.

Motion by Tom Searing, seconded by Gary Gustafson to recommend approval of a park dedication fee of \$12,000.00. All ayes, motion carried.

Zoning Administrator Reports and Comments

Swimming Pool – Sandy Lathrop updated the Planning Commission on the Swimming Pool ordinance. In 2020, the State of Minnesota Building Code no longer has an optional Appendix for Swimming Pools. The Town Code had adopted that Appendix which now no longer exists. In speaking with the township attorney and building inspector, it was decided that we cannot enforce that appendix. In order to enforce the pool barrier section, the Town would have to adopt a new ordinance. It has been presented to the Town Board who tabled it for further review.

The Zoning Administrator said that enforcing it retroactively had presented challenges, letters were sent out to many property owners but there was no follow through. So a new pool permit would be required to be in compliance but there has been no enforcement on the existing pools. No action is needed at this time, this was brought up to P&Z for their input.

Town Board liaison Carol Searing said this was a surprise to everyone. She suggested that P&Z members could send their comments and input in an email to Board members. Amanda Anderson asked if the Board could use the wording from the previously adopted Appendix and use that as a pool barrier ordinance. Sandy Lathrop said that the Attorney said that is an option.

Motion by Gary Gustafson, seconded by Tom Searing, that we recommend that the Town Board use the wording in the previously adopted Appendix as the new ordinance. Tom Searing said that he considers this an urgent matter since in the meantime, we are issuing permits with no barrier requirements. Gary Gustafson said that we approved it before and it should still be good enough. Jim Garrison asked why the State dropped it. Sandy Lathrop said that the State never adopted it, they allowed it as an option for municipalities to adopt. In researching surrounding areas, it appears that they cover it under their fencing guidelines. Joe Dolphy and Jim Garrison suggested we take the time to review the wording.

Zoning Administrator Sandy Lathrop said it has been difficult to enforce when we cannot go on people's property without their permission. Joe Dolphy said if we don't enforce our ordinances, why have them. Gary Gustafson said at least we could enforce it for any new pools being installed, even if it is not retroactive.

Amanda Anderson asked what would have to happen to get the Board to start enforcing our ordinances. Joe Dolphy asked for a vote on the motion. Six ayes, one nay, Motion carried.

Dog License / Kennel License

Sandy Lathrop said currently if you have more than two dogs, you need to apply for an interim use permit for a kennel license. There is a resident in R-2 zoning (Mobile home Park) who has three dogs but cannot be granted a kennel license since R-2 zoning does not allow kennels. The question is do we need to require her to get rid of a dog. This is just informational for the P&Z to be aware that this may come up in the future since the Board will be reviewing the topic of dog and kennel licenses.

New Business

None

Old Business

Home Occupation

Jim Garrison said that he finds it interesting that we call it home occupation. We don't want business in a residential area, so we just use the term home occupation and make rules to allow a business to be operated in a residential district. Any time we allow a business in a residential district is cheating the township out of tax dollars. There is a vast difference between the taxation of commercial and residential properties. We can put in standards that if there is a complaint, that at least we can require a conditional or interim use permit. Maybe it could be as simple as "no home occupations are allowed without a conditional use permit". We need to respect the residents more than the businesses.

Joe Dolphy said he has a problem expanding the use of residential zoned property when we don't have commercial zoning areas identified. He has reviewed the taxes charged on properties in the township. The taxation is substantially different between business and residential. We, as a township, have the right and obligation to preserve land for future business development. We have discussed tier development in the past and that may be the way to go. He agrees with Jim Garrison that putting more time and energy into trying to allow home occupations is a waste of time.

Tom Sausen asked if a property was zoned business, what help would the township provide the owner to promote it. Sandy Lathrop said that Anoka County Economic Development would be the entity to help promote business in the township.

After much discussion, Joe Dolphy asked if the P&Z wanted to pursue the proposed home occupation ordinance or look into it more business zoning. Tom Searing said he doesn't think that we don't want to encourage home businesses and that we should step back and look at what we want the Township to look like 30 years from now. Gary Gustafson, Jim Garrison, and Joe Hermann agreed with that. Amanda Anderson said she thinks we need to look at locating the business districts but we will not be able to stop home occupations so we will need some

parameters like a use permit to regulate it and we will need to have places zoned for the businesses to move.

It was decided that at this time, the home occupation ordinance will not be amended. At this time, if a neighbor complains about a neighborhood business, we can say it is not allowed and an interim use cannot be applied for since we don't have it listed as a use in the Code Book.

Joe Dolphy asked if they thought it was permissible to go to the Town Board to ask for their support for the Planning Commission to pursue identifying business locations.

Tom Sausen said that he feels that it is a benefit for the residents to have businesses close to home and for that reason we need to have zoning. Gary Gustafson questioned what businesses we think will want to move to the Township. Joe Dolphy said that if we have nothing zoned for business, they won't even look here.

Amanda Anderson said she will forward the email she sent previously regarding tier development.

Work In Progress

Not discussed

Other Business

None

Motion by Jim Garrison, seconded by Tom Sausen to adjourn. All ayes, motion carried.
Meeting adjourned at 8:37 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.



LINWOOD TOWNSHIP

ANOKA COUNTY

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Planning and Zoning Commission Minutes

April 20, 2021

Meeting call to order at 7:02 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Amanda Anderson, Joe Dolphy, Jim Garrison, Gary Gustafson, Joe Hermann, Tom Sausen, Tom Searing

Commission members absent: Laura Kearns

Town Board members present: Carol Searing

Staff present: Sandy Lathrop, Natalie Zabrzenski

Approval of Agenda

Motion by Gary Gustafson, seconded by Jim Garrison to approve the Agenda. All ayes, motion carried.

Approval of PH minutes Preliminary Plat Lincoln Estates from March 16, 2021

Motion by Tom Searing, seconded by Jim Garrison, to approve the Minutes. All ayes, motion carried.

Approval of PZ minutes from March 16, 2021

Motion by Jim Garrison, seconded by Joe Hermann, to approve the Minutes. All ayes, motion carried.

Zoning Administrator Reports and Comments

Update on Lincoln Estates

Sandy Lathrop reported that the Town Board had followed the Planning & Zoning recommendation to approve the Preliminary Plat of Lincoln Estates, subject to stipulations from Hakanson-Anderson, the Township Engineer. The attorney and engineer will draft a Developers Agreement. The Town Board would like the P&Z Commission to hold a Public Hearing on May 18, 2021 to rezone the property from RA to R1 for the plat. The Final Plat may be ready by that time.

New Business

Animal Guidelines

The Zoning Administrator explained that she would like the P&Z to discuss farm animals. There is a resident who would like to have some farm animals. He owns 10 acres and is in RA zoning and would like to know the maximum number of animals allowed and would like to butcher on the property. In reviewing the request, Sandy Lathrop realized that our animal ordinance is very vague. She asked the P&Z members to look over the guidelines that she copied from a neighboring community to determine if there are conditions that they would like to place on an interim use permit for farming.

The guidelines some communities use limit animals by units which are based on manure production. By measuring animals in units, if you allow ten units, the person could determine which animals they would like as long as the total units does not exceed the maximum allowed.

Sandy Lathrop is not suggesting the ordinance be changed at this time. She thought that the neighboring ordinance could be used to develop conditions for an interim use permit, such as number of animal units,

Jim Garrison asked if we could just adopt the ordinance at the next meeting. Joe Dolphy suggested that the P&Z may want to look at it a little closer before we adopt a new ordinance. Tom Searing and Joe Hermann thought that butchering for other people would be a business and have to follow more restrictive guidelines probably imposed by the State of Minnesota.

Sandy Lathrop pointed out that as we make suggestions for a new ordinance regulating animals, we should look at the amount of wetlands on a property and the distance of animals, shelters to neighboring residences. It was determined that the guidelines presented might be a good base to start from when the P&Z works on drafting a new ordinance.

The resident would like to butcher animals for other people. Joe Hermann said that butchering is probably regulated by other agencies to ensure sterilization and proper waste procedures. This is something that the Commission may want to recommend not allowing it since that would be a business that may not be allowed in a Residential area.

Old Business

Tiered Development

Tom Searing said that he like the information and suggestions that Amanda Anderson put together regarding tiered development and in identifying properties.

Joe Dolphy said that he felt the Commission should contact the property owners of parcels that have been identified as future Commercial sites and listen to their questions and concerns. Tom Searing said that the approved map is not the same as the map that is in the Comp Plan. Gary Gustafson stated that he feels that any commercial sites for retail should be on Viking Blvd. Joe Dolphy said that if we don't zone any properties for Commercial, all the parcels will be filled up with Residential and we will have no properties available for support businesses.

Chairman Dolphy asked how the Commission should go ahead with the idea of adding some parcels as Commercial zoning. Sandy Lathrop said that one option would be to contact people who have current small businesses on their property and ask them what they would like to see for zoning. Another idea that has been suggested is to hold a Town meeting, inviting all the property owners that will be identified as possible commercial properties and ask them what businesses and commercial activities they envision in the Township. Zoning Administrator Lathrop agreed with Chairman Dolphy that a Plan needs to be laid out or this will still be on the table a year from now with no progress being made. Gary Gustafson said we need a commercial developer to come in and make a proposal. Tom Sausen reminded everyone that Anoka County Economic Development has someone who works on that and would be able to promote business zoned properties to interested businesses. Amanda Anderson said we should just pick one parcel, rezone it and wait to see what happens and then maybe move to rezoning the next parcel.

Jim Garrison said that is a difficult topic and that is why we have such trouble making progress. Joe Dolphy said we need to look at rezoning more than one parcel. This is for future planning and not just to see if someone wants a specific parcel today. Tom Searing said that the official map shows some parcels as future commercial and that might be a good starting point. Gary Gustafson said that we can plan all we want but if we can't find someone who wants to develop it, it's not worth it. Sandy Lathrop said planning is for the future and if the Town Board determines that the rezoning of certain parcels is in the best interest of the Township, they can make that determination. Gary Gustafson voiced a concern that if a property is rezoned commercial, the property tax will triple. It was determined that the taxation is based on the value and the use of the property and not the zoning. Gary Gustafson said we are wasting a lot of time talking about the future and we need to find someone who wants to develop it.

Zoning Administrator Lathrop said if we want to contact property owners about rezoning their property and they ask what the business requirements are in the Township, we don't have very clear ordinances regarding businesses. So maybe the Commission should review the General Business ordinance first. Chairman Dolphy said he feels the identified parcel owners should be contacted and ask them to come to a meeting to open the topic. Sandy Lathrop said if the plan is to locate the owners of the identified parcels, contact them and open a discussion with them, then it would be using the current business ordinance. Tom Searing said that since the official township map shows Future Business, those parcels could just be switched to General Business. Sandy Lathrop tried to explain that the Future Commercial is not identified in the Town Code Book so it may be like an overlay, again with no restrictions. She pointed out that since it is on the map as Future Commercial, it is not currently R1 or RA so how would those existing parcels be treated currently. Tom Searing would like Staff to start contacting people. Gary Gustafson recommends that a committee of three be appointed to start contacting owners. Sandy pointed out that currently 3 members of the Planning Commission is a quorum and would have to be a posted meeting. Joe Dolphy said he would like to have the owners contacted, ask for comments

and possibly meet with the owners and bring back the ideas and comments to address it at the June P&Z meeting. Dolphy felt that if the owners that are marked on the map could be contacted, at least it would be making progress.

Joe Dolphy asked the Commission members to review the current General Business ordinance and see if they had ideas of what needs to be amended.

Work In Progress

Not discussed

Other Business

None

Motion by Gary Gustafson, seconded by Jim Garrison, to adjourn. All ayes, motion carried. Meeting adjourned at 8:28 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning and Zoning Commission Minutes May 18, 2021

Meeting call to order at 7:00 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Joe Hermann, Tom Searing

Commission members absent: Laura Kearns, Tom Sausen, Amanda Anderson

Town Board members present: Carol Searing

Staff present: Sandy Lathrop

Residents present: Patrick Quinlan, Mark Campbell, Qui Nguyen, Penny Nguyen, Mike Falls (Sign-in sheet missing)

Approval of Agenda

Motion by Tom Searing, seconded by Gary Gustafson, to approve the Agenda. All ayes, motion carried.

Approval of PZ minutes from April 20, 2021

Motion by Jim Garrison, seconded by Jim Garrison, to approve the Minutes. All ayes, motion carried.

Recess at 7:02 pm to **Public Hearing to consider Rezoning property for Lincoln Estates – Separate minutes prepared.**

Reconvene meeting at 7:20 pm

Action on Rezoning property for the proposed plat of Lincoln Estates

Motion by Gary Gustafson, seconded by Tom Searing to recommend to the Town Board that the Zoning Map of the Township of Linwood as referenced in Section 807.06, Subd. 2, of the Town Code be amended so that the property legally described on attached Exhibit A shall be rezoned from “RA” Residential Agricultural to “R1” Single Family Residential.

Findings of Fact:

- Is the rezoning compatible to surrounding land uses? i.e. The size and density of the designed plat are in accordance with R1 zoning on neighboring properties.
- Is the use of the property changing? i.e. The allowed uses in RA are no longer applicable to the subdivided parcel.
- Is the rezoning in compliance with the Comprehensive Plan? i.e. The proposed plat fulfills the goal of retaining low density single-family residential units and the rural character of Linwood Township.

After discussion on Findings of Fact, vote on the motion was held, all ayes, motion passed.

Action on Recommendation for Approval of Final Plat of Lincoln Estates**STAFF RECOMMENDATION:**

Upon review of the documents submitted, the Staff recommends Approval of the Final Plat due to the following Finding of Facts:

- The plat is in line with the spirit and intent of the Comprehensive Plan
- The plat will maintain the essential character of the locality due to the large lot sizes
- The plat will have a positive impact on the surrounding area and adjacent property and will not diminish or impair established property values
- The plat will not increase the danger of fire nor endanger public safety
- There is a demonstrated need for more housing in the Township
- Characteristics such as drainage patterns, ground water, surface water, adjacent marshes and wetland areas have been considered and placed in the Developers Agreement
- Benefits from the final plat are the providing of new, quality housing and an increase to the property tax base

Motion by Tom Searing, seconded by Gary Gustafson, to recommend to the Town Board that it grant approval of the Final Plat of Lincoln Estates, subject to the execution of a Development Agreement between the applicants Christopher J. Trost and Carolyn E. Trost and Linwood Township. All ayes, motion carried.

New Business

Zoning Administrator Sandy Lathrop explained that upon request of resident Ekhu Winner to be allowed to have animals on his property, she suggested he apply for an Interim Use Permit for a farming operation. He then applied for an Interim Use. Upon staff and legal review of the Application and the applicable ordinance, it was determined that an Interim Use was not applicable for this request. Therefore, the Public Hearing that was published was cancelled. It was determined that since there had been complaints from the neighbors, an open meeting with the interested residents would be held instead.

Mr. Winner, the resident, was introduced and stated that he had no comment. Chairman Dolphy asked if he had been in communication with the Minnesota Department of Agriculture. He said that he had been talking with a representative.

Zoning Administrator Lathrop stated that since the MDA is the governing body for butchering animals, the discussion would be more about the number of animals on the property. The MDA would only consider licensing a slaughterhouse if the property is zoned commercial. It would not be allowed as an agricultural business.

Jim Garrison asked why the Planning Commission is involved since the Department of Agriculture is the governing body for a slaughterhouse. Sandy Lathrop responded that we would only be involved in the shelter and fencing animals. The attorney suggested the Township could adopt a Resolution to limit the amount of animal units per acre.

Gary Gustafson said he understands that someone can butcher his own animals on his property but cannot butcher anyone else's animals unless it is commercial zoning.

Concerns voiced by the residents:

Amount of high ground, since half of the property is low, they don't feel that it meets the regulation of more than 9 acres for farm animals.

Smell

Traffic

Not just raising animals for family, is advertising on Facebook

Neighbors brought a petition to stop the Farm and slaughter operation in a residential area

Burying animal carcasses

Excrement Runoff from animals near wetlands

Devaluing neighboring properties

Slaughtering other people's animals

Running a business in a residential area.

Odors as the warm weather comes in the summer

Cinder block walls built for containment of the animals

Residents asked that the owner be told to stop immediately. Chairman Dolphy stated that the Planning Commission has no authority to do so. The Towns Board or Staff could follow Enforcement procedures.

Motion by Gary Gustafson, seconded by Jim Garrison to recommend to the Town Board that a letter be sent detailing the regulations that he is non-compliant with and ask him to stop.

Supervisor Searing suggested that the letter could be sent by Staff since enforcements do not have to be approved by the Town Board. Residents want a Cease and Desist letter be sent. They do not feel the deputy wants to get involved in civil matters and can only give a citation for ordinance violation. No action was taken on the motion.

Tom Searing stated that (in his opinion) Mr Winner is breaking two ordinances:

804.02 states that "no hog farm shall be established and no such business shall be conducted within a distance of 1,000 feet measured from the closest boundaries of dwelling places...".

701.03(i) states “no disposing of any dead animals”. Tom Searing also stated that you cannot discharge a firearm within 300 feet of any dwelling, other than your own or with permission.

Carol Searing asked Mr. Winner if he was willing to stop doing what he was doing now that he realizes that it is affecting the neighbors and it is against the law. Mr. Winner stated that his job called him back and everything will be stopped by the end of May. He is thankful to know what the rules are and will stop breaking the rules. He will stop the butchering business and still intends to have animals for himself like chickens and goats.

Planning & Zoning Code Enforcement

Tom Searing reported that a Committee was formed to research potential candidates to help the Township with Planning & Zoning. Three candidates were chosen to interview. A big part of it would be enforcement. Jim Garrison asked what the company would do for the Township. Carol Searing reported that Sandy was hired as an Interim person and some of the things should be done by the Engineer or Planner. Sandy said she would still be involved but not doing the heavy lifting. P&Z will need to have a secretary to do the minutes. The Town Board said if nobody on the Commission wanted to take the minutes, someone would be hired, it is a paid position. Carol pointed out that PZ minutes need to be detailed. Someone will need to take over the Agenda and Meeting Packet. Sandy said she would not be leaving, but stepping back. Jim Garrison suggested that it is a tough committee to be on since nothing is black and white. He would like to see some training for the members to explain to them what the duties and goals of the members serving the Commission. Sandy suggested that some communities have guidebooks for members and maybe the new Planners could help with a book and/or training. Joe Dolphy suggested that the Minnesota Association of Townships has some classes about the Basics of Planning. Carol Searing said that she hopes the Planner could help us clear up some of the ordinances to not have so many gray areas. Sandy would like to continue attending the meetings to share issues that come up but she does not have time to do provide everything that has been done. She stated that three of the documents were completed on the day of the meeting since she did not have time to prepare them earlier and get them out to the PZ for review in a timely manner.

Since enforcements is one of the duties the Planner will be helping with, Sandy Lathrop mentioned that the Deputy stopped at the office and she asked him to check out the complaint. He asked where all of our complaints currently are sent since in another municipality he works in, complaints go straight to the deputy. Carol Searing explained that in the past, Linwood also would use the Deputy until somebody said they didn't feel that the County should not be keeping the fines, so the Township quit using the Deputy to respond to complaints. She said we couldn't use the Deputy to do enforcements unless they know the ordinances.

Sandy mentioned that someone will need to do the minutes. Chairman Dolphy said that since the Planning & Zoning minutes need to be so detailed, he didn't think that a P&Z member should be doing the minutes since it is hard to concentrate on the meeting while you are taking minutes. The comment from the Board was that with the meeting being recorded, it could be listened to and completed at a later time. Tom Searing said that in the past, he did minutes

from the tape of the town Board meetings and it took at least 10 hours and Sandy stated that she agreed with that statement since the PZ minutes need to be so detailed. Carol Searing said that Board is aware that they may need to hire it out.

Joe Dolphy said that he thinks that a Planner would be at most of the PZ meetings, Jim Garrison stated that he thinks they should be at all of the PZ meetings. Supervisor Searing said that the P&Z will need to be very clear on what they want the Planner to be working on. Chairman Dolphy said that there are many topic to be addressed, Sandy said a Planner will ask the PZ for their input and vision and it will be up to the Planner to put it in an understandable and legal format. The Planner will not be overriding the wishes of the Commission.

Carol Searing stated she would like the Commission members to know the ordinances better. It is their job to uphold them

Planning & Zoning Terms

Amanda Anderson will be contacted.

Gary Gustafson said that he would like to be reappointed.

Joe Hermann declined the request to stay on the Commission.

Jim Garrison stressed the issue of better training for existing and future members.

Zoning Administrator Reports and Comments

Old Business

None

Work In Progress

Not discussed

Motion by Jim Garrison, seconded by Joe Hermann, to adjourn. All ayes, motion carried. Meeting adjourned at 8:56 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.



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Public Hearing Minutes Rezoning Lincoln Estates May 18, 2021

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Joe Hermann, Tom Searing

Commission members absent: Laura Kearns, Tom Sausen, Amanda Anderson

Town Board members present: Carol Searing

Staff present: Sandy Lathrop

Residents present: Patrick Quinlan, Mark Campbell, Qui Nguyen, Penny Nguyen, Mike Falls (Sign-in sheet missing)

Public Hearing opened at 7:02 pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on May 18, 2021 at 7:00 pm. at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to consider rezoning the property from R-A Residential Agricultural to R-1 Single Family Residential

Applicant: Christopher and Carolyn Trost
PID: 33-34-22-22-0003
Property located at: SE corner of Typo Creek Dr NE and 237th Ave NE

Joe Dolphy asked if anyone in the audience wanted to comment.

Resident is opposed to a new plat since they will pack houses in. Chairman Dolphy stated that the Preliminary Plat has already been approved, this Hearing is to allow the parcel to be Rezoned to R-1.

Resident stated that he is opposed since he moved to the Township 20 years ago and the reason he and others moved here is to get away from this developing. If we allow this to go on, this will soon be a suburban area with strip malls and that's not why people move this far out.

Resident is opposed to development since it will bring in more people and crime.

Chairman Dolphy explained that since 1976, the Township allows no lots smaller than two and one-half acres. If current residents don't want more lots and a bigger population, he suggests that they need to buy the property themselves because people have a right to develop their property as long as they follow current platting guidelines. The Owner is developing the property and has complied with all Township and County ordinances and other governing agency's regulation regarding the platting procedures.

Resident asked if the Township has budgeted for the extra burden on the infrastructure by allowing all of the new housing. Chairman Dolphy said he believes that the Township is prepared for the increase of seven more homes.

Motion by Gary Gustafson, seconded by Jim Garrison, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:20 pm.

Respectfully submitted,
Sandra J. Lathrop, Zoning Administrator

Minutes Approved _____

Chairman: _____
Joseph E. Dolphy, Jr.

06-16-2021 Planning & Zoning Mtg cancelled



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Planning and Zoning Commission Minutes

July 20, 2021

P & Z Members Present: Joe Dolphy, Jim Garrison, Tom Sausen, Tom Searing, Nancy Matson, Tom Pilla

P & Z Members Absent: Gary Gustafson, Laura Kearns

Board Members Present: Supervisors Mike Halliday, Carol Searing, and Mike Parker;
Clerk Pam Olson

Staff & Consultants Present: Sandy Lathrop, Stephanie Falkers, Samantha Matuke

Approval of Agenda

Motion by Tom Searing, seconded by Jim Garrison, to approve the Agenda. All ayes, motion carried.

Approval of PH Minutes Rezoning Lincoln Estates – May 18, 2021

Motion by Tom Searing, seconded by Jim Garrison, to approve the PH Minutes for Rezoning the preliminary Plat for Lincoln Estates. All ayes, Motion carried.

Approval of PZ minutes from May 18, 2021

Motion by Tom Searing, seconded by Jim Garrison to approve the Minutes. All ayes, motion carried.

Oath of Office was recited by Nancy Matson and Tom Pilla.

ZONING ADMINISTRATOR REPORTS AND COMMENTS

Zoning Administrator Sandy Lathrop reported that the Final Plat of Lincoln Estates was approved by the Town Board and that grading along Typo Creek Drive for the plat was scheduled to start soon.

At the PZ Meeting in August:

- There will most likely be a Public Hearing for a Septic System Variance on a Shoreland property..

- There may be an Amendment to the Administrative Subdivision ordinance.
- A discussion will be held regarding the Driveway Access Standards that were drafted by Craig Jochum, the Township Engineer.

She welcomed Samantha Matuke and Stephanie Falkers as the newly contracted Planners and stated that they have started working on Administrative Subdivision applications with Staff.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER BUSINESS

Carol Searing asked if we still needed someone to take minutes. Sandy Lathrop said that nobody has been hired and that she does not have the time to continue doing the minutes,

Mike Halliday suggested that the Alternate PZ member might be interested in taking minutes. Carol Searing said that the majority of the time, the Alternate is a Voting member since usually there is a regular member missing. She said that we would advertise and see what would happen.

ADJOURNMENT

Motion by Tom Pilla, seconded by Jim Garrison, to Adjourn. All ayes, motion carried. Meeting adjourned at 7:12 pm.

Respectfully submitted,

Sandra J. Lathrop, Zoning Administrator

Minutes Approved: August 17, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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ANOKA COUNTY

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Planning and Zoning Commission Minutes

August 17, 2021

P & Z Members Present: Joe Dolphy, Jim Garrison, Tom Sausen, Tom Searing, Nancy Matson, Tom Pilla, Gary Gustafson

P & Z Members Absent: None

Board Members Present: Supervisor Carol Searing

Staff & Consultants Present: Sandy Lathrop, Stephanie Falkers - SRF

Meeting called to order by Chairman Joe Dolphy at 7:01 pm

Pledge of Allegiance was recited.

Oath of Office was taken by Gary Gustafson.

Approval of Agenda

Motion by Jim Garrison, seconded by Gary Gustafson, to approve the Agenda. All ayes, motion carried.

Approval of PZ Minutes – July 20, 2021

Motion by Tom Searing, seconded by Jim Garrison, to approve Minutes. All ayes, Motion carried.

Approval of Joint Meeting Minutes - July 20, 2021

Motion by Tom Searing, seconded by Jim Garrison to approve the Minutes. All ayes, Motion carried.

Recess to Public Hearing at 7:04 pm

Reconvene PZ Meeting at 7:10 pm

Jim Garrison asked if the Planning Commission could use the Findings of Fact that were presented in the Staff Report. Sandy state that she put them in the Staff Report to show how she reached her recommendation. Tom Searing said he agreed with the Findings of Fact. Jim

Garrison said he appreciated the effort by Sandy Lathrop in drafting the Findings of Fact, Stephanie Falkers said that the Commission could agree to use the provided Findings of Fact.

Motion by Tom Pilla, seconded by Jim Garrison to recommend to the Town Board that the Findings of Fact from the Staff Report be used to substantiate the recommendation of granting the variance with conditions as follows:

Findings of Fact:

- A. That granting the variance will not result in a use that is otherwise not permitted in the zoning district.
Finding: This is true, the use remains a parcel with a single family dwelling, garage and a septic system.
- B. The property owner proposes to use the Property in a reasonable manner.
Finding: The use of the property will not change. Since the previous septic system failed, it requires a new system.
- C. The variance will be in harmony with the purposes and intent of the official controls (any related Ordinances).
Finding: Yes, replacement of an existing septic system is in harmony with the ordinances which is to allow a single family dwelling on the property
- D. The variance will be consistent with the Comprehensive Plan.
Finding: The Comprehensive Plan requires protection of natural resources, placing the septic system as far away from the shoreline as feasibly possible would have the least impact on the shoreland.
- E. The “practical difficulties” standard to approve a variance application has been met.
 - i. That special conditions and circumstances exist which are peculiar or unique to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same District (and which result from lot size or shape, topography or other circumstances over which the owners of the property since the enactment of the Ordinance have had no control):
Finding: A factor that makes this property peculiar or unique is that the property was platted prior to the setback guidelines being implemented by the MN DNR designating Pet Lake as a Natural Environment lake. The south lot line is 279.00 feet, of which approximately 110 feet is underwater and the OHWL is an additional 18 feet closer to the front property line.
 - ii. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of the right commonly enjoyed by other properties in the same District under the terms of this Ordinance.

Finding: A literal interpretation of the Ordinances would preclude this lot from having a viable septic system. It is designed to protect the shoreland as much as possible, it is a Type 3 system which will have a monitoring plan.

- iii. That special conditions and circumstances do not result from the action of the applicant.

Finding: The failing system which needs to be replaced is not the fault of the owner. Placement of existing structures and wells was not in the owner's control.

- iv. That granting the variance will not alter the essential character of the locality.

Finding: The plat was designed with lots that do not meet current Shoreland regulations. The area has smaller sized lots with structures and septic systems that have been strategically placed or relocated to keep and upgrade the character of the neighborhood.

The Planning and Zoning Commission recommends a Variance be granted with conditions as follows:

A variance from the Anoka County Shoreland Management Ordinance

- 1) 6.4.1 Placement of Structures and Sewage Treatment Systems on Lots located on a Natural Environment lake requires a Setback of 150 feet from the Ordinary High Water Level "OHWL".

Conditions of Variance:

- 1. The setback shall be reduced to 120 feet from the OHWL.
- 2. All setbacks to property lines and neighboring wells shall be as proposed in the Septic Design Plan.
- 3. All submittal and inspection requirements established by the Building Inspector shall be met.
- 4. All work shall be in accordance with the plans submitted with the application and otherwise compliant with the Linwood Township ordinances.
- 5. The septic system shall be placed as graphically depicted on the Certificate of Survey dated 07-13-21, attached as Exhibit A and the Design Plan, attached as Exhibit B.

All ayes, Motion carried.

ZONING ADMINISTRATOR REPORTS AND COMMENTS

A Public Hearing to consider adopting an updated Town Code will be held at the September PZ Meeting.

The Zoning Map that the Township has been using since 2015 was not adopted with the proper procedures. There are districts on the map that are not in the Code Book. Jason Hill, the Township Attorney recommends that we default to a previous map as a tool for zoning decisions on incorrectly identified parcels and that the Township work quickly to update the Zoning Map. It should not affect any properties that have been rezoned in the meantime. According to the Attorney, this action will not null and void past decisions.

Lincoln Estates, which now has been passed as a Final Plat and the owners are moving ahead with the required improvements.

Sandy Lathrop reported that she had been working with the owner of 80 plus acres on 215th Lane for a development which is proposed for development of 22 lots. A Sketch Plan has not been presented at this time. Chairman Dolphy asked if the Planning Commission will review the Sketch Plan. Sandy said that is not a requirement. She would like to include Chairman Dolphy in the Sketch Plan meeting with Staff and the Developer.

NEW BUSINESS

Driveway Access and Standards were introduced. The Township Engineer was contacted to draft new driveway standards.

Chairman Dolphy said that the Engineer included what was on the ground but not the space above the driveway. He pointed out that the NFPA standards recommend that any building over 400 square feet should have clearance for the fire apparatus that is 20 feet wide and 13 and a half feet tall. Joe pointed out that the engineer is proposing a minimum twelve foot width which would be the hard surface of the driveway. The 20 foot width recommended by the NFPA is for clearance from structures, branches, etc.

After discussion the following recommendations were made:

Motion by Tom Searing, seconded by Nancy Matson, to add "Per NFPA Fire Access Road Specification and Dimensions: Driveways shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet, six inches." Ayes from Tom Searing, Nancy Matson, Jim Garrison and Joe Dolphy. Nays from Gary Gustafson, Tom Pilla and Tom Sausen. Motion carried. Tom Pilla asked if it could be made clear that this would only apply for new driveways. Joe Dolphy said the NFPA standards apply to all driveways. Nancy Matson asked if there would be a timeframe for people to come into compliance. Joe Dolphy said he felt it would be handled by complaint.

Motion by Gary Gustafson, seconded by Tom Searing to agree with the Road and Bridge recommendation "Bituminous driveways shall have a minimum of 3.5 inches of bituminous wearing course over 3.5 inches of class 5 aggregate base. Concrete driveways shall have a minimum of 3.5 inches of concrete over 3.5 inches of class 5 aggregate base. Brick Paver driveways shall have paver bricks over a minimum of 3.5 inches of class 5 aggregate base." All ayes, Motion carried.

Motion by Tom Searing, seconded by Jim Garrison to state that "Township Access onto any township street shall require an access permit from the Township." All ayes, Motion carried.

Stephanie Falkers explained the Administrative Subdivision ordinance needs to have a Text Amendment. She went through the proposed changes that will be presented at a Public Hearing in September.

OLD BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

Motion by Tom Pilla, seconded by Jim Garrison, to Adjourn. All ayes, motion carried. Meeting adjourned at 8:47 pm.

Respectfully submitted,

Sandy Lathrop, Zoning Assistant

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



LINWOOD TOWNSHIP

ANOKA COUNTY
22817 Typo Creek Drive N.E.
Stacy, Minnesota 55079
(651) 462-2812 • Fax (651) 462-0500
Website: <http://linwoodtownship.org>

Public Hearing Minutes Franchise Ordinance September 21, 2021

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Stephanie Falkers – SRF, Sandy Lathrop, Pam Matti, Samantha Matuke – SRF

Residents present: none

Public Hearing opened at 8:13 pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on September 21, 2021 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review a text amendment to Chapter 24, Article I of the Linwood Town Code to grant a franchise to Midcontinent Communications, Inc.

Applicant: Linwood Township

Ordinance Chapter: Chapter 24

Proposed Amendment: Granting a franchise to Midcontinent Communications Inc., to construct and maintain a cable television system in the Township of Linwood.

Joe Dolphy asked if anyone in the audience wanted to comment.

The Clerk and S. Lathrop believe part of the franchise ordinance needs to be repealed and that should be part of the discussion. The franchise ordinance in the old code book was replaced with a more generic franchise ordinance in the updated Code Book. The attorney said you cannot have a general franchise ordinance; it must be specific.

S. Lathrop explained that the township attorney drafted a new specific contract renewal for Midcontinent, which will require the passage of an ordinance. We are waiting on 100% confirmation from the attorney on this. The PZ recommendation could be in two motions, the first would be to repeal or rescind the Municode franchise ordinance. The second recommendation would be to approve a new Franchise Agreement with Midcontinent Communications, Inc.

Stephanie commented that Sandy did a good job of explaining the situation and what they are asking. T. Searing questioned the ordinance numbering going from Section 24-1 to 24-10 and then it jumps to 22-11, and wondered if that was an error? Stephanie confirmed that it was an error that she would get it corrected for the final document.

Motion by Jim Garrison, seconded by Tom Sausen, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 8:23 pm.

Respectfully submitted,
Pam Matti, Deputy Clerk

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Stacy, Minnesota 55079

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Public Hearing Minutes Adopting and Enacting a Revision and Codification of the Town Code September 21, 2021

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Stephanie Falkers – SRF, Sandy Lathrop, Pam Matti, Samantha Matuke – SRF

Residents present: Lee Hennen, Sharon Mojsiej, Lyle Reynolds, Jane Rylander, Jim Stockinger, Patty Theobold

Public Hearing opened at 7:11 pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on September 21, 2021 at 7:00 pm or as soon thereafter as parties may be heard, and will be held in the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. Public Hearing will be to review and consider adopting and enacting a revision to the Town Code, providing for the repeal of certain ordinances not included therein, providing a penalty for the violation thereof, providing for the manner of amending such code and providing when such code and ordinance shall become effective.

Joe Dolphy asked if anyone in the audience wanted to comment.

J. Dolphy stated that basically, this new town code will eliminate some duplication in our existing/previous code and clarifying some other discrepancies regarding public hearings, variances, etc. There was a cheat sheet put together by Pam Olson, Tom Searing and Joe Dolphy several months ago.

J. Dolphy said the new index is easier to follow and to figure out what you are looking for in the ordinance book. The old town code contents were two pages and the new one is now seven

pages. It is much easier to find the stuff you are looking for.

One commission member asked how many pages it will be after all the revisions are done. S. Lathrop stated it is about 440 pages, however, that does include a lot of supplements.

J. Dolphy stated this should make it much easier for the office and administration to explain what the rules are. The hope is that the new code makes it much easier to enforce the code.

There was no public comment.

Motion by Tom Searing, seconded by Tom Sausen, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 7:21 pm.

Respectfully submitted,
Pam Matti, Deputy Clerk

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Public Hearing Minutes Proposed Administrative Subdivision Amendment September 21, 2021

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Stephanie Falkers – SRF, Samantha Matuke – SRF
Sandy Lathrop, Pam Matti,

Residents present: none

Public Hearing opened at 8:02 pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a Public Hearing on September 21, 2021 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review a text amendment to Chapter 22, Article VI regarding Administrative Subdivisions.

Ordinance Chapter: Chapter 22, Article VI

Proposed Amendments: Update and identify approval body, reduce the number of lots allowed to be created from 4 to 2, amend criteria for minor subdivisions and lot line adjustments.

Joe Dolphy asked if anyone in the audience wished to comment.

S. Falkers states, following the last staff meeting, there are some changes that staff would like to propose to the administrative subdivision ordinance. It is noted that the Town Clerk was removed from the approval responsibility. That the Zoning Administrator will be responsible for reviewing and approving all Administrative Subdivision Applications. And, in the absence of the Zoning Administrator, the Town Clerk may review and approve Administrative Subdivisions.

The second change is the number of lots that can be created is reduced from four to two, and

the number of lots that can be combined through an Administrative Subdivision will remain at four.

SRF added the submittal of an electronic copy of the certificate of survey to the Submittal Requirements. And they also added the township engineer to the entities that may require drainage and utility easements to be included with an Administrative Subdivision.

There were no public comments.

Motion by Jim Garrison, seconded by Nancy Matson, to close the Public Hearing. All ayes, motion carried.

Public Hearing closed at 8:08 pm.

Respectfully submitted,
Pam Matti, Deputy Clerk

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Public Hearing Minutes Proposed Zoning Map Amendment September 21, 2021

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff present: Stephanie Falkers – SRF, Samantha Matuke – SRF,
Sandy Lathrop, Pam Matti,

Residents present: Lee Hennen, Sharon Mojsiej, Lyle Reynolds, Jane Rylander,
Jim Stockinger, Patty Theobold

Public Hearing opened at 7:25 pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on September 21, 2021 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review the application for a zoning map amendment from R-A (Residential-Agricultural District) to R-1 (Single Family Residential) to all for future residential development.

Applicant: Lee A. Hennen, Dellwood Construction, Ltd.

PIDs: 07-33-22-23-0001, 07-33-22-22-0001 and a portion of 07-33-22-32-0001, lying north of 215th Lane NE

Property Address: 50XX 215th Lane NE, approximately 86 acres

Joe Dolphy asked if there were public comments.

There were two letters, received from citizens, which Stephanie Falkers read aloud.

Letter #1 I am against changing the zoning from R-A to R-1. It would create an urban atmosphere and compromise the integrity of country living. The impact of the development

needs to be addressed by the MN Pollution Control Agency with an environmental impact statement. The size of the lots would be an issue, as well.

Letter #2 I received the notification about the planned zoning change application, and while I will be unable to attend the hearing on the 21st, I still wanted to voice my opinion on the subject. I am in strong opposition to granting a zoning map amendment for the named applicant (Dellwood Construction), and do not wish for further residential development along said stretch of 215th Ln NE. The primary reason for my objection has to do with the negative impact this will have on local wildlife. That 86-acre tract consistently provides refuge and food supply for resident Sandhill Cranes, often able to be seen from the road. These are federally managed and protected species I should add. Many of these cranes breed locally in the area (I know this as a mated pair with offspring frequented my yard daily for nearly a month) and their survival depends on safe refuge and lack of harassment. Residential development on the 86-acre tract would all but obliterate their chosen habitat. Furthermore, new residential development would lead to a substantial increase in vehicular traffic along 215th Ln. NE. This hence substantially increases the risk for wildlife that cross the road daily, including a rather large flock of turkeys that has resided for years along 215th Ln NE (with flock numbers exceeding 80 birds in wintertime). In sum, I specifically chose to live in Linwood for the plentiful open spaces, light population density, plentiful wildlife and quiet country feel. The proposal of new modern residential development truly chips away at the heart of what I've found makes living in Linwood so exceedingly special. Therefore, I strongly object to the provision of a residential zoning permit to Dellwood Construction, and I implore you to do the same. I appreciate your consideration and hope this can be factored into the larger decision.

Resident member present stated that she wishes that the Gordie Mikkelsen Wildlife Area and swan habitat be taken into consideration. She questioned if the DNR had a chance to weigh in on the development on the Gordie Mikkelsen Wildlife Area. There are trumpeter swans that are nesting here. As a township, as a whole, to keep our property taxes low, we need new houses. I would like the area to remain safe for the wildlife and Gordie Mikkelsen Wildlife Area. But I am also aware that costs increase exponentially every year and the Town Board as a rule tries to keep our taxes low. And the only way they can do this is by having more people move to Linwood. Resident also stated that she wished to apologize to the developer, on behalf of Linwood Township, concerning the vandalism that was done to the development sign. She said, this is not what the township is.

J. Dolphy noted that the public hearing tonight has to do with rezoning from Residential-Agricultural to Single Family Residential. After this process, in order to go through the planning procedure, the office will then get input from many agencies.

The representative for the developer stated if the rezoning is granted, any additional run-off be managed. The representative stated that the developer would comply in every way possible with the requirements of the township as far as they relate to the development of this nature.

The representative would request that you consider rezoning of this property. There is a real need for additional building options in the Twin Cities Metro area. This property is currently sitting idle. Concrete curb and gutter are being proposed for this development which will help with water run-off, as well as be appealing to potential residents.

J. Dolphy stated that several of us did have a meeting with the developer, several weeks ago, to go over some of the guidelines to make sure that the township was going to be able to allow what the developer was proposing.

Resident stated that he is by-in-large in favor of the development with a couple caveats. He is opposed to the curb and gutter idea that is being proposed. His biggest concern with the development is environmental. He also does not agree with the idea of one road only into the development. Would like to see multiple accesses to the development. And, is also concerned about sightline of the road.

Motion by Tom Searing, seconded by Tom Sausen, to close the Public Hearing. All ayes, motion carried. Public Hearing closed at 7:49 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning and Zoning Commission Minutes September 21, 2021

Meeting call to order at 7:06 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson, Tom Pilla

Town Board members present: Carol Searing

Staff & Consultants present: Stephanie Falkers -SRF, Samantha Matuke – SRF,
Sandy Lathrop, Pam Matti,

Residents present: Lee Hennen, Sharon Mojsiej, Lyle Reynolds, Jane Rylander,
Jim Stockinger, Patty Theobald

Approval of Agenda

Motion by Jim Garrison, seconded by Nancy Matson, to approve the Agenda. All ayes, motion carried. **Motion** by Jim Garrison, seconded by Nancy Matson, to rescind the approval of the agenda. All ayes, motion carried.

Motion by Jim Garrison, seconded by Nancy Matson, to amend the Agenda, to hold each Public Hearing separately, reconvene the regular meeting to act on that Public Hearing and then recess to open the next Public Hearing. All ayes, motion carried.

Approval of PH minutes for 21-13-VAR from, August 17, 2021

Motion by Jim Garrison, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Approval of PZ minutes from, August 17, 2021

Minutes were not available and approval will be moved to a future date.

Recess at 7:11 pm to **Public Hearing to consider Adopting and Enacting a Revision and Codification of the Town Code – Separate minutes prepared.**

Reconvene meeting at 7:22 pm

Action on Adopting and Enacting a Revision and Codification of the Town Code

Motion by Tom Searing, seconded by Jim Garrison to recommend that the Town Board adopt an Ordinance Adopting and Enacting a New Code for Linwood Township, Minnesota; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof, providing for the manner of amending such code; and providing when such code and the ordinance shall become effective.

J. Dolphy asked if there was further discussion. No further discussion. Vote on the motion was held, all ayes, motion passed.

Recess at 7:24 pm to **Public Hearing to consider Proposed Zoning Map Amendment – Separate minutes prepared.**

Reconvene meeting at 7:59 pm

Action on Recommendation on Rezoning 215th Lane

Motion by Jim Garrison, seconded by Tom Searing to recommend approval to the Town Board of the zoning map amendment from R-A, Residential-Agricultural District, to R-1, Single-Family Residential District, for PIDs 07-33-22-23-0001, 07-33-22-22-0001 and a portion of 07-33-22-32-0001, lying north of 215th Lane NE.

Findings of Fact:

- The subject property is 86.039 acres in size with access granted from County Road 74 along the southern edge. The property was recently combined from three separate lots into a single lot through an administrative subdivision and purchased by the applicant. The northeast corner of the subject property includes wetlands that will restrict future development. There are currently no structures or dwellings located on the property.
- The subject property is 86.039 acres in area with a lot width of over 1,200 feet. The lot width and area meet the standards of both the R-A (5 acres, 300 feet) and R-1 (2.5 acres, 150 feet) districts. A major subdivision will be required for the applicant to pursue the development of the site. The R-1 District would allow the lot to be divided into a maximum of 34 lots, without removing area for right of way dedication or undevelopable wetland areas. Current R-A zoning could yield 17 lots. However, the shape of the lot, need for right-of-way, and location of wetlands would not allow for that number of lots to be achieved.
- Per Section 30-171 of Linwood Town Code, the following considerations of adverse effects should be considered by the Planning and Zoning Commission.

1. Relationship to town plans and the geographical area involved.
 - a. The Future Land Use Map included in the 2040 Comprehensive Plan identifies the subject property for future Rural Residential/ Agricultural Uses. This use aligns with all existing R-A and R-1 zoning throughout the community.
 2. Whether the use will depreciate the area in which it is proposed.
 - a. It is not anticipated that the zoning map amendment would depreciate the surrounding area as surrounding uses include other residential uses.
 3. The character of the surrounding area
 - a. The proposed use may have limited impact on the character of the surrounding area. The property is bordered on the north by the Gordie Mikkelsen WMA, and the location of existing wetlands would limit and future development from placement directly adjacent to the WMA. Additionally, the existing WMA access runs along the western edge of the subject property.
 4. The demonstrated need for such use.
 - a. The proposed amendment allows for future development of the subject property to provide additional housing units within Linwood. The 2040 Comprehensive Plan planned for a 6% increase in households throughout the community.
 5. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
 - a. Future residential uses are not anticipated to cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or impose hazards to life or property in the neighborhood.
 6. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
 - a. The proposed amendment would maintain residential use of the neighborhood.
 7. Whether stored equipment or materials would be screened or whether there would be continuous operation with the visible range of surrounding residences.
 - a. It is not anticipated that any outdoor storage uses would be included with future residential development.
 8. In addition, technical data may be requested, where pertinent, with regard to proposed activities especially those areas which exhibit outstanding environmental characteristics.
 - a. The applicant has reviewed the existing wetlands on site in collaboration with the National Wetland Inventory Mapping. It is understood that the wetlands will not be disturbed with future development.
- Notice of the public hearing was sent to properties within a half mile (2,640 feet) of the subject property. At this time, no comments have been received by staff.

T. Sausen asked seeing that it is going to be 34 lots are they going to be willing to donate \$85,000 to the parks department. S. Falkers clarified that what is on the staff report does not factor in the amount of acreage that is a wetland or would have to be taken out for right-of-way. It will be something that park dedication will have to consider as part of this. T. Searing asked how many lots you can get out of the property. The developer desires to get 22 lots out

of the property. J. Dolphy reminded folks' that this has nothing to do with the rezoning that is being addressed at this time.

After discussion on Findings of Fact, vote on the motion was held, all ayes, motion passed.

Recess at 8:02 pm to **Public Hearing to consider Administrative Subdivision Amendments – Separate minutes prepared.**

Reconvene meeting at 8:09 pm

Action on Recommendation on Administrative Subdivision Amendments

Motion by Jim Garrison, seconded by Nancy Matson, to recommend to the Town Board an ordinance amendment to Chapter 22, Article VI,
Section 22-690 to allow a lot to be divided into no more than two lots,
Section 22-692 to remove the town clerk as an approving entity and add minor subdivision as the item of approval,
Section 22- 726 to remove the town clerk as an approving entity,
Section 22-727 to remove the town clerk as an approving entity,
Section 22-729 to create no more than two lots in a minor subdivision rather than four,
Section 22-730 to require the submittal of an electronic copy of the survey and to add the township engineer to those that may require the dedication of drainage and utility easements, and
Section 22-732 to revise the decision of an administrative subdivision to be made by the zoning administrator and to add the town clerk may approve in the absence of the zoning administrator,
of the Town Code, and titled "An Ordinance relating to Administrative Subdivisions.

No further discussion.

Vote on the motion was held, all ayes, motion passed.

Recess at 8:12 pm to **Public Hearing to consider Franchise Agreement Amendment – Separate minutes prepared.**

Reconvene meeting at 8:23 pm

Action on Recommendation on Franchise Agreement Amendment

Motion by Jim Garrison, seconded by Tom Searing, to recommend the Town Board approve an ordinance granting a franchise to Midcontinent Communications, Inc., to construct and maintain a cable television system in the township of Linwood, Minnesota; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system; and prescribing penalties for the violation of its provisions.

Findings of Fact:

- The Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
- Grantee's plans for operating the System were considered and found adequate and feasible;
- The Franchise granted to Grantee by the Township complies with the existing applicable Minnesota Statutes, federal laws and regulations; and
- The franchise granted to Grantee is nonexclusive.

No further discussion on the motion. Vote was held, all ayes, motion passed.

Motion by Jim Garrison, seconded by Tom Searing, to recommend to the Town Board, to remove/rescind/repeal the old ordinance, Chapter 24, Article 2 of cable communications franchise ordinance.

No further discussion on the motion. Vote was held, all ayes, motion passed.

New Business

Discussion on Administrative Subdivision. S. Falkers stated that staff have been going through a number of preapplication meetings regarding desires of doing administrative subdivisions. And through that process there have been a fair number of discussions about some of the requirements that we have in there. Staff continue to receive questions from property owners and professional surveyors about water courses/wetlands get delineated (there is a cost with this), high water mark, perc tests, soil boring, and various questions about water.

There have been two meetings in the last two weeks where by property owners have decided not to move forward with a purchase of a piece of property. After both property owners were informed that they must have their septic systems inspected and that they must pass. Owners are being scared away due to the possibly of a septic system not passing. This is a bigger item for discussion.

The other piece that does not necessarily show up on the application checklist, but the requirements do say that the administrative subdivisions do need to meet the design standards of the township. That's where we'll get into the variance that we're having a special meeting on

next week. Bringing up a gravel road to town standards, which there are no standards for a gravel road, which then means paving a public road.

These are just some things that we are finding as people come to these preapplication meetings. And, it has derailed, in some cases, people choosing to move forward. Linwood Township ordinance requires a subsurface sewage treatment compliance inspection for any property undergoing development, subdivision or split and prior to the sale or transfer of ownership of any property that contains a septic system.

Staff wished to bring forward to the P Z Commission questions and concerns that have arose with administrative subdivisions via the pre-application process and see if there is interest in exploring this some more. We would have discussions with you and make recommendations that would then need to go to the Township Board for adoption. The other piece is we've been asked if we can grant variances for some of these components. A lot of times it is a financial reason they are not going through. However, a financial hardship is not a reason to grant a variance.

J. Dolphy asked isn't that part of the administrative subdivision ordinance that there can be no variances granted? The administrative subdivision was adopted by the Township Board, along with the attorney. There is scrutiny that isn't being followed on it. You are trying to catch up on it now, from what I'm hearing, with the different details that were never considered or addressed in the initial administrative subdivision.

S. Lathrop stated that the staff are enforcing the ordinances exactly as they are written. But, maybe that's not how the PZ Commission wants them to be used. When trying to enforce, some of the ordinances are cloudy and the wording may not be what practical as written nor meet the initial intention.

The fact that the township requires a septic inspection/compliance upon transfer of property needs some clarification. If you own two lots and are just shifting a lot line on your own, did you really transfer the property, since it was all in your own name. Which would be different than your neighbor buying a piece of your property and then those lot lines are shifted. At that point, both parties must get a septic compliance. The PZ Commission should review their intentions.

To move forward, staff would like to continue these discussions and receive further clarification and input.

Old Business

None

Zoning Administrator Reports and Comments

S. Falkers reported there is a public hearing and special meeting for a variance next week. There has been at least one pre-application meeting per week for an administrative subdivision. Stephanie stated that pre-application meetings have been valuable. Stephanie also stated they are working through and currently in process of discussing a sketch plan for Dellwood Country Estates. After that there will need to be a preliminary plat. S. Lathrop pointed out that the PZ Commission will be kept informed. Staff is currently busy with two active Administrative Subdivision applications.

S. Lathrop gave an update on the status of Lincoln Estates the two driveway accesses along Typo Creek Drive are currently being worked on. The county has turned them down, as they did not meet the proper 4 -1 grade on the sides. They will probably be redesigning those accesses. It is a county road and issue.

Motion by Tom Sausen, seconded by Tom Searing, to adjourn. All ayes, motion carried.
Meeting adjourned at 9:34 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

As revised by Sandy Lathrop

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

Website: linwoodtownship.org

Public Hearing Minutes

21-21-VAR

September 27, 2021

P & Z Members Present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Tom Pilla, Tom Searing

P & Z Members Absent: Tom Sausen

Board Members Present: Supervisor Carol Searing, Mike Halliday

Staff & Consultants Present: Sandy Lathrop, Stephanie Falkers – SRF

Public in Attendance: Martin Anderson, Linda Anderson, Sara Nelson

Public Hearing Convened at 7:04

Chairman Joe Dolphy read the Public Hearing Notice

Public Hearing 21-21-VAR

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on September 27, 2021 at 7:00 pm. at the Linwood Town Hall, 22817 Typo Creek Dr NE, Stacy MN 55079 to consider a request for a variance from minimum town design standards, which require a bituminous surface, to complete an administrative subdivision.

Applicant: Martin L and Linda K Anderson, Trustees

Property location: 23761 Notre Dame St NE

PID: 26-34-22-43-0004 and 26-34-22-43-0005

Anyone wishing to comment on the request can be heard at this time. Please email the Zoning Administrator at zoning@linwoodtownship.org if you have any questions or comments on the application.

Applicants explained their request. They own two pieces of adjoining land. A woodstove was constructed on the vacant parcel. They would like to maintain their privacy by moving the lot line between the two parcels so that a stand of trees remains with the parcel that has the residence on it.

Chairman Dolphy explained that in order to complete the process of moving the lot line, Township regulations require meeting Design Standards which in this situation requires the paving of the gravel road adjoining the property.

Public had no comment.

Motion by Jim Garrison, seconded by Tom Searing Garrison to adjourn the Public Hearing at 7:08 pm. All ayes, Motion carried.

Respectfully submitted,

Sandy Lathrop, Zoning Assistant

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning & Zoning Commission Minutes September 27, 2021

P & Z Members Present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Tom Pilla, Tom Searing

P & Z Members Absent: Tom Sausen

Board Members Present: Supervisor Carol Searing, Mike Halliday

Staff & Consultants Present: Sandy Lathrop, Stephanie Falkers – SRF

Public in Attendance: Martin Anderson, Linda Anderson, Sara Nelson

Meeting called to order by Chairman Joe Dolphy at 7:01 pm

Pledge of Allegiance was recited.

Approval of Agenda

Motion by Jim Garrison, seconded by Tom Pilla to approve the Agenda. All ayes, Motion carried.

Recess to Public Hearing at 7:04 pm

Reconvene PZ Meeting at 7:08 pm

Stephanie Falkers explained that the Andersons submitted an application for an Administrative Subdivision to move the lot line between two parcels, both of which are owned by the Applicant. They are requesting a variance from the requirements of following Design Standards. Notre Dame St NE is an existing road currently maintained by the Township. In Staff's opinion there should be no additional impact on the road by the allowing of the Lot Line Adjustment. There currently exists two residential lots and there will remain two residential lots. From that standpoint, Staff is recommending the granting of the variance.

SRF provided Findings of Fact and PZ Commission members agreed with and added their comments as follows:

- A. That granting the variance will not result in a use that is otherwise not permitted in the zoning district.

Finding: The zoning district of R-A allows for single-family dwellings, open space, and agricultural use, the existing uses remain the same with the requested variance. This finding is true.

- B. The property owner proposes to use the Property in a reasonable manner.

Finding: The use of the property will not change with the variance. Access will continue to be granted to the subject property from Notre Dame Street NE. This finding is true.

- C. The variance will be in harmony with the purposes and intent of the official controls (any related Ordinances).

Finding: The neighboring streets are also gravel, for the small strip of street along the subject property to be upgraded to bituminous would be inconsistent with the area. The town design standards include roadway standards for only bituminous roadways to ensure that roadways are constructed to provide safe vehicular movement, proper drainage, and adequate sight lines for current and growth traffic volumes. The variance would allow the existing gravel surface to be maintained as currently constructed. The applicant's proposal for an administrative subdivision does not include changes to impact traffic volumes or access modifications that would necessitate roadway upgrades. This finding is true.

- D. The variance will be consistent with the Comprehensive Plan.

Finding: The Comprehensive Plan identifies a Transportation Goal to "Provide safe and efficient movement of persons and vehicles through and within Linwood Township without undue maintenance costs to the Township". The proposed variance allows for the continued safe and efficient movement of persons and vehicles on the existing roadway surface. This finding is true.

- E. The "practical difficulties" standard to approve a variance application has been met.

i. That special conditions and circumstances exist which are peculiar or unique to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same District (and which result from lot size or shape, topography or other circumstances over which the owners of the property since the enactment of the Ordinance have had no control):

Finding: The limited impact of the proposed administrative subdivision is a circumstance that should be considered with the variance request. The proposed administrative subdivision results the shifting of the existing property line dividing the subject property and will not result in the creation of any new lots. Therefore, the resulting impact to roadways from a traffic or access standpoint facilitating the improvement to a bituminous surface does not occur.

ii. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of the right commonly enjoyed by other properties in the same District under the terms of this Ordinance.

Finding: A literal interpretation of the Ordinances would preclude the applicant from modifying property lines without contrasting roadway improvements at a scale where no policy is clearly identified.

iii. That special conditions and circumstances do not result from the action of the applicant.

Finding: The existing gravel road is owned and maintained by Linwood Township and no plans have been identified to upgrade the road to a bituminous surface by the Township.

iv. That granting the variance will not alter the essential character of the locality.

Finding: The variance will allow the existing roadway to remain, maintaining the character of the area.

Motion by Gary Gustafson, seconded by Tom Pilla to recommend the Town Board **approve** the request of Martin L and Linda K Anderson, 23761 Notre Dame Street NE, Stacy, MN, for a variance from Chapter 22, Article VI, Sec 22-728(b2) and Chapter, Article III, Section 22-29, to allow a deviation from design standards for a Lot line adjustment without upgrading the road to minimum town design standards and construction specification for the type of street. All other Design Standards must be complied with. All ayes, motion carried.

Sandy Lathrop pointed out that Design Standards do not state a road must be bituminous. However, current road standards have no specifications for gravel roads. So if the plan or vision is to allow Lot lines and splits along gravel roads, the Road standards need updating. The issue should be addressed in the future.

Tom Pilla stated that he feels these standards need to be changed. For someone to move a lot line or give a small parcel to their child, the intention was not to have them pave the roads. And it is the leaders' job to ensure that residents are not subjected to impossible or ridiculous standards. Chairman Dolphy asked Chairman Halliday for his input on this topic. He personally feels that in this situation, since there is no ownership change, he thinks the variance is applicable. Joe Dolphy asked if the Town Board had reviewed the standards. Sandy Lathrop responded they had not seen it yet.

Gary Gustafson said that he would like Staff to come up with the wording that would clear up this matter. Mike Halliday said it is not Staff's responsibility to do that. If the members want something changed, the thought process should be coming from the PZ Commission, not Staff, and then have it presented to the Town Board.

Chairman Dolphy stated that this is a matter for the Engineer to write standards for gravel roads. Mike Halliday suggested that it should go to the Road & Bridge for their opinion and then see how it integrates with lot line adjustments and subdivisions.

Motion by Gary Gustafson, seconded by Jim Garrison, to adjourn at 7:24 pm.

Respectfully submitted,
Sandy Lathrop, Zoning Assistant

Minutes Approved: October 18, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning and Zoning Commission Minutes October 18, 2021

Meeting called to order at 7:00 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Gary Gustafson, Nancy Matson, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent:

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann – NAC, Sandy Lathrop, Pam Matti

Residents present: Sharon Mojsiej

Approval of Agenda

Motion by Jim Garrison, seconded by Tom Searing, to approve the Agenda. All ayes, motion carried.

Approval of PZ Minutes from August 17, 2021

Motion by Jim Garrison, seconded by Tom Pilla, to approve the minutes. All ayes, motion carried.

Approval of PH Minutes Adopt Municode from September 21, 2021

Motion by Nancy Mattson, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PH Minutes Rezoning Property of 215th Lane from September 21, 2021

Motion by Jim Garrison, seconded by Nancy Mattson, to approve the minutes. All ayes, motion carried.

Approval of PH Minutes Franchise Agreement for Midcontinent from September 21, 2021

Motion by Jim Garrison, seconded by Nancy Mattson, to approve the minutes. All ayes, motion carried.

Approval of PH Minutes Amend Administrative Subdivision from September 21, 2021

Motion by Tom Searing, seconded by Gary Gustafson, to approve the minutes. All ayes, motion carried.

Approval of PZ Minutes from September 21, 2021

Motion by Jim Garrison, seconded by Nancy Mattson, to approve the minutes. All ayes, motion carried.

Approval of PH Minutes -21-21-VAR 23761 Notre Dame St NE from September 27, 2021

Motion by Jim Garrison, seconded by Tom Searing, to approve the minutes. All ayes, motion carried.

Approval of PZ Minutes from September 27, 2021

Motion by Jim Garrison, Nancy Mattson seconded, to approve the minutes. Joe Dolphy asked if there were any additions or corrections. Tom Pilla said there is one correction, third paragraph from the bottom on page three, the last sentence is incomplete. Sandy Lathrop clarified that the sentence should read, "Joe Dolphy asked if the Town Board had reviewed the standards. Sandy Lathrop responded they had not seen it yet". Joe D. asked that the complete sentence be added to the minutes.

Motion by Jim Garrison, Tom Pilla seconded, to approve the minutes as corrected. All ayes, motion carried.

New Business

Introduction of Northwest Associates, the New Planning Firm

Joe D. stated the Township has contracted with Northwest Associates (NAC). He asked Steve Grittmann to introduce himself. Steve G. introduced himself as a planner with Northwest Associates. They are a planning and zoning firm that has been in the Twin Cities since the early 1970's. He is now one of the owners of NAC. He has been with the firm since 1983. His company does planning and zoning work and basically serves as the staff planner for about 30 different communities around the greater Twin Cities area. Most of their clients are small communities in rural areas and they do work for a handful of townships as well. He stated he is happy to be here and is working hard to get onboard. Things are already rolling in and his phones are ringing, so that is good. He stated that he had done a little work in Linwood Township some 30 years ago. His firm has done a few of the comprehensive plans for the township over the years. He feels his company has a little bit of background here and he is ready to hit the ground running.

Joe D. asked about the scope of the work that NAC will be doing for the Township. Steve G. responded that from the staff and Town Board member Searing that it is his understanding that he will fill the role of Zoning Administrator for the town. He will be responsible for shepherding applications through the process, responding to lot split requests or whatever there may be, and fulfilling that role for staff as we go forward. He will be reporting to the PZ Commission, as needed on the applications that come to the PZ Commission. Question was asked if he will be at the PZ Commission Meetings and Steve G. stated he will be at the meetings. He thanked the members for moving the PZ Commission Meetings from Tuesday evenings to Monday evenings to accommodate his schedule.

Joe D. asked if there were any further questions. Gary G. stated he would like to ask Carol Searing why the Town Board thinks they need to hire a professional planner. Carol S. responded that about a year and a half ago, the former building inspector left the township. Sandy L. was given the opportunity to take over temporarily. It was always a temporary position with the idea that when we were ready, we would hire a planner. Steve G. is going to help us with ordinances. He is going to help us with subdivisions and he will be doing a variety of work. Carol S. stated that we do not have the expertise in Linwood Township to do our own planning and zoning without some expertise in the area.

Sandy L. offered, that it is overwhelming on some of the twists and turns and on some of these administrative subdivisions. We have learned things after the fact, like we needed to hold a public hearing to vacate a drainage easement that we knew nothing about. We did not know there was a law about it, we did not know we had to have special deeds getting the drainage easements on the administrative subdivisions. It is beyond the scope of current staff. It is why we need to have professional help on a lot of these issues. Because we did not even know we were missing anything, as no one had ever pointed it out and it had not been done previously. We need to have somebody help keep staff out of trouble. Carol S. added we also need somebody to help keep the Township out of trouble.

Joe D. added another topic that he believes the new planner will be working with is the zoning stuff. It is something that has been kicked around for several years for a variety of reasons. From zoning of different types, to home occupation, to accessory buildings; there has not been a full resolution on some of those topics. We are hoping to get some of that resolved through the zoning administrator, now that we have somebody with a background and experience in other communities so that we can be consistent with other communities. Hopefully, having a professional company working with us, will keep us in the clear.

Introduction of Municode

Joe D. stated that Municode is live and the Board has approved it. It is on the Township website. Pam Olson addressed the PZ Commission members and lead them through a tutorial

on how to navigate the on-line Municode. She also provided each member with a cheat-sheet to help with navigation.

Old Business

Discussion of Zoning Districts

Joe D. stated that after discussing with Sandy L. last week and with Steve G. attending tonight. One of the big topics that the PZ Committee needs to get going on is the zoning districts. Our zoning districts are not as clear as they should be. We have zoning districts on the zoning map that we have no regulations on. When he was looking through the minutes from the August meeting, the Attorney at that time recommended that the committee get the zoning districts straightened out soon. It was on the agenda a year ago March, and it just fell by the wayside with Covid. We have other topics we need to get into also, but the zoning stuff will lead into these other discussions.

Joe D. referred committee members to the couple pages included with their packet concerning zoning in Sec. 30. This is from the code book. We need to get back on-line with the zoning stuff. And the place to start with that may be the Zoning Administrator. Our zoning map needs to be straightened out.

Joe D. asked Sandy L. if she had anything to add. She stated she did not have a lot to add, but that she did print out the zoning map. It is on the Township web site, but she stated she does get calls from appraisers who let her know the bottom part of the map is cut off on the web site. She passed out the current map that is being used and for sure needs to be changed. Because it has things like future commercial marked on there and there are no regulations for future commercial building permits. We also have Institutional listed on the map, but we have no guidelines for what Institutional is. At the bottom of the map, we have districts that do not exist. This is definitely something for Steve G. to be looking into.

Sandy L. stated that currently in our code book we have R-1, Environmental, R-2 the mobile home park, R-A, and General Business. She also mentioned the PZ Commission needs to think about campgrounds and how they are zoned. Steve G. suggests that campgrounds can usually be zoned as Rural Agricultural (R-A). Sandy L. stated that a campground really should be a conditional use under R-A.

Steve G. suggested that he could prepare a revised zoning map, linking it up with the districts that are in the Town Code and bring it to the PZ Commission for review. Joe D. clarified with Carol S. whether PZ Commission must wait for Town Board approval to have Steve G. move forward with revising the zoning map or if he can proceed with PZ Commission direction. Carol S. stated that Town Board direction is not needed. Tom Searing asked about how you zone the Townhall complex (government). Steve G. responded that you can do it one of two ways. Zone

it with one of the districts you already have. Government buildings can be within residential districts or it could be in the business district. Steve G. said the PZ Commission will need to decide. Or, another zoning district could be created to cover the Townhall complex. This would be a sixth zoning district for government use.

Tom Pilla asked Steve G. if the proposed new zoning map could be made electronic and emailed to the members. Steve G. said it could.

Staff and Zoning Administrator Reports and Comments

Sandy Lathrop reported there are still reports, concerns and complaints concerning running businesses out of homes. One is from the business owner, who has been getting complaints from neighbors and the business owner is wondering if any ordinances are being broken. Another complaint is coming in from neighbors complaining. Sandy L. stated somewhere along the line we are going to have to make some decisions, so that we can tell people that they are either following our ordinances, or they are not in compliance. Joe D. stated that this is something we need to address. If home occupations are going to be allowed and if so, at what scope of operation they will be allowed.

Sandy L. stated it needs to be determined what causes the line between being self-employed and a business. For example, if one brings their work truck home. Is that a home occupation, just because one brings their truck home? Or, is it if one has three business trucks parked at their home? If it's one person driving their truck in and out each day, but the neighbors don't like the noise, is that breaking the ordinance? These are things we need to try and resolve.

Steve G. stated that this is an issue everywhere. He said there are some models out there that he is willing to write up and propose it to the PZ Commission.

Tom Sausen raised the issue of a resident raising Pit bulls in a residential area without a kennel license. Sandy L. said the owner needs to come in and apply for a kennel license. A deputy has been sent out to the property a couple times. The owner still has not carried through on applying for the kennel license.

Motion by Gary Gustafson, seconded by Tom Sausen, to adjourn. All ayes, motion carried. Meeting adjourned at 8:20pm.

Respectfully submitted,
Pam Matti, Deputy Clerk

Minutes Approved: November 15, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



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Planning and Zoning Commission Minutes November 15, 2021

Meeting called to order at 7:00 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Jim Garrison, Nancy Matson, Tom Pilla, Tom Sausen, Tom Searing

Commission members absent: Gary Gustafson

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittman – NAC, Sandy Lathrop, Pam Matti

Residents present: None

Approval of Agenda

Motion by Tom Searing, seconded by Nancy Matson, to approve the Agenda. All ayes, motion carried.

Approval of PZ Minutes from October 18, 2021

Tom Searing noted that there was a typo on page 4, the word should have been linking and not sinking. **Motion** by Tom Pilla, seconded by Tom Searing, to approve the minutes with the noted correction. All ayes, motion carried.

New Business

Approval of 2022 PZ Committee Calendar

It was noted that Monday, January 17th and Monday, February 21st are holidays and the office is not open on those days. Members discussed possible options and dates available, in coordination with Steve Grittman's schedule. **Motion** by Tom Pilla, seconded by Tom Searing, to move the January meeting to Wednesday, January 19 and the February meeting to Wednesday, February 16. All ayes, motion carried.

Old Business

Zoning Map Cover Memo

The memo was sent to members by Steve G.

This memorandum forwards a copy of the current Zoning Map for discussion at the upcoming Planning Commission meeting. The map has some aspects that will require amendment (such as the zoning category of "Group Home"), and would benefit from an overall discussion of the appropriate land use/zoning categories. This discussion may direct additional review of the Town's zoning regulation, but for the short term, updating the map to more simply create the proper zoning designations would be the first step.

Planning staff will plan to lead this discussion with the objective of ensuring that we can then update the map and adopt a new map that properly reflects the Town's zoning regulation going forward.

Linwood Zoning Map 2017

Joe D. asked if all members had the chance to review and look over the memo and zoning map. He then opened up the discussion for questions, comments and concerns. Steve G. stated the current key contains zoning districts that do not exist by ordinance. Specifically, there are two districts on the key, one being group homes and the other is future commercial. And then, there is language related to waterway buffer, which is typically reviewed or put into codes as an overlay district rather than a base district.

Steve's recommendation would be that the group home designation goes away from the zoning map. That's a land use, but group homes are allowed by statute in your residential districts, either R-1 or RA. Wherever you allow a single-family home, you're required to allow a group home of six or fewer residents.

Steve G. said the designation of future commercial is really a land use designation that usually shows up in a comp plan and does not belong on the zoning map, same as with the group home. We have three anomalies for a base discussion this evening. The waterway buffer zone would fit as an overlay on your zoning map. Steve states the future commercial should go away as it does not belong on the zoning map. Sandy L. asked if you do a waterway overlay, would you also do a flood plain overlay? Steve G. responded; no, you would not do a flood plain overlay.

Sandy L. brought up what was marked as commercial daycare and wondered would that then go away? Steve said the statute treats residential daycares kind of like group homes. There's an

automatic allowance in the statute for residential daycare, up to a certain number of children. That would be allowed in the R-1 or RA district. However, a commercial daycare is something beyond what a residential daycare is. The one commercial daycare would stay zoned as commercial.

Sandy L. said that on our books we use the term business, but on the zoning map we use commercial. She asked Steve G. if he had a recommendation on which term seems more logical. Steve said it is personal preference. Discussion pursued on what was decided in the new Municode, whether the term business was used or commercial. Joe D. added, we need to match these terms and not use them interchangeably. Steve said the simplest thing to do would be to match your zoning map to the code. Steve checked the Municode online and it does use the term general business district.

Steve stated that a group home, with 6 or fewer residents are zoned as single-family. He also stated an Interim Use Permit could be used in the future if needed for a larger group home. Joe D. suggested that we delete the Future Commercial zone and put it as R-1 or RA whichever district it is in. There was consensus in the group that Future Commercial should be eliminated from the zoning map. Joe thought almost all Future Commercial could go to RA and the Wildlife Science Center should stay zoned as Environmental, if we are going to keep Environmental on the zoning map.

Joe stated that the area currently marked as Future Commercial, off of Viking Blvd and Martin Lake Rd (which they call Broadbent's Field) should then be changed to RA. Tom Searing agreed. The corner of Typo Creek Drive and Fawn Lake Drive should also be reverted back to RA from Future Commercial. Tom Searing agreed.

Sandy L. mentioned that we do not have Institutional in our code book, so that needs to be discussed. Because we do have parcels designated on the zoning map as Institutional. For example, we have the school and Sunnyside Church. She also stated that we currently have one church zoned Business and the other church zoned Institutional. We need to consider whether both churches should be zoned the same. Per Steve, churches are not allowed to be zoned as R-1, but you could designate it as RA. If they wished to expand in the future, they could apply for a Conditional Use Permit. This is according to how our current ordinance is written.

Sandy L. asked about the townhall and fire station, if they are currently marked as Institutional? Steve said it did look that way. Joe reiterated what Steve had said earlier that government buildings could be included in RA. Steve remarked that is correct. The Parks are allowed in either R-1 and RA zones, but government buildings are specifically listed in the RA district. In summary, the townhall should be zoned RA, the fire station should also be zoned RA, and the elementary school will also be zoned RA. Steve suggested that the parks be zoned as RA and then outlined in green on the map. Joe was concerned about those parks that were part of R-1

when created. He asked if that is appropriate to do? Steve replied there is nothing wrong with doing that.

Sandy L. believes that the members should establish a definition of what R-1 or RA is. Would we not go off of the acreage size? Steve G. verified that according to our ordinances, the RA designation is 300 feet and 5 acres, whereas, the R-1 designation is 2.5 acres and 150 feet. Joe D. stated we will keep the RA and R-1 designations as they currently are, for now.

Per Steve, public utilities will be zoned RA.

The Committee reviewed the entire township map with Steve G., noting areas that need to be changed. Steve will take the notes from this meeting, plan to mark up a new map, try to distinguish the colors on the map a little better, and then the group can look at it and make sure that the changes Steve has identified are the correct ones, and then plan to present to the PZ Commission at the next meeting. If everything looks like it is on track, we will then call for a public hearing to adopt a new zoning map.

Home Occupations

As presented by Steve Gritman, currently, Linwood's Home Occupations regulations are limited to a requirement that such uses that generate a need for "more than two parking spaces" require an interim use permit. To help the group think about how the Township might clarify its distinction between appropriate and inappropriate home occupations, the following concepts are useful.

1. Is there a threshold size where a home occupation interrupts the character of the residential environment?
 - a. This aspect of Home Occupation regulations, as not compatible with the expectations residents have for the area in question.
 - b. The issue in (a) may be related to the lot and density of the neighborhood in which the home occupation is located. An example may be smaller residential lots, below a threshold such as half-acre, one acre, or more; or
 - c. The issue in (a) may be related to the amount and/or type of business being conducted on the property.
2. Is there a threshold size where a home occupation is inherently compatible with the residential area?
 - a. This aspect presumes that there are some home occupations that don't raise any issues, and can therefore be presumed to be compatible with any residential area.
 - b. Examples would typically be home offices or individual instruction (such as music or educational tutoring).

- c. With regard to most of these types of uses, are there aspects that can create a negative impact for some “benign” home occupations? (Examples may include extraordinary numbers of deliveries, or equipment inherent to the business that results in a residential structure being altered in such a way that renders it more business than residential).
- 3. At what point would the Township consider a business to require an Interim Use Permit rather than allowing the home business as a matter of right?
 - a. Currently, the ordinance’s only threshold is when the use generates a need for more than two parking spaces.
 - b. Other considerations may be noise, traffic, percentage of the home devoted predominantly to business v. residential use.
- 4. At what point would the Township consider a business to be incompatible as a home occupation, regardless of location, neighborhood, or other factor?
 - a. Examples may include businesses that create large amounts of traffic (such as a business that regularly offers to sell retail goods from the home, or a business that is essentially an industrial activity)?
- 5. Is there an interest in limiting home occupations to the home and attached accessory garage itself, or carving out a separate allowance for businesses conducted in a detached accessory building?
 - a. Would this aspect of operation require distinguishing between small and larger lot sizes?

The purpose of discussion is to create a clear objective for any new regulations that may be considered. There are many models to use. The Hugo example is a very common one. Customizing this model to Linwood’s unique interests and needs would be planning staff’s objective following the Commission’s review of this material.

Tom Searing asked about an ordinance that he thought states that you can’t have a home occupation outside in a separate accessory building. Steve G. said he would look again to be sure nothing was missed. Nancy M. asked if there are any hours of operation for home occupations? Steve replied there is no other regulations listed in the code relating to home occupation requirements.

Steve explained that one of the reasons home occupations get managed is to make sure they are still compatible with the residential character of the neighborhood, so you don’t have somebody operating a full-scale commercial use in the middle of a residential area. The second reason is if it is a residential property that should be the primary use and the business should only be a subsidiary accessory aspect of the property and if it’s the other way around, they should be paying commercial taxes. This is the two general reasons communities regulate home occupations.

Carol Searing asked about current businesses already operating. Steve G. said those businesses would be grandfathered in as is. With a new code, it would apply to those new businesses coming in. He went on to state, on things involving grandfathering, it does not apply to businesses that were established illegally.

Joe D. said we have struggled for a long time with the definition of home occupations. We need to restrict home occupations to a very minimal amount of activity. Jim G. stated we need stricter definitions than we currently have. We cannot do nothing. Jim G. suggested we bring Hugo's home occupations definition to the next PZ meeting so that we can read it and discuss.

Tom Searing brought up the fact that limiting noise levels, means you have to have a Deputy out with a decibel meter and then that creates a problem. The only real way to limit the noise would be to limit the hours. Tom Sausen reminded the group it is nice to have local home businesses that bring an added benefit to the community, such being able to get your hair cut or car fixed or boat motor tuned up etc. He felt there are lot of home businesses that are a benefit to the community.

Joe D. stated the we need to really think about what home occupation is and how it is regulated. Considering volume, traffic down the road, and how it affects the neighborhood. The group needs to decide what is going to be allowed and what is not going to be allowed. Joe D. asked Sandy L. to send out information from last Spring's meeting, so the group can re-visit what they started at that time. Sandy L. stated that the group will need to keep in mind and think about how much do you want to regulate? And, who is going to enforce it? Jim B. said there must be something included about neighbor complaints. Sandy L. agreed. Justification of the complaint and enforcement must be considered.

Joe D. asked Steve G. to bring the Hugo ordinance to the next meeting. Steve G. will collect the information from Sandy L. and put something together that is a bit more specific to bring to the PZ Commission.

Staff and Zoning Administrator Reports and Comments

Steve reported that there is not a whole lot of new stuff. He is working with the building official's office to look at zoning. There have been a number of building permits being requested. And staff are continuing to work on our internal processes. There has been some administrative lot split activity. There's also a gentleman wishing to build a garage in his front yard, close to the street. Steve thinks he may be coming forward for a variance. Steve has had a discussion with the resident about the pros and cons of the proposal. Sandy L. added that there is a variance on Dellwood that should be coming in shortly. Steve G. explained that there is a proposed plat on the west side of the township, with approximately fifteen lots or so. They will need a variance for the length of the cul-de-sac street. Sandy L. said they plan to have the

variance request in by the December meeting. Steve G. said there doesn't, upon preliminary review, appear to be many other options for the developer. The threshold question for the planning commission will be whether or not reasonable use of that property is to extend the cul-de-sac and build more lots or end it at the 1,000 ft. limitation and leave the end of the property in one or two large lots.

Motion by Nancy Matson, seconded by Tom Sausen, to adjourn. All ayes, motion carried. Meeting adjourned at 9:07pm.

Respectfully submitted,
Pam Matti, Deputy Clerk

Minutes Approved: December 20, 2021

Chairman: _____
Joseph E. Dolphy, Jr.



LINWOOD TOWNSHIP

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Planning and Zoning Commission Minutes December 20, 2021

Meeting call to order at 7:01 p.m. by Chairman Joe Dolphy

Pledge to the Flag was recited.

Commission members present: Joe Dolphy, Gary Gustafson, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Jim Garrison, Tom Pilla

Town Board members present: Carol Searing

Staff & Consultants present: Steve Grittmann - NAC, Sandy Lathrop, Pam Matti

Residents present: Tom Carlisle, Lee Hennen, Lyle Reynolds, Steve Strandlund

Approval of Agenda

Motion by Tom Searing, seconded by Tom Sausen, to approve the Agenda. All ayes, motion carried.

Approval of PZ minutes from November 15, 2021

Motion by Tom Searing, seconded by Nancy Matson, to approve the minutes. All ayes, motion carried.

Motion by Nancy Matson, seconded by Tom Searing, to recess the regular PZ Meeting to go into a Public Hearing. All ayes, motion carried.

Recessed at 7:04 pm to **Public Hearing to consider 21-28-VAR Dellwood Cul-de-sac – Separate minutes prepared.**

Reconvene meeting at 7:14 pm

NEW BUSINESS

Action on Approving 21-28-VAR Dellwood Cul-de-sac

Motion by Gary Gustafson, seconded by Tom Sausen, to recommend approval of the variance 21-28.

Discussion

Nancy M. stated as long as there is the safety net of that proposed paved access, she would support the variance. Joe D. offered that the 1,000 feet that we have in the ordinance was a public safety issue. It was noted that the township has at least eight roads that are well over the 1,000-foot length. Some were put in as temporary cul-de-sacs since the ordinance and some were put in before we had the ordinance.

Joe D. asked if the access road, whether it is paved or gravel, depending on what is decided upon would be township property. Developer's representative stated that it would be an easement. Steve G. commented that as an easement the property owners would have fee title to the land, but that the township would have an easement to operate over it for emergency access. He stated he would need to look at the language of the easement and work that out. The town would have the right to use that for access. Tom Searing asked who would be responsible for maintenance, such as snow removal and such. Steve G. said, that is not clear yet. It would need to be figured out, as this is somewhat of an unusual situation to do an emergency access like this. This will need to be talked about and would probably do so at the time of the plat. Although, with the variance coming before the plat, you would want to know what your expectations are for maintenance. Tom Searing stated it would seem safer to have the township doing it, to make sure it gets done. Joe D. asked if that could be clarified in the developer's agreement? Steve G. said, if that is part of the Commission's and eventually the Board's decision, it would be good to add that as a condition to any approval of a variance you grant. And then, it would be built into the development agreement as part of the plat when it comes forward.

In summary, of the memorandum provided by Steve G. from NAC and included in the meeting packet, *the property is bounded on the north and east by DNR controlled wetlands and DNR-owned land, as well as a driveway parcel along the west boundary owned by the DNR and used for access to its land. West of that driveway parcel is in East Bethel. The land itself is split by 215th Ave NE (County Road 74).*

A variety of buildings occupy the portion of the property south of 215th Ave. The land subject to the proposed subdivision lies north of 215th Ave., and just over 80 acres in total land area. Of the 80+ acres, about 48 acres (or so) consists of contiguous high ground outside of the wetlands.

Because of the DNR access, ownership, and wetlands, the applicant is proposing a subdivision that would be served by a single dead-end street from 215th Ave. NE, ending in a cul-de-sac in

the northerly portion of the developable area. The cul-de-sac street would be approximately 2,100 linear feet in length if developed and built as proposed.

From the view of staff, the existing conditions adjoining the buildable areas here appear to support the use of a cul-de-sac street due to the inaccessibility of surrounding lands to support a future street connection. The question for the Township would be whether there are grounds for a variance.

As a component of the request, the applicant is proposing that a secondary fire access lane be included in the design of the subdivision along the west boundary of the property (adjacent to the DNR access drive), then extending to the proposed road between Lots 5 and 6 of the subdivision. The intersection location of the fire access lane and road would leave about 930 feet of street to the end of the cul-de-sac. The purpose of the fire lane is to allay concerns about the length of the dead-end roadway, providing an alternative access/egress option for emergency vehicles and /or residents of the subdivision if needed.

The proposed use is single family residential, consistent with the intent of the R-1 zoning. Much of the land in the area is state or county land, however subdivisions exist along the south side of 215th Ave. NE to the east of the subject property. The conditions were not created by the owner.

Recommendation, if the Planning and Zoning Commission believe that the conditions on the property warrant approval of the variance, it may make a motion to recommend approval of the variance to the 1,000-foot cul-de-sac length, upon the proposed findings:

- The lots in the proposed subdivision appear to meet the requirements for R-1 zoning without further variance.*
- The proposed cul-de-sac street cannot be viably connected to surrounding properties in a temporary fashion to avoid some amount of variance.*
- Reasonable use of the property includes the extended cul-de-sac to provide access to the northernmost lots, which are sized reasonable to meet or exceed the Town's required residential lot standards.*
- Without the extended cul-de-sac, large areas of the property would be inaccessible and result in oversized lots that are not consistent with other residential property in the area or the community.*

If the Planning and Zoning Commission believes that the extension is not reasonable, it may make a motion to recommend denial of the variance to the 1,000-foot cul-de-sac length, upon the following proposed findings:

- The 1,000-foot length for cul-de-sac streets is established for purposes of public safety, and to limit excessive traffic building up on a single dead-end roadway.*
- Permitting the longer cul-de-sac results in as many as 22 lots in the subdivision, creating a traffic hazard with no other reasonable access route.*
- Reasonable use of the property consists of whatever portion of it may be accessed with a 1,000-foot-long cul-de-sac street.*

Motion by Gary G, seconded by Tom Sausen to amend approval of the variance for the length of the cul-de-sac road with the proposed access easement, pending engineering review. Vote on the motion was held, all ayes, motion passed.

Sandy commented that the commission members must review the Findings of Fact and comment on them, as the findings should be coming from the commission.

Members read, reviewed, and considered the Findings of Fact:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control.

Finding: Exceptional or extraordinary circumstances apply to the property; this property has only 1 available existing access which is 215th Avenue NE (County Road No. 74). There are no reasonable connection points for a temporary turn-around to adjoining parcels within Linwood Township that would provide an intersection within 1,000 feet of the North end of the proposed cul-de-sac. The following exceptional or extraordinary circumstances apply to the property: To the Northeast is DNR Wetland #446W, to the East is DNR Wetland #726W and any access to the Southeast would not resolve the 1,000-foot issue. Located to the West is the Gordie Mikkelsen Wild Life Management Area and to the Southwest is a 33-foot fee title access strip to said WMA and any access beyond this strip leads into the City of East Bethel, Minnesota. These conditions which exist through no actions on the part of the applicant, make it impractical, if not impossible to resolve the 1,000-foot issue, thus resulting in a "Practical Difficulty" and for these reasons, a variance should be granted. A possible solution to any safety concerns the extended cul-de-sac length may cause is the construction of a 12-foot-wide paved Fire Access route located along the West line of the property adjoining the 33-foot WMA access strip and along the lot line between Lots 5 and 6, Block 1, as shown on the attached Sketch Plan. This 12' paved strip will be constructed within a 20-foot-wide Drainage and Utility Easement with a separate "Emergency Fire Access Easement" granted by a document to be ... PZ members were all in agreement.

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

Finding: Yes, this is the case. A parcel of land located in Linwood Township not exhibiting the existing restrictive conditions noted at No. 1 above, would be able to develop the property without the 1,000-foot limitations of the cul-de-sac length by extending streets to adjoining parcels that would limit the permanent cul-de-sac length to less than 1,000 feet. If the WMA was not to the West, the proposed cul-de-sac could be extended to the West, eliminating the need for this variance request. The conditions noted above are through no actions on the part of the applicant. PZ members were all in agreement.

3. The special conditions or circumstances do not result from the actions of the applicant.

Finding: The conditions noted at #1 above result from the topography of the site and from the location of non-developable land to the West (WMA) and not from any actions on the part of the applicant. PZ members were all in agreement.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures, or buildings in the same district.

Finding: The granting of a variance will not grant any special privileges to the applicant other than the right to develop the Subject Parcel based the literal interpretation of the Zoning and Subdivision Ordinance with the exception of the length of the proposed cul-de-sac. Any parcel with the same or similar conditions noted above should be granted a variance due the "Practical Difficulties" based on the topography and the location of non-developable land noted above. A parcel not having the conditions noted above would not need a variance relating to cul-de-sac length to develop the parcel. PZ members were all in agreement.

5. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicant's land is located.

Finding: The granting of this variance will not allow any uses, other than the cul-de-sac length, that is not permitted under the Zoning or Subdivision Ordinance. The proposed development will be fully complaint with all other aspects of those Ordinances. PZ members were all in agreement.

Steve G. commented that by answering the questions that are in the ordinance, as you have done, and or adopting recommended findings, you have met your burden to support the request.

Sketch Plan Review for Strandlund/Carrington Homes on Ryan Lake Dr NE & Sunrise Rd NE

Joe D. mentioned there were some comments from Steve G. that there was some wetlands and the Sunrise River going through it. Steve G. mentioned that there is going to need to be some clarification as to what the setbacks are going to be from the river or the wetlands. He has had a discussion with the applicant, as there is some confusion about the status of the Sunrise River, whether is it a DNR designated stream or is it a county ditch. Steve G. said he wants to be sure we are not missing something that the DNR is expecting to have. On the survey, there is a section of the waterway identified as a judicial ditch. Sandy L. added that in the Anoka County Shoreland Management ordinance they do not list that section by PID, so that is where some of the confusion comes in. Steve Strandlund stated that his sketch has been laid out according to the setbacks that would apply if the shoreland ordinance setbacks do apply.

Summary of Staff comments were presented by Steve G. The following comments were offered:

- Zoning – the subject property is presently zoned R-A. To accommodate the proposed use, a rezoning to R-1 will be necessary. The rezoning application can be considered concurrently with the forthcoming preliminary plat application. Regardless of the Shoreland/Ditch issue, portions of the subject site appear to lie within the Floodplain Overlay District of the Sunrise River. According to the sketch plan notes, the base flood elevation 892.0 feet. With this in mind, it appears that portions of Lots 1 and 2, Block 1 and Lot 1, Block 2 lie below the base flood elevation.
- Roadway Access - no new streets are proposed within the subdivision. In this regard, lots are proposed to be access via from Ryan Lake Drive and Sunrise Road NE. At issue for the lots in the northwest corner of the plat will be an existing guardrail along the bridge over the Sunrise River. The road authority will need to address access, and the plat may need to be reconfigured as a result. Ryan Lake Drive in this location appears to be a local road – the County jurisdiction for County 77 turns south at Sunrise Road.

- Required lot dimensions – in R-1 zoning districts, the following minimum lot dimensions apply: Lot area – 2.5 acres; Lot Width – 150 feet; Lot Frontage – 150 feet; Setbacks – front yard: 40 feet, interior side yard: 10 feet, corner side yard: 20 feet. For lots within the Shoreland Overlay District, minimum setbacks of 100 feet for structures and 75 feet for sewage treatment are imposed (from the river). All proposed lots appear to meet applicable lot area and width requirements. To ensure that all lots within the subdivision meet the required dimensions as listed above, it is recommended that anticipated home building sites and septic sites be illustrated as part of the preliminary plat review.
- Floodplain District Requirements – as indicated, portions of the subject site are located within the Floodplain Overlay District. Specifically, it appears that the majority of Lots 1 and 2, Block 1 lie within the District as they border the Sunrise River. As part of preliminary plat processing, the applicant will be required to demonstrate compliance with all applicable floodplain regulations for building, access, and for septic/well installations.
- Lot Layout – some concern exists in regards to the layout of Lots 3-5, Block 1. As shown on the sketch plan, each of the lots are bisected by a wetland. As a result, the rear portions of those lots are not accessible from the home site. The configuration may raise issues of maintenance and/or trespass.
- Easements – the proposed subdivision is not expected to be impacted by existing drainage and utility or other easements. Drainage and utility easements are illustrated on the sketch plan. As part of the preliminary plat review, the Township Engineer will provide comment related to the acceptability of such easements.
- Wetlands – the proposed subdivision includes four wetlands. Most notable are a centrally located wetland which overlays portions of Lots 3, 4 and 5, Block 2 and a smaller wetland which overlays portions of Lots 6 and 7, Block 2. As part of the preliminary plat review, wetland-related issues, including but not limited to buffer requirements, will be subject to review and comment by the Township Engineer.
- Pinelands – the property is impacted by a pine plantation over large areas of the parcel. The Town has an ordinance related to development in pineland areas, and firebreak design. This may affect the design and access into the subdivision. The Commission should discuss any aspect of pinelands development as it relates to this parcel.
- Park Dedication – the proposed subdivision will be subject to the Township's Park dedication requirements (either land or cash equivalent contribution).

Sketch Plan Review for Cliffs Boettcher Estates – Comments on extending 240th Ave

Tom Searing stated, he believes the first issue is rezoning from RA to R-1. Joe D. said the rezoning will take a public hearing. Joe D. commented the main question is whether the PZ Commission wants to accept the sketch plan without extending the cul-de-sac (240th) out to Taurus Street.

Summary of Staff comments were presented by Steve G. The following comments were offered:

- Zoning – the subject property is presently zoned R-A. To accommodate the proposed use, a rezoning of the site to R-1 will be necessary. The rezoning application would be considered concurrently with the forthcoming preliminary plat application.
- Roadway Access and Streets – the subject site borders County Road 76 on the north. Appropriately, no direct driveway access to the County Road is proposed. The sketch plan

illustrates a 60-foot right-of-way dedication for the County Road. County review and approval by the County will be required as part of preliminary plat processing. As shown on the submitted sketch plan, all single family lots are proposed to be access from the east via Taurus Street NE. As a result, no new streets are proposed. As shown on the aerial photograph, it appears that an easterly extension of 240th Avenue was originally intended as a part of that plat. At the time, a temporary cul-de-sac street of approximately 1,200 feet was created, anticipating later extension through the subject property. The applicant suggested that they are not interested in constructing the additional street, and that they believe the residents to the west would oppose the extension. This would be the most substantive comment for this project, and should be discussed by the Planning and Zoning Commission so the applicant can understand the Township's stance before Preliminary Plat documents are proposed.

- Shoreland/Floodplain – the subject site does not lie within a Shoreland or Floodplain Overlay zoning district.
- Required Lot Dimensions – in R-1 zoning districts, the following minimum lot dimensions apply: Lot Area – 2.5 acres; Lot Width – 150 feet; Lot Frontage – 150 feet; Setbacks – front yard: 40 feet, interior side yard: 10 feet, corner side yard: 20 feet. All lots with the subdivision meet, or appear to have the ability to meet the required dimensions as listed above.
- Easements – the proposed subdivision is not expected to be impacted by existing drainage and utility or other easements.
- Wetlands – the proposed subdivision does not appear to include wetland areas. This condition should, however, be verified by the applicant.
- Park Dedication – the proposed subdivision will be subject to the Township's Park dedication requirements (either land or cash equivalent contribution).

Tom Sausen asked if there have been any problems on 240th? Joe D. stated, no there has not. Except for snowplowing in cul-de-sacs, but that is a problem throughout the Township. Tom Carlisle commented that it is much safer to keep the driveways on Taurus Street. Tom Searing agreed that it would be easier not to have to deal with the County and having to put driveways out onto the County Road. Both Nancy M. and Tom Searing agreed that there is nothing to be gained by putting the roadway through. Tom Sausen said the developer is meeting all of the other requirements and Joe D. agreed. Steve G. added, when this issue comes up for preliminary plat approval, one of the issues you will want to address is to make findings at the preliminary plat stage that identify why this one is different than some future case. Approval was recommended to leave the sketch plan as is and leave the cul-de-sac as is.

OLD BUSINESS

Zoning Map Review

Steve G. presented commission members with an updated copy of the proposed Township zoning map, reflecting the notes discussed at the previous PZ meeting and reflecting zoning amendment ordinances adopted in the recent past. It was noted, that the Dellwood Estates property is not yet included, as that parcel's rezoning was approved by resolution, and a formal

ordinance still needs to be adopted by the Town Board for rezoning. It will be designated as R-1 upon adoption of that ordinance, and staff will prepare the updated map accordingly. If this map reflects the consensus of the Commission and staff (or if any final adjustments need to be made to it), staff would recommend calling for a public hearing at the January Planning and Zoning meeting to formally adopt the map (subject to final action by the Town Board). This should reconcile prior discrepancies between the map and the Zoning Ordinance as to District labels and boundaries.

It was noted by commission members that the new proposed zoning map looks so much better. Simplifying the zoning map accomplishes what the commission set out to do. Steve G. said the next step is to hold a Public Hearing to seek approval.

Motion by Nancy M., seconded by Tom Sausen to recommend the zoning map and to schedule a Public Hearing. All ayes, motion carried.

Carol S. asked if this could just go to the Town Board as information at their January meeting. This is because the PZ meeting happens after the Town Board meeting in January. It could go to the board as informational, letting the Town Board know this is what the Commission has come up with for the zoning map and to inform that a Public Hearing will be held to adopt.

Motion by Nancy M., seconded by Tom Sausen to amend the original motion and move to schedule a Public Hearing. All ayes, motion carried.

Home Occupation

Motion by Tom Sausen, seconded by Tom Searing, to table the Home Occupation proposal #1 and #2 until January. All ayes, motion carried.

ZONING ADMINISTRATOR REPORTS AND COMMENTS

Steve G. informed the commission that there has been a lot of subdivision activity. Those plats will be coming back in the next few months. He's working with the county on the right-of-way's on many of these.

Motion by Nancy Matson, seconded by Tom Sausen, to adjourn. All ayes, motion carried. Meeting adjourned at 8:40 pm.

Respectfully submitted,

Pam Matti

Deputy Clerk

Minutes Approved: January 19, 2022

Chairman: _____
Joe Dolphy



LINWOOD TOWNSHIP

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Public Hearing Minutes 21-28-VAR Dellwood Cul-de-sac December 20, 2021

Commission members present: Joe Dolphy, Gary Gustafson, Nancy Matson, Tom Sausen, Tom Searing

Commission members absent: Jim Garrison, Tom Pilla

Town Board members present: Carol Searing

Staff present: Steve Grittmann – NAC, Sandy Lathrop, Pam Matti

Residents present: Tom Carlisle, Lee Hennen, Lyle Reynolds, Steve Strandlund

Public Hearing opened at 7:04pm

Chairman Dolphy read the Public Notice:

Notice is hereby given that the Linwood Township Planning and Zoning Commission will hold a public hearing on December 20, 2021 at 7:00 pm at the Town Hall located at 22817 Typo Creek Dr NE, Stacy MN 55079. The purpose of this hearing is to review and make a recommendation for a variance of the length of a cul-de-sac exceeding 1,000 feet for a proposed residential development.

Applicant: Lee A. Hennen, Dellwood Construction, Ltd.

PIDs: 07-33-22-23-0001, 07-33-22-22-0001 and a portion of 07-33-22-32-0001, lying north of 215th Lane NE

Property Address: 50XX 215th Lane NE, approximately 86 acres

Lyle R. stated that they are presenting a slightly modified plan, than what the PZ Commission has seen previously, which had been presented as a sketch plan. There are only slight modifications to the plan being presented. He states that the developer is now at the stage of wishing to proceed forward. They understand the ordinance of the 1,000-foot road with cul-de-sac which will require a variance at this point, as the road is longer than the 1,000 feet allowed in ordinance. As part of their proposal to the commission, Lyle R. has included a list of findings relating to the variance request of Dellwood Country Estates. They feel that the 1,000-foot

restriction is more restrictive than necessary. They have looked at alternatives and the alternatives do not eliminate the concern of the cul-de-sac in excess of 1,000 feet. They looked at the possibility of going to the east and that would only eliminate 200-300 feet. Then going to the west, they would need to cross DNR property or actually would be into DNR property. In the 40 that's south of the wildlife management area, it still requires crossing the wildlife management area. To the north and northeast is the wildlife management area again and a couple wetland areas that are identified by the DNR.

The developer is purposing to provide a 20-foot-wide access route that would be a paved 12-foot surface over a 20-foot easement for emergency fire access. This would be 1,000 feet or less from the end of the cul-de-sac.

Due to the extenuating circumstances of this site, it seems appropriate to grant a variance for this.

Motion by Nancy Matson, seconded by Tom Searing, to close the Public Hearing. All ayes, motion carried. Public Hearing closed at 7:14 pm.

Respectfully submitted,

Pam Matti, Deputy Clerk

Minutes Approved: January 19, 2022

Chairman: _____
Joe Dolphy