

JOINT PLANNING BOARD

CITY OF AVON AND AVON TOWNSHIP

Meeting Date: February 28, 2013 7:00 p.m.

LOCATION: Avon Town Hall; 16881 Queens Road

1. Call Meeting to Order:
2. Discuss Scott Spanier Property Rezoning and Plat; 33633 Poverty Point Drive
3. Discuss Rausch Annexation Process and Timeline
4. Discuss inquiry regarding parcel near Lake Anna (Lake); east edge of City
5. Avon Well Head Protection Plan Process
6. Other
7. Adjourn Meeting

Upcoming JPB Meetings: TBD for #2 and possibly #3
August 2013 (#3 may be considered at this meeting)

**JOINT PLANNING BOARD
CITY OF AVON AND AVON TOWNSHIP
NOTICE OF MEETING**

NOTICE IS HEREBY GIVEN that the Joint Planning Board of the City of Avon and Avon Township, Stearns County, Minnesota, will hold a meeting on Thursday, February 28, 2013 at 7 p.m., at the Avon Town Hall, 16881 Queens Road, Avon, Minnesota,

All interested persons may appear at the hearing and present their view orally or in writing.

James Thares
Avon City Clerk/Administrator

Dated: February 22, 2013



COUNTY OF STEARNS

Environmental Services Department

Administration Center Rm 343 • 705 Courthouse Square • St. Cloud, MN 56303
320-656-3613 • Fax 320-656-6484 • 1-800-450-0852

MEMO

TO: City of Avon/Avon Township Joing Planning Board
(to Jim Thares, City of Avon and Stephen Saupe, Avon Township via email)

CC: Scott Spanier
Dan Kron

FROM: Jennifer Buckentine *JB*

DATE: February 5, 2013

RE: Scott Spanier property-Poverty Point Dr

In October 2009, the Joint Planning Board approved a rezoning of the Scott Spanier property (parcel 03.01025.0000), located at 33633 Poverty Point Drive, from A-40 to R-1. In June 2010, Stearns County rezoned all of the property that lies within the Orderly Annexation Area to the Urban Expansion District. The Spanier property was inadvertently rezoned from R-1 to Urban Expansion (UE). In the UE district, the property can't be platted into 2 lots.

Mr. Spanier would like to proceed with platting the property at this time. To rectify zoning, the property needs to be formally rezoned back to R-1. We recommend that the Joint Planning Board hold the public hearing for the rezoning at the same meeting they hold the public hearing for the plat.

Please contact me if you have any questions.



Parcel ID	03.01025.0000	Alternate ID	n/a	Owner	SCOTT SPANIER
Sec/Twp/Rng	28-125-30	Class	1A-Residential Homestead	Address	33633 POVERTY POINT DR
Property Address	33633 POVERTY POINT DR AVON	Acreeage	4.03		AVON MN 56310-9524

District 0306 AVON TWP 745

Brief Tax Description Lot OUTLOT A of HIGHLAND TERRACE
 4.03A MORE OR LESS; 3.03A OF GOVT LOT 8 AS PER DB .328 P557 & 1.A OF OUTLOT A OF HIGHLAND TERRACE DAF: PT GOV LT 8 BEGINNING AT NW CORNER OF SEC 28 ; THEN ALONG W LINE SW 480.04' TO CL OF OLD HWY 52; THEN ALONG CL S 62D E 1901.2'; THEN S 34D W 501.4'; THEN S 8D W 206.65'; THEN N 81D W 33' TO POB; THEN N 81D W 374.71' TO LOW WATERSHORELINE OF MIDDLE SPUNK LAKE; THEN ALONG SHORE N 6D W 134.3'; THEN N 50D E 385.8'; THEN S 51D E 227.7'; THEN S 34D W 100'; THEN S 8D W 213.88' TO POB. AND PT OUTLT A HIGHLAND TERRACE DAF: BEGINNING AT MOST N'LY CORNER OF TRACT DOC#361893 (BK 328 PG 557); THEN N 51D W ALONG NW'LY EXTENSION OF NE'LY LINE OF TRACT 150'; THEN S 42D W TO SHORE OF MIDDLE SPUNK LAKE; THEN E'LY ALONG SAID SHORE TO INTERSECTION WITH NW'LY LINE OF TRACT OF LAND; THEN NE'LY ALONG NW'LY LINE TO POB.

(Note: Not to be used on legal documents)

MINUTES
MEETING OF THE JOINT PLANNING BOARD
MONDAY, OCTOBER 19th, 2009
7:00 PM

PRESENT: John Grutsch (filling in for Bob Pogatschnik), Hugh Knox, Lowell Rushmeyer, Richard Bresnahan, and Jodi Austing-Traut, City Clerk/Administrator.

ABSENT: Bob Pogatschnik

Call to order by Mayor Grutsch (filling in for Chairman Bob Pogatschnik) at 7:00 pm.

A Public Hearing was held pursuant to due call and notice thereof, to discuss the following:

Scott and Julie Spanier and their attorney, Mike Novak of Donohue Novak at Law, were present to request rezoning of their parcel 03.01025.0000. Subsequently their intention is to request subdivision of this parcel into two lots in order to allow one additional home to be built. The subdivision/replatting process would begin with the county and eventually the JPB would have an opportunity to comment as part of the preliminary plat approval process.

FINDINGS OF FACT:

1. The subject property is approximately 4.3 acres and is totally surrounded by residential development consisting of lots ranging in size from .14 to a maximum of 1.79 acres. The average size of the acreage of the parcels surrounding the Spanier property is approximately 1 acre.
2. The request of the Spaniers, if granted by the Joint Powers Board, will not substantially increase the density in an already developed area. If the request is granted, one additional residential dwelling will be permitted in this area. The entire surrounding area provides few if any lots, which may be subdivided once the property is annexed to the city. The request of the Spaniers would only facilitate the eventual annexation of the entire neighborhood, which will occur at some point in the future, by providing a pattern of developable space consistent with the existing lot size and configuration.
3. Subdivision of the property would allow for the improvement of the lot lines, size and potential for development of the remainder of the area.
4. It is in the best interest of the Township to approve this proposal in that it will increase the township's tax base and will not put an undue hardship on township services as the roadway servicing the property is already a fully developed roadway and will not necessitate additional roadway expense and other expense to increase the township tax revenues.
5. There are few if any lots subject to subdivision of this nature that are totally surrounded by parcels that are one-quarter the size of the subject property.
6. It is in the best interest of the Joint Planning Board and its respective constituents to approve the requested rezoning and subdivision because it does not substantially increase residential development in an area not currently subject to annexation to the City and it causes no harm to the adjoining property owners.
7. The purpose of restrictions against development in the orderly annexation area prior to annexation and the extension of services is to discourage residential development in areas that are not serviced by sewer and water and to encourage the continued use of that property in the manner and fashion that existed at the time of the designation of the area as subject to orderly annexation. This property has been used for residential purposes since prior to the designation of the property as an orderly annexation neighborhood and therefore there will be no change prompted by or resulting from the granting of this request.

FIN 8. This parcel was originally two separate parcels. When the previous owners (Donald and Stella Beuning) completed their estate planning, they combined the two lots into one. The decision by the JPB to approve the rezoning will not be seen as setting precedent for similar future issues due to the unique historical character of this property having been two separate buildable residential parcels which were combined into one only as a result of estate planning.

9. The proposal is consistent with the Orderly Annexation Agreement.
10. The proposed use is compatible with present and future land uses of the area.
11. The one potential environmental impact identified is the additional on-site septic system.

Motion Lowell Rushmeyer to close the public hearing at 7:20

Second Hugh Knox

Public Hearing closed at 7:20

FIN ***Motion Lowell Rushmeyer to grant the rezoning of Parcel # 03.01025.0000 from R-5 to R-1 based on the above findings of fact***

Second Hugh Knox

Passed Unanimously

Motion Richard Bresnahan that upon Spaniers receiving preliminary subdivision plat approval from the county the Spaniers come to the Joint Planning Board for Preliminary Plat approval prior to requesting final plat approval from the county

Second Hugh Knox

Passed Unanimously

Motion Richard Bresnahan to approve minutes of meeting of September 14th, 2009

Second Lowell Rushmeyer

Passed Unanimously

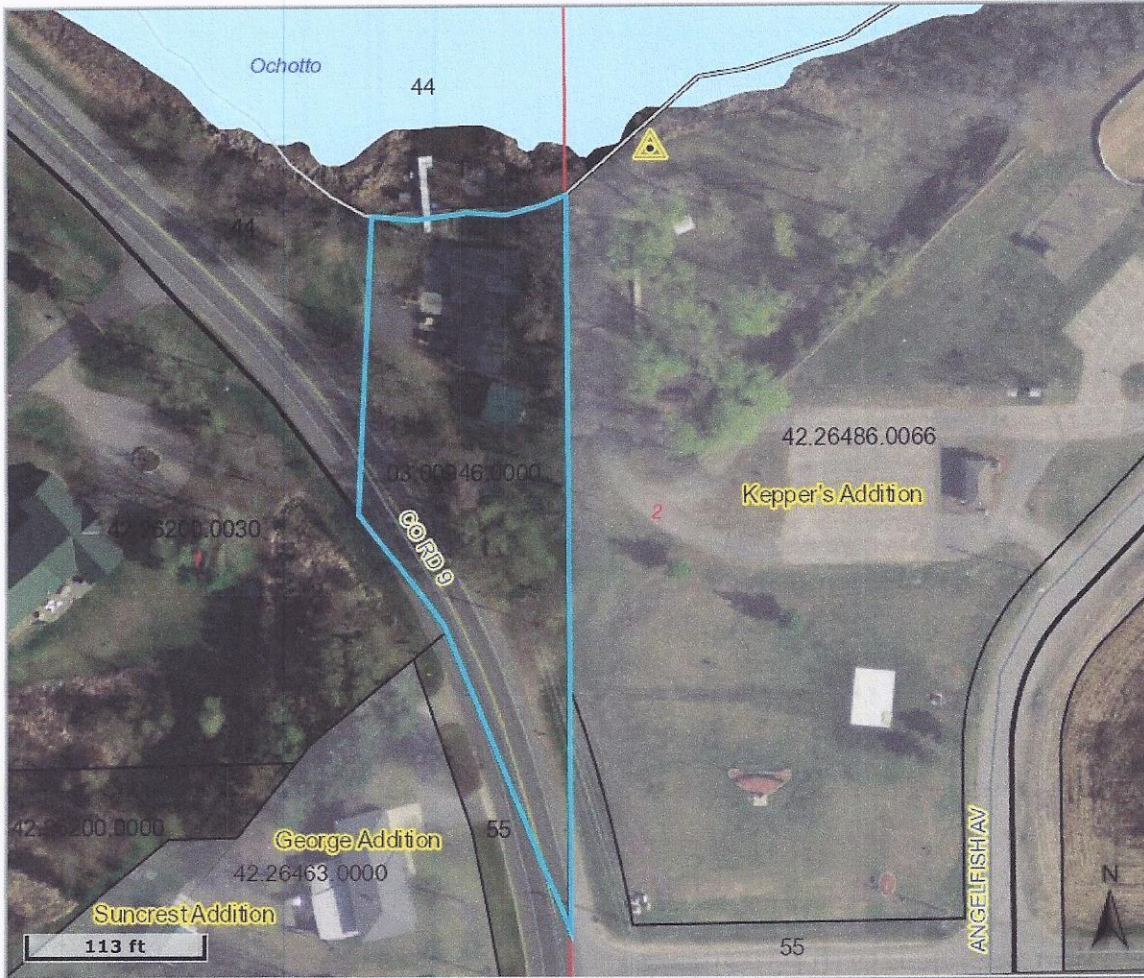
Meeting adjourned at 7:40 pm by motion of Richard Bresnahan.

Mei
Respectfully submitted,

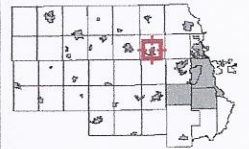
Jodi Austing-Traut

Joint Planning Board Secretary

City Clerk/Administrator



Overview



Legend

- Parcels
- Additions**
 - A
 - M
 - T
- Parcel ID Labels**
 - Sections
 - Quarter-Quarter Sections
 - + Active Rail Line
 - Unincorporated Cities
 - Minor Civil Divisions - Township
- Minor Civil Divisions**
 - <all other values>
 - 0
 - 1
 - 2
 - 3
 - 4
- Water Access
- Airport
- Cemetery
- Parks
- Lakes
- Streams and Rivers
- Major Roads**
 - Interstate Hwy
 - US Hwy
 - State Hwy
 - County Hwy
 - Roads
- Municipalities**
 - 3
 - 4
- Highway Labels**

Parcel ID

03.00946.0000

Alternate ID n/a

Owner Address NEAL E RAUSCH

Sec/Twp/Rng 21-125-30
Property Address 34122 COUNTY ROAD 9
AVON

Class 1A-Residential Homestead
Acreage 0.50

34122 COUNTY ROAD 9
AVON MN 56310-9555

District 0306 AVON TWP 745
Brief Tax Description .50A. ALL THAT PART OF E'LY 124' OF LOT 1 LYING N'LY OF ROAD
(Note: Not to be used on legal documents)

Last Data Upload: 2/16/2013 11:18:17 PM

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XX Char Ave. N.E.

Sunday, Jan. 27, 2013 at 8:14 PM



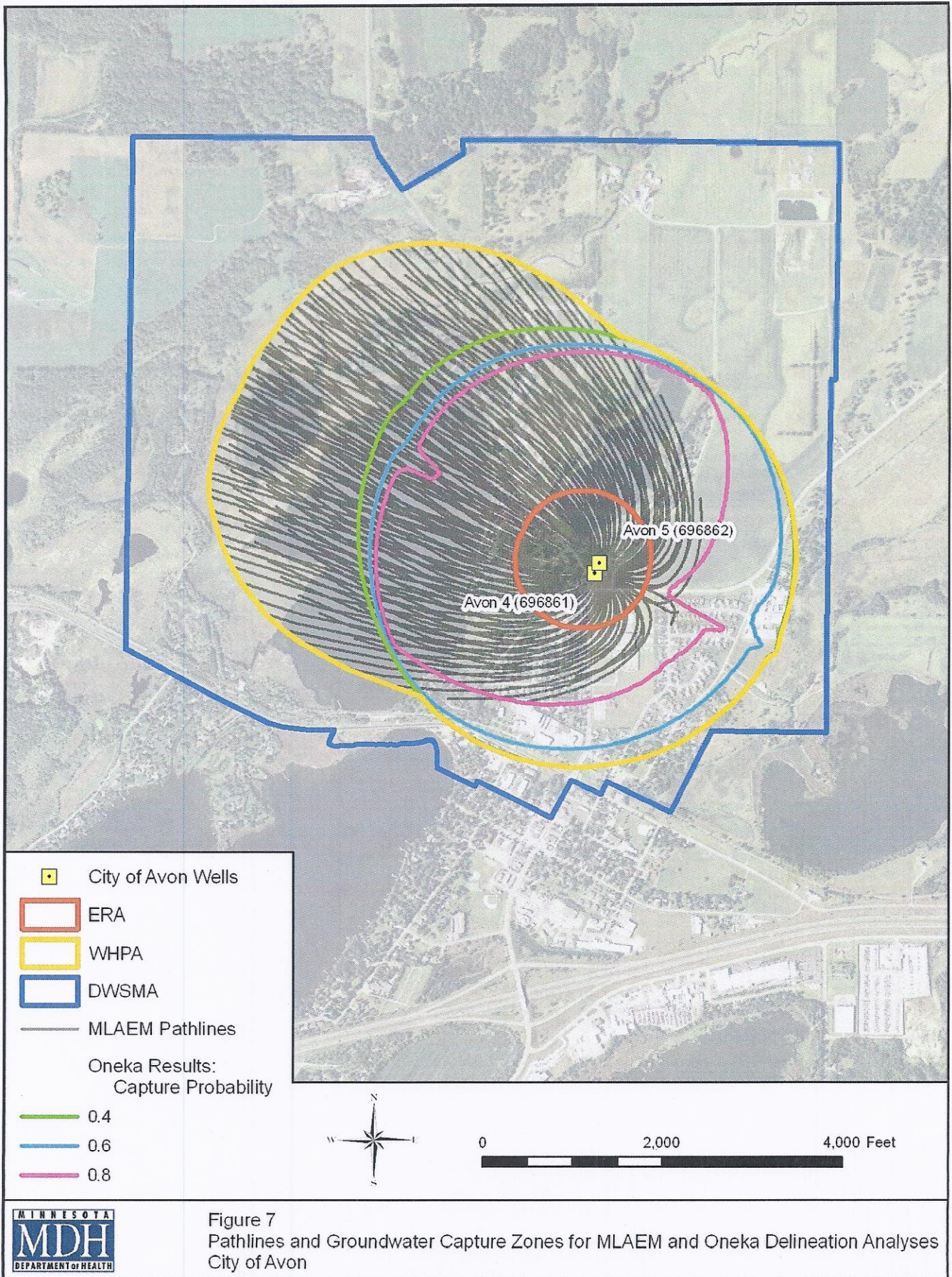


Figure 7
 Pathlines and Groundwater Capture Zones for MLAEM and Oneka Delineation Analyses
 City of Avon