

**Town of May  
Washington County  
Planning Commission  
October 29, 2009**

The Planning Commission of the Town of May met for their regular meeting on Thursday, October 29, 2009, at 7:00 p.m. at the May Town Hall. Members in attendance included: John Arnason, Chairman; Steve Magner, Mark Dupre, Jyneen Thatcher, Lester Rydeen, Don Rolf, Chad Nelson and alternate Mike Dupont. Also present: Carie Fuhrman, NAC Planning Consultant; Bill Voedisch, Town Board Chairman; John Pazlar, Town Board Supervisor, and citizens of the Town of May. Chairman Arnason called the meeting to order at 7:00 p.m.

**Approval of Minutes**

Rydeen moved, seconded by Arnason, to approve minutes of the September 24, 2009, regular meeting as presented. All approved.

**Public Hearing**

Jerome Jablonski has submitted an application for a variance to construct a detached accessory building closer to the front lot line than the principal building. The property is located at 14355 Old Guslander Trail North, is 9.26 acres in size, and is zoned Rural Residential. The proposed building will be 1,800 square foot (30 by 60 foot). The parcel currently contains a single family home and attached garage.

A 9.26 acre site is allowed two (2) detached accessory buildings, along with one single story shed of up to one hundred twenty (120) square feet. This application meets the accessory building number regulation as the property does not currently contain any detached accessory buildings.

According to the site plan, the home is located 327 feet from the front lot line and 104 feet from the west property line. The accessory structure is proposed to be located northwest of the existing home: 267 feet from the front lot line and 50 feet from the west property line.

The parcel is 326 feet wide and approximately 1,270 feet long. It is heavily-wooded between the road and house location. The grade of the lot slopes down from the front of the home to the back (the home is a walk-out), and there is a clearing located behind the home. However, two issues of concern are raised in regards to placing the accessory building in this location. First, the septic system (septic tank and drainfield) is located behind the home. Second, placing the accessory building in the rear of the home would require either a new driveway, or extension of the existing driveway. Locating a driveway access would be difficult: the slope from the front of the home to the rear is short, but steep, raising safety concerns. In addition, the amount of grading and site preparation, including dirt-moving and tree removal, would be significantly more than in the proposed location. All of these features limit the ability to locate the accessory building behind the principal building.

As of now, the attached garage is barely visible from the road because of the screening provided by the evergreen trees. Being the accessory building will be located to the side of the home, it appears that the building will be well-screened from the road.

Based upon the previous limitations of the property, and the screening provided, the planner recommended approval of the variance. The spirit and intent of the Ordinance is to protect the appearance and rural character of the community when being viewed from a public road. The proposed location of the building and the heavily-wooded surroundings prevent the building from being seen from neighboring homes or from the public road.

### **Planning Commission Discussion**

Thatcher asked if the exact site of the drain field had been located. The applicant stated that he has located a pipe near the drainfield, but he is not certain of the exact location. Rydeen suggested adding a condition that the applicant may not remove any of the existing trees that are currently screening the property. Dupre suggested removing the second condition, stating that the building must match the home, given that the applicant will be constructing a standard pole building.

Arnason moved, seconded by Dupre, to open the public hearing. All approved.

Hearing no questions or discussion from the audience, Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Rolf, to recommend to the Town Board that they approve the variance allowing the applicant to construct a building closer to the road than the primary residence, with the following Findings of Fact and Conditions:

*Findings of Fact:*

- Undue hardship would be caused by strict Ordinance enforcement as the property owners would not be allowed a detached accessory building for storage, which is a reasonable use of a property.
- The plight of the landowner is due to the physical conditions unique to the land: the elevation variations and location of the septic system.
- No other reasonable alternatives exist due to the location of the septic system, topography of the site, and significant site preparation required to place it behind the home.
- The hardships in this case are the location of the septic system and safety concerns of the property. The hardship is not solely economic in nature or caused by the landowner.
- The proposed building will not be seen from neighboring properties or from Old Guslander Trail. As such, the project adheres to the spirit and intent of the Ordinance as it will not be visually obtrusive, and the appearance and rural character of the community shall be protected.

Conditions:

1. The applicant shall receive a building permit from the Township prior to construction.
2. The applicant shall not remove any of the existing trees that are currently screening the property.
3. No living space shall be created within the detached accessory building.

**Public Hearing  
Conditional Use Permit Amendment  
Arcola Mills Historical Foundation**

Arcola Mills Historical Foundation has applied for an amendment to their existing conditional use permit (CUP) in order to allow A Place of Grace (APOG) and its associated services/uses to occur on the subject site. The property is approximately 54 acres in size and has frontage on State Highway 95 and Arcola Trail North. The property is zoned Conservancy District and is located within the St. Croix River Management District. Arcola Mills seeks to lease space to APOG, a newly incorporated Minnesota non-profit corporation with a mission to bring healing services to people who have not found help elsewhere. The Town of May issued a CUP for a non-profit conservancy area to Arcola Mills Historical Foundation in 2004. A CUP amendment is needed to allow the proposed uses and changes

Upon further review of APOG's operational details, the planner noted that a text amendment to Section 708.03 of the Zoning Ordinance would also be needed. The uses/services proposed by APOG do not appear to fit in with the listed permitted uses, accessory uses, or conditional uses in the Conservancy District and would require an Ordinance amendment. Should the plan move forward, the public hearing for the text amendment would be held at a later date, after publication and notification of property owners. The text amendment shall be considered in "concept-form" in relationship to the CUP amendment at this time. The public hearing (for the text amendment) would not be heard until a future date after public notice was published and mailed.

**A Place of Grace (APOG): A Sanctuary of Hope, Health & Healing** has a mission of providing healing services to people who have not found help elsewhere, addressing the many levels of pain, whether it is physical, emotional, mental, or spiritual, through traditional medicine, mental health services, alternative healing, and spiritual healing. The organization seeks to provide education, consultation, and therapy programs. Their "generous service model allows clients time to tell their whole story to highly qualified professional staff...so that a complete picture of all the stressors that may be impacting an individual's total health can be revealed." They will offer educational training and hope to attract health care professionals, spiritual seekers, and the open-minded and curious who want to learn more about life.

The planner went through the many levels of significant changes that would be required to approve this CUP amendment, including increased levels of usage, need to update the septic system, text amendment(s) to Town Ordinances, and – in general – the fact that the

requested usage is not in keeping with the Conservancy District. She also stated that she has spoken with Pete Ganzel at Washington County and Molly Shodeen at the Department of Natural Resources. Both agencies were concerned about the increased usage and its impact on the environment, including the existing septic system.

She concluded by stating that, although APOG has received designation as a non-profit corporation and they are offering care to those who feel uncomfortable receiving it in a more traditional setting, the proposed uses and services do not appear to align with the Conservancy zoning district or the Township's overriding goal of preserving the rural character of the Town. Some of the proposed programs (medical consulting, counseling, nutritional services, etc.) fit the description of a clinic, while some of the other programs (acupuncture, massages, facials, relaxation services, etc.) fit the description of a salon/spa. Both of these are service businesses generally allowed in commercial zoning districts only. In fact, one could argue that an amendment to the Comprehensive Plan would also be needed in order to allow APOG's proposed uses.

From a land use perspective, the planner stated that supporting the proposed uses appears to conflict with the overall vision of the Township and would not be aligned with the recently-updated Comprehensive Plan. Based on these findings, the planner recommended denial of the Conditional Use Permit amendment to allow APOG and its associated services/uses to occur on the subject site, with the following findings of fact:

1. APOG's proposed uses/services are not permitted or conditionally-permitted within the Conservancy District.
2. APOG's proposed uses appear to fit the description of service businesses, which correspond with a commercial zoning district.
3. APOG's proposed uses are inconsistent with the Comprehensive Plan's overriding goal of protecting the rural character of the Town and limiting commercial uses.
4. The proposed uses are not compatible with the present or future land uses of the area, which include Conservancy and Rural Residential.

### **Planning Commission Discussion**

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Arnason stated that although the Place of Grace uses are certainly admirable, they do conflict with the current approved uses that exist within the Town Code Conservancy District guidelines. Arnason asked Mike Behrens, a citizen who lives nearby, if he has had any difficulties with Arcola Mills. Behrens stated that he is the next adjacent property owner, and he stated that Arcola Mills has complied with all the conditions of the existing CUP. Their signs are limited, the traffic situation has not been problematic, and they have complied with all the requirements. He believes the change is not in degree, but in kind, regarding usage. He stated that he would like to see things stay the way they are.

Jeff Grundtner, representing Arcola Mills, stated that he did not receive the planning report until Tuesday, so he knows he has much to absorb. He explained that the historic nature of Arcola Mills is more than nature, but it is intended to conserve all the aesthetics involved on the historic site. He said A Place of Grace offers an opportunity to help people connect with their spiritual side. In addition, the financial assistance provided by A Place of Grace would help them to achieve their mission.

Gretchen Stein, co founder of A Place of Grace, stated that she and David Wettergren reviewed the numbers and stated they will be using the facility fewer days (probably 274 days). She also noted that expansion of the current parking will not be necessary. They also would plan on only having a small sign at the entrance.

They believe there is healing in the existing property, and the land provides healing simply by being on the property. Grundtner added that they already use the space for similar services, i.e., Lakeview Hospice uses the space.

David Wettergren added that he is familiar with all the ordinance procedures, given his role as Superintendent of Schools at Stillwater. He feels there is a spirit that exists on this property that would lend itself to the intent of the Conservancy ordinances in May Township.

Thatcher asked about proposed hours of operation. Stein said in the summer months they would like to stay open from 7:30 am to 10 pm. Grundtner said Arcola Mills would also like to have that extension of hours. They are looking at 4 to 5 days a week. Alexis Bighle, treasurer, stated that they will be providing service on a sliding fee scale basis for those who are unable to pay full price. Voedisch clarified hours requested as being 6:30 am to 10 pm.

Dupre asked if they could explain a typical day from the provider perspective. Stein stated that they want to be different from a typical clinic. They are proposing a “day of assessment.” This day includes a look at medical records, nutrition, psychological, emotional and spiritual appointments. She stated that most people will be referred off site for their treatment modalities.

Arnason asked Grundtner about the kitchen facility. He stated that they only cater at this point and no kitchen facility exists as of now.

Rydeen said it sounds like health care reform, and he believes it fits with the Henry Van Meir vision for the property. He believes the proposal carries on the character that has been May Township through the years, and he is impressed with the proposal. As a PC member, he is not prepared to make a decision right now and it will take more than one meeting.

Jill Greenlaugh, founding executive director of Arcola Mills and a neighbor of the site, asked if this is a fee-for-service operation. She noted that she had raised over \$2 million from the community in support of the Arcola Mills mission. The money was raised to

foster a preserved place of land on the river, education for youth, and it is in her heart to see that the original mission is preserved. Arnason stated that the intent of the benefactor and/or the mission of the Arcola Mills Foundation are not an issue for PC consideration. He stated that their concern is how this application fits within the Town ordinances.

Magner asked about the Wilder Forest CUP process and approval of Concordia Language Villages as a different use. He wondered how Place of Grace meshes with Arcola programming. Grundtner stated the programs will co-exist. Magner suggested that the usage of both groups would need to be placed side by side to determine total proposed usage.

Tom Clark asked if non-profit and for-profit business uses are addressed in the Town Code in a similar manner. Voedisch explained the small business CUP process and the fact that the Town is non-commercial. Clark stated that the practitioners for APOG would be working independently.

Mike Dupont asked if APOG would be doing chemical dependency assessments, and Stein stated they may be doing assessments, but no treatments.

Voedisch commented on the additional buildings on the site, which have fallen into disrepair to the point where they are unsafe and unsightly, and these buildings should be addressed as part of this process or as building code issues. He also asked about how this usage fits with the Town's conservancy district. Dupre pointed out that institutional uses are a part of the conservancy district.

Arnason asked the applicant about their time frame, if the PC wanted to continue this discussion to another meeting. Wettergren stated that they have entered into a tentative one-year contract, with a desire to open in March or April.

Arnason moved, seconded by Rydeen, to continue the public hearing to the November meeting and to publish notice of a public hearing to consider textual amendments to the Town Code Conservancy District at the same meeting. All approved.

Magner and Arnason asked for a clear delineation of visitor days, the status of parking capacity, brief summary/description of Arcola Mills programs in the past years, and specific detail on how the septic system will be remedied.

Arnason moved, seconded by Thatcher, to hold the next Planning Commission meeting on Monday, November 23, at 7 pm. All approved. Hearing no further business, Rydeen moved, seconded by Arnason, to adjourn. All approved.

Respectfully submitted,  
Linda L. Klein  
Town Clerk