

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL PLANNING COMMISSION MINUTES
February 27, 2020

The Planning Commission for the Town of May held their regular monthly meeting on Thursday, February 27, 2020 at the May Town Hall. Members in attendance were John Arnason, Steve Magner, Don Rolf, Jyneen Thatcher, Chad Nelson, Walter Peterson, and Mitch Otterson. Member Lester Rydeen and Alternate Jason Husveth were absent. Also present was Town Planner Nate Sparks and Town Board Chair Bill Voedisch. Planning Commission Chair Arnason called the meeting to order at 7:10 p.m.

Public notice was published in the Town's legal newspaper; notice was posted outside the town hall; and property owners adjacent to the property in question were notified.

Minutes from September 26, 2019 Planning Commission Meeting

Thatcher moved, seconded by Nelson, to approve the September 26, 2019 minutes as presented. Motion passed.

Small Business Permit Interim Use Permit & Ordinance Amendments – 14185 Square Lake Trail

Arnason stated that Tom & Jessica Minser have made an application for an interim use permit to operate a small business at their property at 14185 Square Lake Trail. There are associated ordinance amendments proposed.

Sparks stated that the Minsers operate a retail bee keeping store in Oakdale. They have an annual bee sales event that they would like to conduct from their home in May Township. They would like the ability to have two three day events where people would buy bees on the internet and then drive to their house to pick them up.

The applicants will have a truck of about 1,800 to 2,000 bee packages delivered to the site for customer pick up. Customers typically pick up about two packages with their largest customer picking up about 200. The customers drive into the site, have the packages loaded by the applicants and some volunteers that assist them and then depart the site.

The truck typically comes in the morning and they unload the truck into one of the buildings on the site. They then allow the customers to come to the site to pick up the bees. They allow the larger customers to come the first day. Then the second and third days they establish a schedule by alphabetical order. In 2019, they had 287 customers visit the site on the first event and 279 for the second. Each event was over a three day period for a total of six days.

The request requires an amendment to the Town Code, as retail sales has not ever been considered an appropriate use for a home based business. The ordinance creates an allowance for retail sales of livestock for non-agricultural uses as part of limited seasonal sales events. This possibly could be considered consistent with the Town's agrarian and rural character.

Rolf asked if they've been conducting this business already without a permit. Sparks said yes.

Arnason asked if the ordinance amendment was related to precedence or prohibition of the use. Sparks said it was both and this was recommended by the Town Attorney.

Nelson said the ordinance should not just limit this to livestock but also be open to other semi-agricultural uses like flowers.

Motion by Thatcher, seconded by Nelson to open the public hearing at 7:35. All approved. Arnason stated that a letter was received by the Town Clerk in favor of the request from Joseph Pavicic.

Tom Matlack at 13525 Oldfield stated that he had no objection to the request. Nick Young representing the Tanaka Home Owner's Association stated that he had no objections.

Voedisch stated that the Town Board is generally in favor of this request but is concerned about traffic and retail sales. These issues can be rectified by the proposed code amendment and a condition of approval related to capping the number of visitors allowed per day. He said the Commission should recommend a limit.

Nelson said that it is important to ensure that no cars are stopped on the County Road accessing the site.

Tom Minser said he didn't want to choke himself off and can hold a lot of cars on the site.

Magner said a daily cap could be managed and a schedule set up for it.

Arnason asked if they were intending to use 135th Street to access the site. Voedisch said there would be concerns with that as the Town wouldn't want to direct 100 cars a day to a gravel road.

Peterson asked how many cars can be in the loop driveway at one time. Tom Minser said in 2019 it was 12-15.

Arnason said a cap makes sense and there should be an annual report. Magner suggested a maximum of 115 cars visiting the site per day.

Thatcher said she worked at a tree sales event and there were 450 orders processed on a Friday and half day on Saturday. The cap could be 200 to 300 per day in her opinion. She said she thought a lot of temporary signs should be placed around the area to make sure people can find it.

Arnason moved, seconded by Thatcher, to close the public hearing. All approved. Public hearing closed at 8:08 p.m.

Motion by Arnason, seconded by Thatcher to recommend approval of the ordinance amendment and the interim use permit with additional conditions on the permit including a maximum of 150 cars visiting the site per day, an annual report, and no parking on public roads. All approved.

Voedisch said the final form of the ordinance will be referred by the Board to the Planning Commission for review.

Arnason moved, seconded by Thatcher, to adjourn the meeting at 8:15 p.m. Motion passed.

Respectfully submitted,

Minutes taken by Nate Sparks

Linda M. Tibbetts
Clerk/Treasurer

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA

Ordinance No. 2020-01

**AN ORDINANCE AMENDING THE MAY TOWN CODE
MODIFYING THE TOWN'S STANDARDS FOR
RETAIL SALES ASSOCIATED WITH SMALL BUSINESS PERMITS**

Section 1. Findings

WHEREAS, the Town of May authorizes Small Business Permits on residential property as an interim use provided that the use is clearly secondary and incidental to the residential use; and

WHEREAS, the Town of May finds that general retail uses and other such activities that draw the general public to residential property is inconsistent with the non-commercial character of the Town, as stated in the Town's Comprehensive Plan; and

WHEREAS, notwithstanding the above, the Town of May finds that certain activities related to Small Businesses dealing with agricultural may be deemed consistent with the rural character of the Town. Such uses may be found acceptable by the Town Board, and these activities may be permitted and yet limited in nature, so as to not conflict with the rural residential character of the Town; and

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF MAY, WASHINGTON COUNTY, MINNESOTA DOES ORDAIN:

Section 2. Code Amended Section 402.03.C is hereby added to read as follows:

- C. Uses Permitted. All business uses permitted via a Small Business permit shall be secondary and incidental to the primary residential use. General retail sales are prohibited with the exception of seasonal livestock sales provided:
- a. Seasonal "Sales" are limited to two events per year not to exceed four days per event.
 - b. The total amount of livestock offered for sale shall not exceed the amount of domestic farm animals/livestock permitted on the property by Section 705.19.B.
 - c. "Sales" shall mean the pickup of previously ordered and paid for items, and no walk-up sales are allowed.

Section 3. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 4. Severability

If any part of this ordinance is held invalid by a court of competent jurisdiction, this shall not invalidate any other section, provision or part thereof.

**BY ROLL CALL VOTE OF THE MAY TOWN BOARD: ADAMS _____;
PAZLAR _____; VOEDISCH _____; THIS ORDINANCE IS HEREBY
ADOPTED ON THIS 5TH DAY OF MARCH, 2020**

Attest: Linda Tibbetts, Clerk/Treasurer

William Voedisch, Chair