

# SHERBURNE C O U N T Y



*Sherburne County  
Planning Advisory Commission Meeting Minutes  
January 19, 2023  
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on January 19, 2023, to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Adams called the meeting to order, and roll was taken.

The following members were present:

Chair, Bryan Adams, Orrock Township; Vice Chair, Bruce Aubol, Big Lake Township; Terrance Vandereyk, Clear Lake Township; Steve Demeules, Palmer Township; Francine Larson, Blue Hill Township; Butch Hass, Livonia Township; Kathi Sims-Kosloski, Haven Township; David Jehoich, Santiago Township

The following staff members were present:

Lynn Waytashek, Zoning Administrator; Zach Guttormson, Assistant Zoning Administrator; Marc Schneider, Senior Planner; Carrie Winter, Secretary

Adams stated that the meeting was being recorded. Adams added that the Planning Commission is a recommending body. These items heard tonight at the Planning Commission

Public Hearing will be heard by the County Board of Commissioners on February 7, 2023, at 9:00am.

Sims made a motion to approve the minutes from the December 15, 2022, Public Hearing. Adams seconded. Motion carried and the minutes were approved for the December 15, 2022, Public Hearing.

Demeules made a motion to approve the Public Hearing Agenda for January 19, 2023. Sims seconded. The motion carried and the Public Hearing Agenda for January 19, 2023, was approved.

**Agenda:**

1. **Election of 2023 Planning Commission Officers**
2. **Cardinal Enterprises LLC.** Requesting a Conditional Use Permit for a Professional Office, to operate a Veterinarian Clinic
3. **JDA Builders Inc.** Requesting Preliminary Residential Standard Plat approval “**Pines Edge**” consisting of four (4) lots.

**Agenda Item #1-6:01pm**

**Election of Officers for 2023**

Demeules made a motion for the 2023 officers to remain as they currently are with Bryan Adams as Chair, Bruce Aubol as Vice Chair and Carrie Winter as Secretary, Sims seconded. The motion carried and the 2023 Planning Commission Officers will remain as they are currently.

**Agenda Item # 2 -6:02pm**

**Cardinal Enterprises LLC.** Requesting a Conditional Use Permit for a Professional Office, to operate a Veterinarian Clinic

PID # 10-335-1345. Legal Desc: That part of Govt lot 3 desc as (full legal on file). Address: 20455 187<sup>th</sup> Ave NW, 187<sup>th</sup> Ave NW, Big Lake, Sec 35, Twp 33, Rge 28, Big Lake Township. 3.34 acres within the Mississippi Special Use District

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Written Business Description Provided by Applicant
- C. Building Floor Plans
- D. Site Plan
- E. Photos of Property

**BIG LAKE TOWNSHIP COMMENTS:** (December 14, 2022) The Big Lake Town Board recommended approval.

**DEPARTMENT/AGENCY COMMENTS:**

**David Roedel, Deputy County Engineer** (December 2, 2022) No concerns.

**Tom Cruikshank MnDOT Principal Planner District 3:** No comments

**James Bedell, MN DNR Area Hydrologist:** No comments

**STAFF COMMENTS:**

1. The applicant is requesting a Conditional Use Permit (CUP) for a Professional Office to operate a Veterinarian Clinic from this property. Cardinal Enterprises purchased the property in 2021 and will rent the property to a veterinarian to operate their business from the site. This property is located within the Special Use District of the Mississippi River and all new businesses are required to obtain a CUP.
2. In September 2021 Cardinal Enterprises obtained a CUP for a pet grooming business and made several improvements to this property and building. They demolished a portion of the

building and remodeled the interior and exterior of the building, the owner removed roughly 21,700 sq. ft bituminous parking lot between the building and the River.

3. The applicant is proposing to construct a 46'x50' (2,500 sq. ft.) addition to the northwest side of the building to provide the necessary space for this business. The existing building is nonconforming to the required setback to TH 25 and the 25% impervious surface requirement. The applicant has applied for two variances to permit the expansion of this building.
4. Expected hours of operation would be 7AM-7PM Monday-Saturday.
5. The estimated number of trips per day provided by the applicant is 48, coming from 3-4 employees and 18-20 clients.
6. According to the applicant, the equipment that is used in surgery or exams is cleaned and sterilized in an autoclave reducing the use of chemicals, however any chemicals used for this purpose would be kept in separate containers and any other bio-hazard waste will be picked up by company separate from a municipal waste company. Cleaning agents used for floors, walls, etc. are essentially no different than household cleaning agents. Most cleaning agents used are hydrogen peroxide based and are diluted when used and further diluted when disposed of. Septic systems rely on aerobic bacteria which thrive in an oxygenated environment.
7. The septic system was upgraded in 2016 and had a passing compliance inspection in April 2021.
8. There is adequate parking on this site as it has been a bar and restaurant, church with thrift store, and the current use as a pet grooming business.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Hours of operation would be 7AM-7PM Monday-Saturday.
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building. All building plans must be prepared by a licensed architect.
3. Any signage shall comply with the sign ordinance and a sign permit is required.
4. Any solid, liquid, or pet waste must be handled and disposed of according to any applicable County or State regulations.
5. All exterior lighting shall be directed down and away from public right-of-way, any adjacent residential use, and the Mississippi River.
6. The CUP holder and/or property owner shall permit the County to inspect the property, including the building used for the business during normal working hours.

**Planning Commission Discussion Followed:**

Adams asked that Schneider address the 25% impervious surface for this property as it is in violation of this requirement.

Schneider stated that this property has Shoreland District that extends about 300 ft out which goes right to the edge of the building. Since the time of the aerial on file, the applicant has removed more than 21,000 sq ft of impervious surface; all the bituminous from the backside of

the building to the river has been brought back to grass and natural vegetation which brings the impervious surface much closer to meeting the impervious surface. Staff has reviewed this and the Board of Adjustment did not have a concern and has approved a Variance for the impervious surface. They have mitigated the impervious surface significantly and to bring this to the 25% would be very difficult.

Adams opened the Public Hearing.

No one was present for the public hearing nor were any comments received.

Aubol made a motion to close the public hearing. Demeules seconded. The motion carried and the public hearing was closed.

Aaron Holthaus, 9495 Deegan Ave, Monticello, MN came forward as the representative of the CUP Application. He stated that removal of bituminous was a good faith effort, they recognized that this would be important and they took it upon themselves to clean that up in hopes that folks that drive by can see that there have been vast improvements since prior to them taking over ownership.

Adams asked if applicant understands the (6) Conditions.

Applicant confirmed.

Aubol made a motion to recommend approval of the Conditional Use Permit for a Professional Office, with the (6) recommended Conditions. Demeules Seconded.

**Conditions:**

1. Hours of operation would be 7AM-7PM Monday-Saturday.
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building. All building plans must be prepared by a licensed architect.
3. Any signage shall comply with the sign ordinance and a sign permit is required.
4. Any solid, liquid, or pet waste must be handled and disposed of according to any applicable County or State regulations.
5. All exterior lighting shall be directed down and away from public right-of-way, any adjacent residential use, and the Mississippi River.
6. The CUP holder and/or property owner shall permit the County to inspect the property, including the building used for the business during normal working hours.

**FINDINGS:**

*No Conditional Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:*

Schneider read the Findings while Aubol provided a response.

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES or NO** WHY?

***Yes, commercial uses are permitted within this zoning district, with a conditional use permit. There have been several other commercial uses of this property in the past including a retail store and bar/restaurant. This use will be a low impact use, it is not anticipated this will diminish or impair values of neighboring properties.***

2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES or NO** WHY?

***Yes, the applicant is looking to maintain and improve this underutilized property. This use will not impede the development of surrounding vacant properties.***

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES or NO** WHY?

***Yes, this is an existing development that has adequate utilities, access, and drainage for the proposed use.***

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES or NO** WHY?

***Yes, there is sufficient access and parking for this proposed use.***

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES or NO** WHY?

***Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area all waste must be properly disposed of using a licensed waste hauler.***

*The motion carried and the Conditional Use Permit for Professional Offices is recommended for approval to the County Board with the (6) Conditions and Findings of Fact.*



## Agenda Item #2-6:10pm

**JDA Builders Inc.** Requesting Preliminary Residential Standard Plat approval “**Pines Edge**” consisting of four (4) lots.

PID# 10-108-1100 Legal Desc: the NE ¼ of NE ¼ (full legal on file). Section 8, Twp 33 Rge 27. Big Lake Township. 11.38 acres, in the General Rural District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

### PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Survey (December 29, 2022)
- C. Grading and drainage plans

### BIG LAKE TOWNSHIP:

November 17, 2022: Big Lake Town Board met on November 16, 2022 and reviewed the application. The Board consensus was to recommend approval of the Preliminary plat of Pines Edge.

December 10, 2022: Email received from Big Lake Township regarding Town Board’s decision to not require review by Township engineer. The consensus [of the Town Board] is there is no need for the town’s engineer to review the plans as there are minimal changes to the land and the plat will not access town roads, nor will it create new town roads.

### OTHER DEPARTMENT/AGENCY COMMENTS:

**David Roedel, Deputy County Engineer** (October 5, 2022):

- 1. No concerns with the Preliminary Plat.
- 2. As discussed with the developer, the proposed improvements show 4 lots with shared lot accessing directly onto County Road 43 and a shared lot accessing directly onto County Road 83. Both meet our access spacing guidelines.
- 3. An Access Permit is required to be taken out from Public Works for construction of the access.
- 4. The Sherburne County Public Works Department will require park dedication fees for the 4 lots at \$1200 per lot, totaling \$4,800. Park fees must be paid prior to the Public Works Department signing the plat mylars.

**Russ Heiling, County Surveyor** (December 27, 2022): All the survey concerns have been addressed or will be addressed (e.g. limited access and ROW dedication) on the final plat before signing/recording.

**Mike Lindenau, County Ditch Inspector** (October 21, 2022): I have no issues. Does not benefit from County Ditch.

### PLANNING & ZONING STAFF COMMENTS:

- 1. The proposed project consists of four (4) new lots from an 11.38-acre parcel.



2. Lots 1 and 2 will share a single access to County Road 83 and Lots 3 and 4 will share a single access to County Road 43. Two (2) new accesses are proposed in total.
3. There are no structures, wells, or septic systems on the property and no new roads will be constructed.
4. There are no wetlands on this property and no impacts are proposed.
5. Each lot is over 2.5 acres and complies with the requirements of the County Subdivision Ordinance.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Park dedication fees for 4 lots at \$1,200 per lot, totaling \$4,800. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An Access Permit from Sherburne County Public Works will be required prior to accessing County Road 43 and County Road 83 and shall be constructed according to Sherburne County Public Works Engineering Standards.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

**Planning Commission Discussion Followed:**

Todd Ohlen, Land and Resources Consulting, 14260 23<sup>rd</sup> Ave N, Plymouth, MN came forward as the representative of the Preliminary Residential Standard Plat Application. He stated that this is straight forward with the exception of the front end work with the Administrative splits.

Adams asked if the applicant is aware of the (3) Conditions.

Applicant confirmed that he understands the Conditions.

Vandereyk asked about the parcel on the North side of 43, is this a part of the plat or what is the story?

Applicant replied that this is one of the things that popped up while doing the title commitment as a part of the purchase. When this popped up they approached both adjacent properties and quick claim deeded it to one of those properties, so this is not a part of the plat.

Schneider added that there was also a second piece, the triangular one to the South that was quick claim deeded and this was a part of the Administrative Subdivision.

Waytashek added that these have already been split off and recorded, they have adjoined to the adjacent lots, this has been resolved and is no longer a part of the plat.

Aubol reiterated that this was also his question if this was on official record.

Adams opened the Public Hearing.

Kurt and Camille Johnson, 17756 221<sup>st</sup> Ave NW, Big Lake, came forward. Mrs. Johnson stated that they are the neighbors to the West of the little section that was just discussed. They would like clarification as they had asked if they could purchase that piece and now they are hearing about the quick claim for the other neighbors.

Schneider stated that the Johnson property is a part of a platted Subdivision and therefore the Johnson property would have had to be added into this Subdivision and it was up to the discretion of the developer for which way to go. If it was added to the neighboring property, which is metes and bounds, and not a part of a platted subdivision, then it can be an Administrative Split to redefine the boundaries and add it to the legal description of that lot, which is the easier route.

Mr. Johnson stated they had been approached and asked if they wanted to do it and they said, "absolutely" and now they are worried that there is something that is going to go in there.

Ohlen stated that Jason had talked with these folks and it made sense as there is a tree line that is on the East side of the neighboring property so it looks like this piece should go with the Johnson's parcel. However, after some investigation, since they are a platted lot, this would have required replating their lot as a (1) lot subdivision. Whereas the property to the East is only metes and bounds and could be Administratively given to them; so this was decided. Ohlen did not consider the Johnson lot becoming a part of the plat, though it could have gone that direction as this would have been quite time consuming.

Schneider added that with the road running between them, it would have needed to become a separate subdivision, with the application fees, public hearing process, etc.

Waytashek stated that it does not matter to the County who gets that piece as long as it's resolved. It's a matter between property owners. County Attorney, Kathy Heaney referred to this as a sniglet.

Ohlen added that he understands the significance of having a larger backyard, but nothing can be built in this area.

Mrs. Johnson asked for clarification for the people who did get this, they just now have a bigger lot?

Schneider confirmed.

Dan Aschenbrener, 22186 Cty Rd 43 NW, Big Lake came forward and he understands that this is being divided into 4 lots, which does not include the portion to the South, he asked how many driveways are coming out of the plat and where. He is concerned about the curves and more driveways, more residents, more things happening.

Waytashek presented Aschenbrener with a plat map to show the (2) shared driveways.

Schneider stated that these follow safety access and guidelines with the goal of adding minimal access points to the County Roads.

Aschenbrener asked if there will be any additional stop signs, lights, etc.

Schneider replied that the plat does not meet the threshold with the number of lots so no additional items will be added.

Aubol made a motion to close the public hearing. Sims seconded. The motion carried and the public hearing was closed.

Aubol made a motion to recommend approval of the Preliminary Residential Standard Plat of "Pines Edge" with the (3) recommended Conditions. Demeules seconded.

**Conditions:**

1. Park dedication fees for 4 lots at \$1,200 per lot, totaling \$4,800. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An Access Permit from Sherburne County Public Works will be required prior to accessing County Road 43 and County Road 83 and shall be constructed according to Sherburne County Public Works Engineering Standards.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and the Preliminary Residential Standard Plat of "Pines Edge" is recommended to the County Board with the (3) Conditions.

**Closing:**

Aubol made a motion to adjourn the meeting. Demeules seconded. The motion carried and the meeting was adjourned at 6:21pm.

Submitted by Carrie Winter, Secretary.