

# SHERBURNE C O U N T Y



*Sherburne County  
Planning Advisory Commission Meeting Minutes  
February 16, 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 February 16, 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.

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

The following members were present:

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; Bruce Hentges, Haven Township; David Jehoich, Santiago Township; Gary Gray, County Commissioner

The following staff members were present:

Lynn Waytashek, Zoning Administrator; Marc Schneider, Senior Planner; Mitch Glines, Planner; Carrie Winter, Secretary

Aubol stated that the meeting was being recorded. Aubol 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 March 7, 2023, at 9:00am.

Jehoich made a motion to approve the minutes from the January 19, 2023, Public Hearing. Larson seconded. Motion carried and the minutes were approved for the January 19, 2023, Public Hearing.

Schneider announced that the applicant for Leasing Express has requested to table the item, however as this was published the Public Hearing must be opened. Schneider is requesting that this item be moved to the first item on the agenda. Demeules made a motion to approve the Public Hearing Agenda for February 16, 2023 with the change has requested by Schneider. Hentges seconded. The motion carried and the Public Hearing Agenda for February 16, 2023, was approved with the change in order to move Leasing Express LLC to Agenda item #1.

**Agenda:**

1. **Leasing Express LLC** Requesting to amend Interim Use Permit #68924 (Large Contractor's Yard) by deleting the first sentence of Condition Number 3.
2. **James and Sharon Gullickson** Requesting Preliminary and Final Residential Simple Plat approval "**Gullickson Addition**" consisting of two (2) lots.
3. **Robert Rasmussen** Requesting Preliminary and Final Residential Simple Plat approval "**Aspen Meadows**" consisting of three (3) lots.

## Agenda Item # 1 -6:02pm

**Leasing Express LLC** Requesting to amend Interim Use Permit #68924 (Large Contractor's Yard) to delete a portion of Condition #3 to allow phased development.

PID 25-016-3105 Address 3825 32nd Street SE St. Cloud, Section 16, Haven Township 9.16 acres in the Industrial 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. State Fire Code reference from Fire Chief
- C. Written Description of Business
- D. Preliminary Building Plans
- E. Preliminary Site Plan
- F. Hydro Calculations and Stormwater Report

### PLANNING & ZONING STAFF COMMENTS:

1. Leasing Express was granted an Interim Use Permit to operate a Large Contractors' Yard on a 9.16-acre parcel in Section 16 of Haven Township in June of 2022. Leasing Express LLC, owned by Mustafa Mayani, is a trailer leasing, sales, parts and service company for semi-trailers. This business is currently located in Grand Rapids, MI and is in the process of moving this business to Haven Township.
2. The applicant is proposing to complete the development in 2 phases. Phase 1 in the spring of 2023, they are proposing to construct the parking lot, building pad, and fence to allow the business to start the storage of leased trailers. Phase 2 in the spring of 2024, they will start constructing a 20,000 sq. ft. maintenance building with expected completion in the fall of 2024.
3. The 3<sup>rd</sup> Condition of this IUP prevents the applicant from doing this project in phases. As it is currently written no business or land improvements will be allowed until all building, septic, fire suppression and County and State permits are obtained.
4. The applicant is requesting to amend this IUP by modifying the 3<sup>rd</sup> Condition by striking the first part of the sentence, to allow them to proceed with development of this property in phases.
5. Existing condition with proposed amendment by applicant:  
*Condition 3. ~~Prior to any business or land disturbing activities on this property, the applicant must obtain the following permits and approvals:~~ The applicant must obtain the following permits and approvals:*
  - a) *A building and septic permit from the Planning and Zoning Department. All building plans must be prepared by an architect or structural engineer to certify the structure complies with MN Building Code.*
  - b) *Submit a Fire Suppression Plan to the Township Fire Department to include exterior hydrant access serviced by a high volume well of 500 gallons per minute. System design review subject to Fire Department final review.*
  - c) *Approval from St. Cloud Airport for any exterior lighting.*
  - d) *A Stormwater Erosion Control permit from the Planning and Zoning Department.*
  - e) *A NPDES permit from the MN Pollution Control Agency*
6. No other modifications of this permit are proposed by the applicant. Staff has no objections to the amendment, but we are recommending splitting Condition 3 into two separate conditions. This allows

us to clarify when specific permits and approvals are required. Staff feels the remaining conditions address the necessary performance standards for the development of this Industrially Zoned parcel.

**RECOMMENDED CONDITIONS IF APPROVED:** *(Added or modified conditions are stricken or underlined)*

1. This Interim Use Permit is issued to Mustafa Mayani, Leasing Express LLC, and shall expire with a change in majority ownership of the business or sale of this property. For the purpose of operating a Large Contractor's Yard that specializes in the leasing of semi-trailers and provides light mechanical repair (i.e. brakes, lights, oil and fluid changes) on semi-trucks and trailers. Parking of semi-trucks and trailers is permitted with in the parking yard south of the building (Packet Attachment E).
2. The physical and operational development of this property shall be consistent with the plans submitted and described in Packet Attachments C. Written Description of Business, D. Preliminary Building Plans and E. Preliminary Site Plan. Deviation from these plans may require the Leasing Express LLC to amend the interim use permit.
3. ~~Prior to any business or land disturbing activities and/or the storage of semi-trailers on this property, the applicant must obtain the following permits and approvals:~~
  - ~~a. A building and septic permit from the Planning and Zoning Department. All building plans must be prepared by an architect or structural engineer to certify the structure complies with MN Building Code.~~
  - ~~b. Submit a Fire Suppression Plan to the Township Fire Department to include exterior hydrant access serviced by a high volume well of 500 gallons per minute. System design review subject to Fire Department final review.~~
  - ~~c. Approval from St. Cloud Airport for any exterior lighting.~~
    - a. A Stormwater Erosion Control permit from the Planning and Zoning Department.
    - b. A NPDES permit from the MN Pollution Control Agency.
    - c. An Access to County Highway permit from Sherburne County Public Works
4. The applicant must obtain the following additional permits and approvals prior to any building or septic construction, installation of lighting improvements, or operation of any light mechanical repair, sales or retail at this property:
  - a. Approval from St. Cloud Airport for any exterior lighting.
  - b. A building and septic permit from the Planning and Zoning Department. All building plans must be prepared by an architect or structural engineer to certify the structure complies with MN Building Code.
  - c. Submit a Fire Suppression Plan to the Township Fire Department to include exterior hydrant access serviced by a high volume well of 500 gallons per minute. System design review subject to Fire Department final review.
5. Hours of operation for the service center and retail portion of the business will be M-F 8:00 AM to 5:00 PM.
6. Allow 24/7 access to the property for semis to park their trucks and trailers at the property.
7. The proposed access location to CSAH 3 will be from the west side of the site as proposed on Packet Attachment E of the Preliminary Site Plan. An access permit from Sherburne County Public Works is required for construction of the access to ensure compliance to County standards.
8. The parking yard for the trailers shall have an 8 ft tall opaque fence around the parking yard as shown on Packet Attachment E of the Preliminary Site Plan, with a security gate with coded entry only. A building permit will be required to be obtained from the Planning and Zoning office prior to construction of the fence.

9. Any signage shall comply with the County's sign ordinance and a sign permit is required.
10. All exterior lighting shall be directed away from the public right-of-way or neighboring properties.
11. The applicant shall allow the County to inspect the property during normal business hours.

**Planning Commission Discussion Followed:**

Schneider stated the applicant has requested to table the item and has signed the 60-day waiver. Their intent is to come back to the Planning Commission with a more robust set of plans. This item should be back for the March Public Hearing.

Aubol opened the Public Hearing.

No one was present for the Public Hearing nor were any comments received.

Hass made a motion to continue the Public Hearing and Table the Request for the IUP Amendment. Demeules seconded.

The motion carried and the Public Hearing will remain open, and the request is tabled.

**Agenda Item #2 -6:05pm**

**James and Sharon Gullickson:** Requesting Preliminary and Final Residential Simple Plat approval “Gullickson Addition” consisting of two (2) lots.

PID 10-110-1100, Sec 10, Twp 33, Rge 27 Big Lake Twp, 14.19 acres in the General Rural District and within the Recreational Development Shoreland Overlay District of Birch Lake.

Mitch Glines, Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Preliminary Plat (date stamped 01/20/2023)
- C. Final Plat (date stamped 01/12/2023)

**BIG LAKE TOWNSHIP COMMENTS** (January 26, 2023): During the Big Lake Town Board meeting held on Wednesday, January 25, 2023, at which they reviewed the application for the Simple Plat – Gullickson Addition. The Board is recommending approval of the preliminary and final Simple Plat – Gullickson Addition.

**DEPARTMENT/AGENCY COMMENTS:**

**Russ Heiling, County Surveyor** (January 19, 2023): Gullickson meets surveyor’s comments.

**David Roedel, Asst Public Works Director** (December 23, 2022):

- 1. Please provide detail as to the 33’ easement south of the south lot line. There is also Drainage and utility easements noted on both sides of the lot line that more information is desired to determine if a shared access at the south lot line is possible. Based on the updated plat, a shared driveway on the lot line with the parcel to the south is desired. If not possible to share, the southerly lot should be as close to the south lot line as possible, which essentially makes the south driveway and the driveway on the adjacent southerly lot essentially a shared driveway. The new driveway should be as close as constructible to the south lot line as possible, adjacent to the Drainage and Utility easement.
- 2. The driveway to be located on the northerly lot shall be located to optimize the sight lines looking to the north and south.
- 3. An access permit is required to construct the new accesses to the lots. Please contact Public Works for the permit.
- 4. The Sherburne County Public Works Department will require park dedication fees for the 2 new lots at \$1200 per lot, totaling \$2,400. Park fees must be paid prior to the Public Works Department signing the plat mylars.

**PLANNING & ZONING STAFF COMMENTS:**

- 1. The applicant is proposing to create two (2) lots from a 14.19-acre parcel in Big Lake Township.
- 2. This plat received Final Plat approval at the August 3, 2021 County Board meeting. A condition of the plat approval was “The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fee, within one year of County Board approval of Final Plat”. The plat was not recorded within that year, so a resubmittal of the plat was required.

3. The reason for the expiration was an ingress/egress easement that the two neighbors utilize to access their properties. The two neighbors needed to sign a “consent to the plat” as they are interest holders in the plat. The developer was unable to locate one of the neighbors within the year requirement. The developer has since located the neighbor and has had both neighbors sign the “consent to plat”.
4. The property is located on Birch Lake which requires a 100 ft setback from the OHWL. The entire property is located within the shoreland overlay district of Birch Lake which will limit the height of structures.
5. There are no structures, wells or septic systems on the property.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Park dedication fees for two (2) lots at \$1,200 per lot, totaling \$2,400. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. The individuals who hold the driveway easements will need to sign off on the plat or consent as they are interest holders.
3. An access permit is required from the Sherburne County Public Works Department for each lot.
4. 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:**

Erik James Gullickson, 1187 105<sup>th</sup> St NE, Inver Grove Heights, came forward as representative of the simple plat application.

Gullickson asked if this item is passed tonight, how long until they will need to bring in the documents to be recorded?

Glines responded that they have one year from the date of which the County Board approves the item.

Vandereyk asked about the easement in question and if this is along the South line.

Glines stated that this is along the South line, only about 6 feet into the South line.

Vandereyk asked if this was a part of the plat.

Glines replied that it was, but it was not caught initially, when the current surveyor took over the previous surveyor’s business. This was on the survey but not identified. This was caught at the time of recording, which was about at the 10-month mark out of the 12-months.

Vandereyk asked if this provides ingress and egress to the adjacent parcel?

Glines confirmed that this covers 10-110-1106 and 10-110-1107.

Aubol asked Gullickson if he understands and can abide by the (4) Conditions.

Gullickson confirmed.

Aubol opened the Public Hearing.

No one was present nor were any comments received.

Vandereyk made a motion to close the Public Hearing. The motion carried and the Public Hearing was closed.

Demeules made a motion to recommend approval of the Preliminary and Final Residential Simple Plat approval of "Gullickson Addition" consisting of two (2) lots, with the (4) Conditions. Vandereyk seconded.

**Conditions:**

1. Park dedication fees for two (2) lots at \$1,200 per lot, totaling \$2,400. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. The individuals who hold the driveway easements will need to sign off on the plat or consent as they are interest holders.
3. An access permit is required from the Sherburne County Public Works Department for each lot.
4. 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 and Final Residential Simple Plat of "Gullickson Addition" consisting of two (2) lots, is recommended to the County Board with the (4) Conditions.



**Agenda Item #3-6:10pm**

**Robert Rasmussen (Property Owners R & M Rasmussen and A & B Plude):** Requesting Preliminary and Final Residential Simple Plat approval “**Aspen Meadows**” consisting of three (3) lots.

PID# 35-001-1300 Section 1, Twp 34 Rge 27, Orrock Township, 22.81 +/- acres in the General Rural District.

Mitch Glines, Planner, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Preliminary Plat (date stamped 01/24/2023)
- C. Final Plat (date stamped 01/24/2023)

**ORROCK TOWNSHIP** (received January 26, 2023): Orrock Town Board recommends approval of the preliminary and final plat provided all County requirements and the driveway spacing is approved.

**LIVONIA TOWNSHIP on ACCESS to 273<sup>rd</sup> Ave NW:** Orrock Township Plat Access Request: Discussion about the request of Sherburne County Public Works for one lot in the proposed development *Aspen Meadows* to have road access to Livonia Township’s Road, 273<sup>rd</sup> Avenue. This request is due to Sherburne County Public Works wanting to minimize public access points on CR 1. Orrock Township vacated their portion of 273<sup>rd</sup> Avenue where it connected to CR 1 several years ago, making access to CR 1 no longer available. The proposed development, *Aspen Meadows*, is located entirely in Orrock Township. Hass commented that the Orrock Town Board decided to vacate their portion of 273<sup>rd</sup> Ave because they felt it only served Livonia Township residents, and they did not want to have expenses related to a road that did not serve their own residents. The Livonia Town Board then discussed the added work the access point would result in for our maintenance team to plow and maintain a segment of road that is currently not serving a Livonia Township home. Additionally, the end of 273<sup>rd</sup> Ave is currently used to store snow that is cleared from the nearby roads. Also discussed were other options the developer has with lot configuration, and the possibility of having all three lots having access to a short road and cul-de-sac built into the development or a shared driveway resulting in just one access point on CR 1 serving all three lots. Another discussion point was that financial reasons for the developer was not a valid reason to grant the request. The developer has the option to configure the development to have three lots and one access point. Hass/Kuker unanimous to put forth an unfavorable reply to the request to allow access from the lot in the proposed *Aspen Meadows* development in Orrock Township.

**OTHER DEPARTMENT/AGENCY COMMENTS:**

**Russ Heiling, County Surveyor** (January 26, 2023): All survey issues have been addressed.

**David Roedel, Deputy County Engineer** (January 13, 2023):

1. Driveway access spacing to CSAH 1 is 660’. Although not clearly labeled, it appears that access to CSAH 1 for Lots 1 and 2 are not 660’ apart. Revise to 660’ minimum. Lot 3 access shall be from 273<sup>rd</sup> Ave NW. The existing connection to CSAH 1 from Lot 3 shall not be utilized and removed. **(Email from David Roedel on 1/26/2023 per Livonia Township’s Comments):** If the Township will not allow

access to their road, lots 2 and 3 will need to share an access to CSAH 1 and meet an access spacing of 660'.

2. An Access Permit is required to be taken out from the Public Works Department to ensure construction according to County Standards.
3. The Sherburne County Public Works Department will require park dedication fees for the 3 new lots at \$1,200 per lot, totaling \$3,600. Park fees must be paid prior to the Public Works Department signing the plat mylars.
4. All Work Shall be performed in accordance with the applicable State and County standards.

**Mike Lindenau, County Ditch Inspector** (January 6, 2023): I have no issues. Does not benefit from a County Ditch.

**Bonnie Jacobs, Property Tax Manager** (January 6, 2023): No issues. They would need to pay proposed 2023 property taxes before platting.

**PLANNING & ZONING STAFF COMMENTS:**

1. The applicant is proposing to create three (3) lots from a 22.64-acre parcel in Orrock Township.
2. Per Public Works initial comment on 1/13/2023, Lot 3 was to access 273<sup>rd</sup> Ave NW (a Livonia Township Road) to reduce the number of accesses to CSAH 1. Per Livonia Township's comments regarding not allowing an access permit to 273<sup>rd</sup> Ave NW, the developer will have Lots 2 and 3 share an access to CSAH 1 and meet the 660' access spacing requirements to the access to Lot 1.
3. A portion of 273<sup>rd</sup> Ave NW was vacated on the subject property. Per the "Survey Notes" on the Preliminary Plans, 273<sup>rd</sup> Avenue was vacated per Doc. No. 792865, Resolution No. R-20140827-I dated August 27, 2014. In this resolution the Township reserves a 10-foot easement in each direction from the centerline of any existing utilities within the vacated area. No utilities were visible at the time of the survey.
4. There are no structures, wells or septic systems on the property.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Park dedication fees for three (3) lots at \$1,200 per lot, totaling \$3,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An access permit is required from the Sherburne County Public Works Department for each lot.
3. Per comments from the Public Works Department, the existing connection to CSAH 1 accessing Lot 3 shall not be utilized and must be removed. The applicant must work with the Public Works Department on the timing of the removal of the access.
4. If the township is retaining an easement, the township will need to consent to the plat in addition to accepting the plat.
5. 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:**

Robert Rasmussen, 12493 249<sup>th</sup> Ave NW, Zimmerman, came forward as representative of the simple plat application. He added that they have met all of the requirements for spacing and road frontage, they would like to take the 273<sup>rd</sup> approach out at the same time and move that to the approach for the other driveways.

Aubol stated that this addresses the Staff Comments then asked Rasmussen if he understands and can abide by the (5) Conditions.

Rasmussen confirmed.

Vandereyk asked the applicant how he proposes to replace the access to lot 3 after removing the approach?

Rasmussen stated that lots 2 and 3 will use a shared entrance.

Vandereyk then asked about the cluster of buildings on the Southeast corner of lot 3 as shown on the aerial.

Rasmussen stated that these are shipping containers that the previous owner had and these have been removed.

Aubol opened the Public Hearing.

No one was present nor were any comments received.

Hentges made a motion to close the Public Hearing. The motion carried and the Public Hearing was closed.

Hass made a motion to recommend approval of the Preliminary and Final Residential Simple Plat approval of "Aspen Meadows" consisting of two (3) lots, with the (5) Conditions. Larson seconded.

**Conditions:**

1. Park dedication fees for three (3) lots at \$1,200 per lot, totaling \$3,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An access permit is required from the Sherburne County Public Works Department for each lot.
3. Per comments from the Public Works Department, the existing connection to CSAH 1 accessing Lot 3 shall not be utilized and must be removed. The applicant must work with the Public Works Department on the timing of the removal of the access.
4. If the township is retaining an easement, the township will need to consent to the plat in addition to accepting the plat.
5. 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 and Final Residential Simple Plat of "Aspen Meadows" consisting of (3) lots, is recommended to the County Board with the (5) Conditions.

**Closing:**

Larson made a motion to adjourn the meeting. Demeules seconded. The motion carried and the meeting was adjourned at 6:16pm. Submitted by Carrie Winter, Secretary.