

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
March 19, 2020
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room, with the Board Chair present at the Sherburne County Government Center in Elk River, Minnesota and the remaining members joining via phone (due to Covid-19) on March 19, 2020 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, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Chairperson Bryan Lawrence called the meeting to order and roll was taken.

The following members were present via phone:

Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Steve Demeules, Palmer Township; Vice-Chair, Bruce Aubol, Big Lake Township; Tim Dolan, County Board Commissioner; Bryan Adams, Orrock Township; Jeff Schlingmann, Haven Township; Terrance Vandereyk, Clear Lake Township; David Jehoich, Santiago Township

Present in the Board Room was Chairman, Bryan Lawrence, Baldwin Township and the following staff members; Zoning Administrator, Nancy Riddle; Assistant Zoning Administrator, Lynn Waytashek; Senior Planner, Marc Schneider; Secretary, Carrie Winter.

Lawrence stated that each vote will occur with a roll call due to members attending via phone call. Lawrence stated that the meeting was being recorded and announced that the Planning Commission is a recommending body. Items recommended for approval by the Planning Commission will be heard by the County Board of Commissioners on April 7th, 2020 at 9:00am.

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Schlingmann made a motion to approve the minutes from the February 20, 2020 Public Hearing. Spencer seconded. Motion carried and the minutes were approved for the February 20, 2020 Public Hearing.

Spencer made a motion to approve the Public Hearing agenda for March 19, 2020. Aubol seconded. Motion carried and the Public Hearing agenda for March 19, 2020 was approved.

Agenda:

1. *(No Public Hearing Required)* **Riverside Dev Co of Princeton:** Request for Residential Final Standard Plat Approval of "Wheat Fields" consisting of 17 lots.
2. **Chenny Auto Inc** (owner Kaye Marie Bergstrom): Request to rezone the property from Industrial to Commercial.
3. **Chenny Auto Inc** (owner Kaye Marie Bergstrom): Request for an Interim Use Permit for Business Selling Vehicles and Paintless dent Removal Services.
4. **Minnesota Propane Association** (Freshwaters United Methodist Church): Request for Interim Use Permit for a Highway Planned Unit Development for a non-profit use for Association Offices a Learning Center for MN Propane.
5. **Amendment to the Sherburne County Zoning Ordinance:** Amend Section 7, Agricultural District, Subdivision 6.3 Dimensional Regulations (Minimum Setbacks, Principal or Accessory Structures)

Agenda Item # 1-6:05pm

Riverside Dev Co of Princeton (Owners: Riverside Dev Co of Princeton & Greg & Deborah Dahlheimer, ETAL): Request for final plat approval for **“WHEAT FIELDS”** a 17-lot standard plat.

PID#10-108-1200 and 10-108-1300, Sec 8, Big Lake Township on 60 acres in the General Rural District

Lynn Waytashek, Assistant Zoning Administrator, presented the request to the Planning Commission including the Board Packet, Attachments and Comments.

PLANNING COMMISSION’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Final Plat (date stamped Feb 4, 2020)
- C. Final Grading and Drainage Plan (date stamped Feb 4, 2020)
- D. Excel Energy signed “Consent to Improvements” (date stamped March 3, 2020)

BIG LAKE TOWNSHIP COMMENTS (received on March 3, 2020) – Recommend approval contingent on developer meeting requirements of Sherburne County. The final plat shall not be recorded until the developer enters into a Developer’s Agreement with the Town and has deposits with the Town, all applicable securities.

Acting Big Lake Township Engineer, Lynn Caswell (received on March 3rd, 2020) – Grading and drainage plan is acceptable as presented and they recommend approval, subject to conditions of reviews by Sherburne Co Public Works, County Surveyor and Planning and Zoning.

DEPARTMENT/AGENCY COMMENTS:

Russ Heiling, County Surveyor’s Office (February 5, 2020) –No additional comments.

Kathleen Heaney, County Attorney (March 9, 2020): Given the fact that there are conditions proposed on the plat than cannot be satisfied at the time the County Attorney signs the plat, an additional condition needs to be added that a developer’s agreement for the plat will be necessary for the County Attorney to sign off on the plat.

PLANNING & ZONING STAFF COMMENTS:

1. There is a drainage easement proposed along the front (road right-of-way) of Lot 1 and Lot 2. Access to the property will require a driveway to be placed through the drainage easement. A letter dated December 10, 2019 from the township engineer states that the township is okay with driveway location along lot line of Lot 1 and Lot 2 as proposed but a requirement of plat approval will be that developer must construct driveway through the entire drainage and utility easement and install driveway culvert at the time of road construction to ensure proper drainage flow will exist post-development.

RECOMMENDED CONDITIONS IF APPROVED:

1. Park dedication fees for 17 lots at \$800 per lot, totaling \$13,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
- ~~2. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval. Submitted March 3, 2020.~~
- ~~3. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to being scheduled for final plat approval. No ground disturbance may begin prior to the Zoning Department issuing the Stormwater & Erosion Control Permit.~~
4. The developer must construct driveway and install driveway culvert along shared lot line of
- 5 .Lot 1 and Lot 2 through the entire drainage and utility easement at the time of road construction to ensure that property drainage flow will exist post-development.
6. Approximately 380 feet of road in existing township right of way will need to be constructed to connect property to 181st Street. The developer is responsible for road construction/connection per township requirements.
- ~~7. Prior to Final plat approval a signed agreement by NSP allowing the stormwater pond and 180th Court NW to be located within the NSP Easement. Submitted March 3, 2020~~
8. Public Works Department - Lot 13, Block 1 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements. Lot 1 Block 2 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements.
9. Developer shall enter into a Developer's Agreement with the County Attorney's Office.
10. 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.
11. The Administrative Subdivision between property Lot 14 and the adjoining metes and bounds parcel (Olson) must have the deeds recorded for the Administrative Subdivision at the same time that the plat is recorded.

Planning Commission Discussion Followed:

David Jehoich asked if items #4 and # 5 are to be combined in the recommended Conditions.

Waytashek stated that these appeared to be separated but should be combined as a single Condition. Waytashek also stated that the recommended Conditions that are listed and then crossed out, have been resolved prior to the Public Hearing.

Aubol moved to recommend approval of the Final Plat with the corrected (8) Conditions. Schlingmann Seconded.

CONDITIONS:

- 1) Park dedication fees for 17 lots at \$800 per lot, totaling \$13,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
- 2) No ground disturbance may begin prior to the Zoning Department issuing the Stormwater & Erosion Control Permit.
- 3) The developer must construct driveway and install driveway culvert along shared lot line of Lot 1 and Lot 2 through the entire drainage and utility easement at the time of road construction to ensure that property drainage flow will exist post-development.

- 4) Approximately 380 feet of road in existing township right of way will need to be constructed to connect property to 181st Street. The developer is responsible for road construction/connection per township requirements.
- 5) Public Works Department - Lot 13, Block 1 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements. Lot 1 Block 2 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements.
- 6) Developer shall enter into a Developer's Agreement with the County Attorney's Office.
- 7) 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.
- 8) The Administrative Subdivision between property Lot 14 and the adjoining metes and bounds parcel (Olson) must have the deeds recorded for the Administrative Subdivision at the same time that the plat is recorded.

The motion carried, with all members voting via roll call in favor (Aubol, Adams, Lawrence, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #2-6:08pm

Chenny Auto Inc (owner Kaye Marie Bergstrom): Request to rezone the property from Industrial to Commercial.

PID 01-455-0115, Address: does not exist yet. Legal Desc: Lot 3 Block 1 of Georgetown Second Addition in Section 9 of Baldwin Township 4.79 Acres in the Industrial Zoning District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Zoning Map
- C. Proposed development plan

BALDWIN TOWNSHIP COMMENTS: (February 13, 2020) Recommended Approval

DEPARTMENT/AGENCY COMMENTS:

City of Princeton: No comment.

STAFF COMMENTS:

1. The applicant has requested to rezone a 4.79-acre parcel located in Georgetown Second Addition from Industrial to Commercial to apply for an Interim Use Permit for a *Business Selling Vehicles, Boats, or Farm Equipment* that will provide space for 10 independent auto dealerships and warehouse.
2. The County’s 2010-2030 Comprehensive Plan Land Use Map identify these parcels as Business and Industry. Therefore, there is no need to amend the County’s Comprehensive Land Use Map.
3. The site plan submitted with the rezone request includes the construction of separate storage buildings, which would be a permitted use if the rezone request is approved.
4. The property is vacant and undeveloped at this time.
5. The land surrounding this property on the north, south and east are zoned Industrial or Commercial. The land to the west is within the City Limits of Princeton and formerly the Burlington Northern Railroad.

Planning Commission Discussion Followed:

Adams asked if this rezone includes Phase 1 and 2 as listed in Packet Attachment C.

Schneider stated that this rezone will allow the applicant to apply for a business selling vehicles, boats and farm equipment which is not allowed in the Industrial District. The applicant has indicated that there are 2 phases, the first is the development of the property for the business of selling vehicles which will come up in the IUP to follow. Self-storage buildings are permitted uses in this district so that will happen through the standard permit process not a Public Hearing process.

Adams asked if Phase 2 included storage buildings.

Schneider confirmed that these are storage buildings.

The applicant, Brian Chenberg, 13673 Superior Ct, Rogers, MN came forward. He did not have further comments.

Lawrence opened the Public Hearing.

No one from the Public spoke.

Adams moved to close the Public Hearing. Jehoich seconded. The motion carried and the Public Hearing was closed.

Nelson moved to recommend approval of the Rezone. Schlingmann seconded.

Findings:

Pursuant to the County Zoning Ordinance Section 18, Subd 4.5, after the public hearing the County Planning Commission shall make a report of its consideration and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator. Consideration of a rezoning request shall include without limitation, the following questions.

Marc Schneider read the questions and Nelson provided the response as follows.

A. Is the proposed rezoning consistent with the Comprehensive Plan?

Yes, this is platted as an Industrial or Commercial area with private businesses.

B. Is the current use of the property a permitted use within the proposed zoning district, or will the rezoning create a non-conforming use?

This lot is undeveloped as of yet.

C. Will permitted uses within the proposed zoning district be injurious to health or interfere with the comfortable enjoyment of life or property within the vicinity?

No, business is all around this property.

D. How will public services (e.g. transportation, schools, parks, and police/fire) be impacted by the proposed rezoning? Will permitted uses within the proposed zoning district adversely impact or overburden existing public service capacity?

No, the Comprehensive Land plan identifies this land for Business and Industrial area.

E. Is the proposed rezoning located in an area that has the potential to adversely impact natural resources such as surface water, groundwater, or wetlands, or sites identified for rare biological species habitat?

No, it's not in the shoreland district.

F. Does the proposed rezoning have the potential to impact ecologically sensitive or historically significant areas?

No, the County Biological Survey completed by the DNR shows no biodiverse plant communities.

G. Does the property have sufficient size and physical characteristics to permit a reasonable use under the current zoning district?

Yes, it's almost a 5-acre parcel.

H. Any other factors that may be relevant to determining whether the proposed rezoning is appropriate?

This property is undeveloped and is ready for development for use.

The motion carried, with all members voting in favor via roll call (Aubol, Adams, Lawrence, Jehoich, Schlingmann, Spender, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #3-6:18pm

Chenny Auto Inc (owner Kaye Marie Bergstrom): Request for an Interim Use Permit for Business Selling Vehicles and Paintless dent Removal Services.

PID 01-455-0115, Address: does not exist yet. Legal Desc: Lot 3 Block 1 of Georgetown Second Addition in Section 9 of Baldwin Township 4.79 Acres in the Industrial Zoning District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Proposed development plan
- C. Proposed site Plan
- D. Proposed building plans

TOWNSHIP COMMENTS: (February 24, 2020) Recommended Approval with the following comment: Contingent upon a drainage plan to be reviewed by Township Engineer.

DEPARTMENT/AGENCY COMMENTS: none

STAFF COMMENTS:

1. The applicant is proposing to operate an auto dealership and auto body shop specializing in paint-less dent repair from a 4.79-acre parcel. The property is undeveloped.
2. The applicant plans to construct a 11,200 sq. ft building to serve as office space for up to 10 dealers and provide warehouse storage and a paintless dent removal services that is limited to hail repair (see packet attachment D). No mechanical or painting work will be done on this parcel.
3. The dealerships will specialize in buying vehicles at auction and sell or lease directly to buyers (vs. selling off the lot).
4. The MN Dept of Public Safety licenses auto dealerships. New & used dealerships are required to be located in a commercial building, have a display area for five or more vehicles, provide a sign for the business, and post business hours.
5. The applicant’s business hours will be Monday – Saturday 9:00 am – 5:00 pm or by appointment.
6. The applicant has submitted a preliminary site plan that shows two phases of development (see packet attachment C). The 1st phase will be the office space for the dealerships and warehouse for storage and paintless dent removal business. It also includes parking for the business, and septic space. The 2nd phase shows plans for five mini storage units which are a permitted use in the Commercial and Industrial zoning districts but will require separate building permits when and if the applicant chooses to build.
7. The applicant site plan identifies a preliminary location for a septic system but has not provide a septic design supporting the proposed location. A septic design will need to be prepared and approve by the County at the same time as the building permit.
8. If the building proposed by the applicant was constructed (warehouse 9,400 sq. ft. and 1,800 sq. ft office) constructed as sketched on the site-plan accommodating ten dealerships, a minimum of 55 parking stalls

will be required by the MN Dept. of Public Safety; plus parking stalls required by the Zoning Ordinance (one stall per 2,000 sq. ft. of warehouse area). The applicant's submitted site plan provides 75 parking spaces outside the planned offices and warehouse building.

9. The applicant's proposed development will create more than an acre of impervious surface and will be required to prepare a grading and drainage plan for this project that complies with County and Township drainage standards. The applicant has been made aware of the cost and requirements associated with developing this property and has consulted with Scott Dahlke from Civil Engineering Site Design to discuss the requirements connected to preparing these plans. Mr. Dahlke indicated that modifications to the site plan will be needed to accommodate the stormwater ponds necessary to meet County and Township standards. The applicant's site plan should be considered a preliminary plan and does not grant the applicant the ability to develop the property in the manner presented with this request.
10. A recommended condition of approval for the IUP is, before any permits can be issued to this property that the applicant must submit and obtain approval of a stormwater and drainage plan from both Sherburne County and Baldwin Township.
11. A driveway access permit will be required by Baldwin Township prior to any building or stormwater permits being issued by the County.

RECOMMENDED CONDITIONS IF APPROVED:

1. A building permit is required from the Planning and Zoning Department. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
2. The applicant is required to submit a stormwater and draining plan that complies with both County (Zoning Ordinance Section 17.1) and Township drainage requirements. A Stormwater and Erosion Control Permit from the Planning and Zoning Department is required prior to any land disturbance.
3. The applicant shall maintain a Dealer's License from the MN Dept. of Public Safety and comply with all license requirements.
4. Vehicles for sale or stored on the property shall be limited to passenger vehicles and light-duty trucks.
5. Adequate off-street parking shall be available for business use. At a minimum, (1) parking stall shall be provided per 250 sq. ft. of office space floor area per Sect 17, Subd 2(10K) of the Zoning Ordinance; and (5) parking stalls shall be assigned to each auto dealership per MN Statute 168.27, Subd 10. Each stall shall be 9' X 18' and signed according to the assigned business. Parking shall be on a durable surface, such as concrete, asphalt, or gravel (not grass or dirt).
6. There shall be a maximum of 55 vehicles stored outside on the property.
7. The applicant shall submit a grading & drainage plan for Township approval and obtain a driveway access permit from the Township prior to the County issuing a building permit.
8. There shall be a maximum of 10 auto dealerships.
9. Mechanical vehicle repair, auto body repair, and painting shall not be permitted.
10. If any vehicle is brought on-site leaking fluids, fluids must be promptly drained and properly disposed. The business shall maintain a Hazardous Waste Generator license if required by the MPCA.
11. There shall be no miscellaneous vehicle parts stored outside.
12. There shall be no more than two inoperable vehicles stored outside.

13. No vehicle shall be parked within the 10' parking/driveway setback from the property line.
14. All exterior lighting shall be directed away from the public right-of-way.
15. The business shall comply with Section 17, Subd 2 of the Zoning Ordinance regarding signs within the Commercial District. One free standing sign (maximum 164 sq. ft.), and one wall sign is permitted (maximum 1 sq. ft. of sign area for each linear foot of building frontage up to a maximum of 128 sq. ft.). Sign permits are required.
16. The septic drain field area shall be fenced off prior to and during any grading on-site, to protect the area from being compacted.
17. The applicant shall allow the County to inspect the property during normal business hours.
18. The applicant shall comply with all federal, state, and local laws and regulations.
19. This IUP is issued to Chenny Auto Inc. and shall expire with a change in ownership.
20. The Planning Commission has made the findings in Section 18, Subd 6, item 4 of the Zoning Ordinance.

Planning Commission Discussion Followed:

Lawrence asked about Staff Comments #10 and #11 and if these were missed in the Recommended Conditions.

Schneider stated that #2 in the Recommended Conditions addresses Staff Comment #10. Then, #7 in the Recommended Conditions addresses item #11 from the Staff Comments.

Adams asked what are the (10) dealers mentioned and why the limit is (10).

The applicant, Brian Chenberg, 13673 Superior Ct, Rogers, MN came forward.

Chenberg stated that this is limited to (10) due to building size and the requirement of 5 parking spots per office rental.

Adams asked what a dealership refers to, as referenced with the (10) dealerships.

Chenberg described that a dealership has a separate office where a customer can go, and the dealership must keep records for the state to inspect. This is a 10x10 office and if a car is sold, it can happen there, and the records can be kept there. There are 5 parking spots for each dealer.

Lawrence stated that a majority of these sales are online sales and that very few vehicles will be on site. To do online sales, there needs to be a location.

Chenberg stated that for a Minnesota dealers license, you must have a commercial property leased or owned.

Lawrence added that Chenny Auto operates another similar business directly across the street from this location. This is an additional location.

Lawrence opened the Public Hearing.

No one from the Public spoke.

Demeules moved to close the Public Hearing. Spencer Seconded. The motion carried and the Public Hearing was closed.

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Nelson moved to recommend approval of the IUP with the (20) Conditions. Jehoich seconded.

Conditions:

1. A building permit is required from the Planning and Zoning Department. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
2. The applicant is required to submit a stormwater and draining plan that complies with both County (Zoning Ordinance Section 17.1) and Township drainage requirements. A Stormwater and Erosion Control Permit from the Planning and Zoning Department is required prior to any land disturbance.
3. The applicant shall maintain a Dealer's License from the MN Dept. of Public Safety and comply with all license requirements.
4. Vehicles for sale or stored on the property shall be limited to passenger vehicles and light-duty trucks.
5. Adequate off-street parking shall be available for business use. At a minimum, (1) parking stall shall be provided per 250 sq. ft. of office space floor area per Sect 17, Subd 2(10K) of the Zoning Ordinance; and (5) parking stalls shall be assigned to each auto dealership per MN Statute 168.27, Subd 10. Each stall shall be 9' X 18' and signed according to the assigned business. Parking shall be on a durable surface, such as concrete, asphalt, or gravel (not grass or dirt).
6. There shall be a maximum of 55 vehicles stored outside on the property.
7. The applicant shall submit a grading & drainage plan for Township approval and obtain a driveway access permit from the Township prior to the County issuing a building permit.
8. There shall be a maximum of 10 auto dealerships.
9. Mechanical vehicle repair, auto body repair, and painting shall not be permitted.
10. If any vehicle is brought on-site leaking fluids, fluids must be promptly drained and properly disposed. The business shall maintain a Hazardous Waste Generator license if required by the MPCA.
11. There shall be no miscellaneous vehicle parts stored outside.
12. There shall be no more than two inoperable vehicles stored outside.
13. No vehicle shall be parked within the 10' parking/driveway setback from the property line.
14. All exterior lighting shall be directed away from the public right-of-way.
15. The business shall comply with Section 17, Subd 2 of the Zoning Ordinance regarding signs within the Commercial District. One free standing sign (maximum 164 sq. ft.), and one wall sign is permitted (maximum 1 sq. ft. of sign area for each linear foot of building frontage up to a maximum of 128 sq. ft.). Sign permits are required.
16. The septic drain field area shall be fenced off prior to and during any grading on-site, to protect the area from being compacted.
17. The applicant shall allow the County to inspect the property during normal business hours.
18. The applicant shall comply with all federal, state, and local laws and regulations.
19. This IUP is issued to Chenny Auto Inc. and shall expire with a change in ownership.
20. The Planning Commission has made the findings in Section 18, Subd 6, item 4 of the Zoning Ordinance.

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

Marc Schneider read the questions and Nelson provided the response as follows.

1. That the Interim 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, it will not, selling vehicles is allowed in this area.

2. That the establishment of the Interim 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, it will not, there are several businesses like this in the area.

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

Yes, this area is platted as commercial and industrial.

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 significant parking on this lot.

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, there will be no noise or mechanics done on this property.

The motion carried with all members voting in favor via roll call (Aubol, Adams, Lawrence, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #4-6:31pm

Minnesota Propane Association (Freshwaters United Methodist Church): Request for Interim Use Permit for a Highway Planned Unit Development for a non-profit use for Association Offices a Learning Center for MN Propane.

PID 30-462-0105, Address: 12475 273rd Ave NE Zimmerman, MN 55398. Legal Desc: Lot 1 Block 1 of Thank You Father in Section 4 of Livonia Township 5.35 Acres in the Urban Expansion Zoning District.

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD PACKET ATTACHMENTS:

- A. Aerial photo
- B. Written description of proposed use
- C. Proposed site plan

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D. Proposed building plans

LIVONIA TOWNSHIP COMMENTS: (February 24, 2020) Recommended Approval with the following comments:

- The purpose is good for the community
- There will be an opportunity for potential jobs
- It is better for the building to be used
- Lighting will not change at this time

DEPARTMENT/AGENCY COMMENTS:

Jonathon Mason, MnDOT Senior Planner (February 19, 2020): Access to this property is being served via 273rd Avenue and it appears the new signage will remain outside of MnDOT's right of way. It doesn't appear land alterations are planned, but we would like to remind the applicant with MnDOT's standard comments:

- There shall be no net increase in storm water runoff to the U.S. Highway 169 right of way from said property. Computations of all storm water directed toward the right of way shall be provided to MnDOT. Contact Mark Renn, District 3 Permits Supervisor, at 320/223-6522 for additional information.
- Since the property abuts MnDOT right of way, a permit is required to perform any work in the State right of way. Contact the above-mentioned District 3 Permits Supervisor for additional information.

STAFF COMMENTS:

1. The applicant has requested an Interim Use Permit (IUP) application for a Highway Planned Unit Development at 12475 273rd Ave NW Zimmerman, which is formally the Freshwater United Methodist Church. They are proposing to locate two nonprofit entities at this location, the Minnesota Propane Association (MPA) and the Minnesota Propane Education and Promotion and Safety Council (MNPEPSC). The property will serve as space for Association offices, industry training facility, industry related learning center and community meeting facility.
2. The building will be used to house 3 full-time and 2 part-time employees and provide space for industry training and education related to propane. Training would include mostly classroom training of new and existing employees in the propane industry and would take place 3-6 days per month and up to 30 people per training (see packet attachment B).
3. The applicant is also proposing to do outdoor industrial training connected to the transportation of propane. No additional outdoor lighting is proposed.
4. In addition to serving the needs of the propane industry, the applicant wishes to continue using the building as a community meeting facility, which in providing space for township elections, public meeting facility for scouts and other community-based programs.
5. The applicant is only proposing some minor changes to the interior of the building as highlighted in packet attachment D.
6. The applicant is proposing to remove the existing sign on the property and install a new sign. No other exterior modifications are proposed. The applicant will continue to use the existing access to 237rd Ave NW.

RECOMMENDED CONDITIONS IF APPROVED:

1. In accordance with Section 16.2, Subd 5.16(5) of the Sherburne County Zoning Ordinance; a developer’s agreement must be signed with the township and/or the County as specified in the interim use permit.
2. This Interim Use Permit for a Highway Planned Unit issued to the Minnesota Propane Association for the purpose of Association offices, industry training facility, industry related learning center and community meeting facility and shall expire with a change in majority ownership of the business or sale of this property.
3. 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 an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.
4. Any signage shall comply with the sign ordinance, a sign permit is required.
5. Road access will remain via 273rd Ave no other road access is approved with this IUP.
6. The applicant shall allow the County to inspect the property during normal business hours.

Planning Commission Discussion Followed:

The applicant, Roger Leider, Minnesota Propane Association, 707 South 4th St, Princeton came forward. He stated that they are looking to move offices from Princeton to Zimmerman to enhance the training facility and they are looking forward to being a part of the community.

Lawrence asked if any additions to the building are proposed except for reconstruction inside.

Leiter said just some interior walls to make office changes.

Lawrence opened the Public Hearing.

No one from the Public Spoke.

Spencer moved to close the Public Hearing. Nelson seconded. The motion carried and the Public Hearing was closed.

Spencer moved to recommend approval of the IUP with the (6) Conditions. Nelson seconded.

Conditions:

1. In accordance with Section 16.2, Subd 5.16(5) of the Sherburne County Zoning Ordinance; a developer’s agreement must be signed with the township and/or the County as specified in the interim use permit.
2. This Interim Use Permit for a Highway Planned Unit issued to the Minnesota Propane Association for the purpose of Association offices, industry training facility, industry related learning center and community meeting facility and shall expire with a change in majority ownership of the business or sale of this property.
3. 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 an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.

4. Any signage shall comply with the sign ordinance, a sign permit is required.
5. Road access will remain via 273rd Ave no other road access is approved with this IUP.
6. The applicant shall allow the County to inspect the property during normal business hours.

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

Marc Schneider read the questions and Spencer provided the response as follows.

1. That the Interim 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, the proposed use is not injurious and won't diminish and impair values within the immediate area. The applicant is proposing to use the property in a manner similar to what has existed on this property prior. No new development is proposed the property will be used as office space for meetings and public gatherings.

2. That the establishment of the Interim 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 proposed IUP will not impede normal and orderly development of this property or surrounding vacant property, there are no plans to expand the development of this property, this is the repurpose of an existing building that serves the residents in this area.

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

Yes, this property was developed as a church and had adequate parking, drainage and road access established when it was first developed.

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, the applicant has sufficient parking space to accommodate the proposed use in accordance with County and State standards.

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 will not cause offensive odor, fumes, dust, noise and vibration to the immediate area. Adequate parking is proposed, and minimal training will be done outside.

The motion carried with all members voting in favor via roll call (Aubol, Adams, Lawrence, Jehoich, Schlingmann, Spencer, Nelson, Demeules, Vandereyk) and the IUP is recommended to the County Board for approval.

Agenda Item #5-6:42pm

Amendment to the Sherburne County Zoning Ordinance: Amend Section 7, Agricultural District, Subdivision 6.3 Dimensional Regulations (Minimum Setbacks, Principal or Accessory Structures) reduce side and rear setback regulation for platted lots, non-farm housing abutting agricultural land. Currently 250ft setback, propose change would make it 100ft.

Nancy Riddle, Zoning Administrator, presented the request to the Planning Commission including the board packet, attachments and comments.

BOARD’S PACKET ATTACHMENTS:

- A. Draft Zoning Ordinance Section 7, Subd. 6.3

STAFF COMMENTS:

Planning and Zoning staff is seeking to amend the Sherburne County Zoning Ordinance to reduce the required 250ft setback from a house to a property line that abuts agricultural land to 100ft. In Sec. 7 (Agricultural District), Subd 6 (Dimensional Regulations) of the County’s Zoning Ordinance the minimum setback for a house on a platted parcel created after 1996 is 250ft.

Any new subdividing of land in the Agricultural District less than 40-acres can only be done through the Simple plat process, which restricts development to a maximum of 3 lots, 5-acres in size that are heavily wooded or have an existing house on the lot. These development standards were put in place to protect farmland in our Agricultural Townships. But what we are finding is the 250ft setback often cuts into the farmland to achieve this setback. We are proposing to change the setback for a house on a platted lot from 250ft to 100ft.

TOWNSHIP COMMENTS:

Santiago Town Board (02/09/2020): Yes, we agree the setback required from a home from the abutting property line should be reduced from 250’ to 100.

Palmer Town Board (02/11/2020): Yes, we agree the setback required from a home from the abutting property line should be reduced from 250’ to 100.

Clear Lake Town Board: Comments not received.

Haven Town Board: Comments not received.

Section 7, Subd 6.3:

Minimum Setbacks, Principal or Accessory Structures:

Platted Lots:

Front, Platted Lots (from right-of-way):

Township Road:	67
County Road:	50
County State-Aid Hwy.:	70

Highways 24 or 25:	80
Highways 10 or 169:	100
Interior Side:	10*
* <i>Author's note: If property owner is proposing to go closer than 20 feet from side lot line, applicant will either need a survey or a signed statement from a neighbor stating they both agree on the property line, then you may be only as close as 10 feet.</i>	
Side or rear:	25, if not abutting agricultural land
Side or rear, non-farm housing abutting agricultural land	
(if platted after June 6, 1995 250 <u>100</u>	
Side or rear, accessory structures abutting agricultural land:	50
Side or rear from Sherburne National Wildlife Refuge or publicly owned land in the Sand Dunes State Forest.	100

Planning Commission Discussion Followed:

Schlingmann asked if a Public Hearing is required on this tonight.

Lawrence stated that this is required.

Schlingmann stated that he would like to hold the Public Hearing, but table action on the request for tonight until the Board is together and can meet face to face for genuine discussion. He stated that he is looking at the purpose of the Agricultural District and part of this prevents scattered, non-farm growth and this proposal flies in the face of that. Schlingmann stated that he is not in agreement with how this is structured right now.

Schlingmann made a motion to table this item. Spencer seconded.

Motion to table failed, 4 votes in favor (Aubol, Adams, Schlingmann, Spencer) and 5 votes against (Lawrence, Jehoich, Nelson, Demeules, Vandereyk).

Lawrence opened the Public Hearing.

Vandereyk stated that the Clear Lake Town Board discussed this at their last meeting and is in favor of moving to the 100 ft setback, but there was some concern about impacting feedlot restrictions as published in the General Development Ordinance.

Riddle stated that this would not impact feedlots. This is just for non-farm housing from the side or rear setback. Feedlots have their own setbacks and rules.

Vandereyk also asked if the 250ft setback for feedlots remains in place.

Riddle stated that the feedlot setback would remain in place.

Lawrence confirmed that this would not affect feedlots. Those would remain the same.

Riddle added that the feedlot has its own chart; it's in another part of the Ordinance.

Schneider confirmed that Section 17, Subd 16 states the setback of 660ft from residential platted lots and 250 ft from the property line if more than 50 animal units. There is no change proposed to the feedlots.

Riddle added that this is only talking about a setback from the house to the property line that abuts an Agriculturally used piece of land.

Adams asked if the staff has addressed just concern over preserving the Agricultural area by reducing this restriction. How can we justify that?

Schlingmann stated, we can't.

Riddle stated that it goes both ways. Sometimes there are topographical things that go into play when there is a lot is platted. It could be that the house is already there, and it's being platted off. We see this a lot in the Agricultural District where there is already a house there and they want to plat it off from the farm field. There is a recent case where the current setback of 250ft meant that they were going to have to go another 300 ft into the farm field which impacted the irrigation system and also took a lot of the field out of operation. You can see it both ways when sometimes it's not needed, but we do see it a lot when it's an impact.

Schlingmann stated that you can still give relief through the Variance process for platting that lot as a unique geographical consideration to that particular lot. Without diluting the protections to the Agricultural district by leaving the 250 ft setback. These minimal, specific examples with an existing house can be done through a Variance. By changing this to a 100 ft setback, this then will be across the board, even with new construction and can result in a long, narrow 5-acre lot along road frontages. This does nothing to protect the Agricultural district as it's set up. This only impacts about 4 townships that have the Agricultural land, and this was set up to protect the farm ground, not to make it easier for speculators to build non-farm development. This is a needless amendment and erodes the protection of the Agricultural district.

Waytashek suggested that the wording be changed to allow the 250ft setback on lots that don't have a house on them. But with an existing farmhouse that is being platted as a remainder of a larger piece, then you could go with the 100ft.

Jehoich stated Santiago Township is in favor of this because they are finding that with the 250ft setback it's cutting into the Ag land and is eliminating a lot of the land for farm use and causes problems with the irrigation wheel. Changing this will solve the problem with the irrigation wheel. Otherwise, with the 250 ft setback you have to reroute the wheel which is quite expensive.

Schlingmann stated that its making it easier to allow for non-farm uses in the Agricultural area. This counters what the Agricultural District is set up to do, to stabilize and preserve large tracks of land for farming, not to promote non-farm dwellings out in the Agricultural area. You're either a farmer or a developer.

Jehoich said that large farmers are buying up small farms. They can't get renters or buyers for the homes due to this and the result will be empty, uncared for buildings.

Adams suggested that the members consider the idea that Waytashek brought up, with allowing the setback for existing buildings.

Spencer stated agreement with Adams.

Lawrence asked for any further comments. There were none.

Schlingmann move to close Public Hearing, Adams seconded. The motion carried and the Public Hearing was closed.

Schlingmann asked for confirmation that the Public Hearing was on the language proposed by staff.

Lawrence confirmed this to be correct.

Schlingmann asked if the language was changed, per the suggestion that Waytashek stated, would we need to vote this down and then come back with another Amendment Request and another Public Hearing?

Riddle agreed with Schlingmann that this would be the case.

Lawrence stated that any new language will need a new Public Hearing.

Schlingmann made a motion to disapprove this amendment. Adams seconded.

Motion fails, 4 votes in favor of disapproving (Aubol, Adams, Schlingmann and Spencer) for 5 votes against disapproving (Lawrence, Jehoich, Nelson, Demeules and Vandereyk).

Jehoich moved to approve the Amendment as published, Nelson seconded.

Motion carries with 6 votes in favor of approving the Amendment as published (Aubol, Lawrence, Jehoich, Nelson, Demeules, Vandereyk) and 3 votes against (Adams, Schlingmann and Spencer).

The Amendment to Zoning Ordinance Section 7, Subd. 6.3 is recommended for approval to the County Board as Published.

Closing:

Jehoich made a motion to adjourn the meeting. Nelson seconded. The motion carried and the meeting was adjourned at 7:03pm.

Submitted by Carrie Winter, Secretary

