

**SHERBURNE COUNTY**  
**PLANNING ADVISORY COMMISSION MEETING**  
**MINUTES**  
April 19, 2018

The Sherburne County Planning Advisory Commission met at the Sherburne County Government Center in Elk River, Minnesota on April 19, 2018 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.

Schlingmann called the meeting to order and advised that the Planning Advisory Commission is a recommending body to the County Board of Commissioners which will hear the agenda items on May 1, 2018 in this same location at 4:45 PM. He also went over the meeting procedures and noted that the hearings are being recorded.

Roll call was taken. The following members were present: Vice-Chair Jeff Schlingmann, Haven Township; Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township, Stephen Demeules, Palmer Township; County Board Commissioner Ewald Petersen; Alternate Jay Swanson, Baldwin Township; Bryan Adams, Orrock Township; Bruce Aubol, Big Lake Township, Terrance Vander Eyk, Clear Lake Township, David Jehoich, Santiago Township; Staff present: Zoning Administrator Nancy Riddle, Assistant Zoning Administrator Lynn Waytashek, Planner Marc Schneider, Assistant County Attorney Tim Sime, Secretary Judy Weber.

Not present: Chairperson Bryan Lawrence, Baldwin Township;

Spencer moved and Adams seconded to approve the agenda for the April 19, 2018 public hearing. The motion carried.

Demueles moved and Adams seconded to approve the minutes of the March 15, 2018 Public Hearing. The motion carried unanimously.

Commissioner Bruce Aubol stepped down for the following next two agenda items.

1. 6:30 PM *Continued Item:* A meeting was held at the request of **BEVERLY A. AUBOL** for Final Residential Standard Plat approval of "Heritage Trail Fourth Addition" consisting of 8 lots and 5 outlots Legal: Outlots D and G Heritage Trails and Outlot A Heritage Trails 3<sup>rd</sup> Addition Sec 19, Twp 34, Rge 27 Orrock Township 21.39 acres General Rural District and within the Natural Environment Lakeshore District of Heritage Lake 71-86

Lynn Waytashek presented the request to the Planning Commission and reviewed with them the following packet attachments, comments and recommended conditions if approved:

**Boards Packet Attachments:**

A. Final Plat dated Feb 2, 2018

B. Final Grading and Drainage Plan dated Jan 4, 2018

**Orrock Township Comments:** Township is aware platted roads are not constructed. They will be required when future development occurs. All County requirements are met (10/25/17).

**Mike Nielson, Township Engineer (March 28, 2018)** – Recommending that the 4<sup>th</sup> & 5<sup>th</sup> Additions to Heritage Trails be approved pending signature of the Developer’s Agreement with the following conditions (1) No further platting be allowed until the roadway improvements for 246<sup>th</sup> Ave NW from 190<sup>th</sup> St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements. (2) No further platting be allowed until the roadway improvements of 190<sup>th</sup> Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance with the Township requirements.

In addition, the Township Board will have to approve the stormwater treatment improvements that were approved with the preliminary plat several years ago. At that time, the stormwater treatments met current requirements of Sherburne County which included detention of 1/2” of rainfall. The current requirements include detention of 1” of rainfall which would require doubling the size of the ponds that were previously constructed. This is a unique situation where the roads and stormwater improvements were constructed without all of the land adjacent to these roadways being final platted. Due to the unusual circumstances with these 2 plats it would be my recommend to consider the prior stormwater improvements adequate and require no additional ponding.

**Other Department / Agency Comments:**

**David Roedel, Deputy County Engineer (April 9, 2018)** – I reviewed the existing conditions on CR 75 and bypass and turn lanes exist at 249<sup>th</sup> Ave NW, which is the entrance to Heritage Trails 4<sup>th</sup> & 5<sup>th</sup> Additions. Public Works has no concerns with the proposed plat.

**Russ Heiling, County Surveyor (March 6, 2018)** – Plat conforms with the survey requirements of their respective preliminary plats.

**Amy Rowan, County Auditor’s Office (Aug. 16, 2017)** – No issues

**Staff Comments:**

1. Heritage Trails received preliminary plat approval from County Board in 2004. Heritage Trails Third Addition received preliminary plat approval from County Board in 2009.
2. The County has issued a Stormwater Permit for the plat and has a copy of the NPDES permit.

**Recommended Conditions if Approved:**

1. Park fees for 8 lots at \$800 per lot = \$6,400
2. No further platting be allowed until the roadway improvements for 246<sup>th</sup> Ave NW from 190<sup>th</sup> St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements.
3. No further platting be allowed until the roadway improvements of 190<sup>th</sup> Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance

with the Township requirements.

4. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance

Beverly Aubol, 24848 188<sup>th</sup> St. NW, Big Lake, MN came forward.

Schlingmann asked if she has read the recommended conditions and is in agreement.

Aubol replied that she understands the conditions and concurs with them.

Schlingmann advised this final plat does not require a public hearing. He asked the Commissioners if they had any comments or questions.

There were no comments.

*Adams moved and Nelson seconded to recommend approval of the request for Final Residential Standard Plat approval of "Heritage Trail Fourth Addition" consisting of 8 lots and 5 outlots and with the following four conditions:*

1. *Park fees for 8 lots at \$800 per lot = \$6,400*
2. *No further platting be allowed until the roadway improvements for 246<sup>th</sup> Ave NW from 190<sup>th</sup> St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements.*
3. *No further platting be allowed until the roadway improvements of 190<sup>th</sup> Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance with the Township requirements.*
4. *Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance*

*The motion carried unanimously and is recommended to the County Board for approval.*

2. 6:35 PM *Continued Item:* A meeting was held at the request of **BEVERLY A. AUBOL:** (Aubol Family LP is property owner) for Final Residential Standard Plat approval of Heritage Trails Fifth Addition consisting of 2 Lots and 7 Outlots PID #'s 35-019-3200; 3101; 35-502-0010; 05-124-1401; 05-124-4401 Sec 19, Twp 34 Orrock Township, Rge 27 and Sec 24, Twp 34 Becker Township, Rge 28 (full legal on file) 40 acres General Rural District

Lynn Waytashek presented the request to the Planning Commission and reviewed with them the following packet attachments, comments and recommended conditions if approved:

**Board's Packet Attachments:**

- A. Final Plat dated Feb 28, 2018
- B. Final Grading and Drainage Plan dated Jan 31, 2018

**Orrock Township Comments:** Township is aware platted roads are not constructed. They will be required when future development occurs. All County requirements are met (10/25/17).

**Mike Nielson, Township Engineer (March 28, 2018)** – Recommending that the 4<sup>th</sup> & 5<sup>th</sup> Additions to Heritage Trails be approved pending signature of the Developer’s Agreement with the following conditions (1) No further platting be allowed until the roadway improvements for 246<sup>th</sup> Ave NW from 190<sup>th</sup> St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements. (2) No further platting be allowed until the roadway improvements of 190<sup>th</sup> Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance with the Township requirements.

In addition, the Township Board will have to approve the stormwater treatment improvements that were approved with the preliminary plat several years ago. At that time, the stormwater treatments met current requirements of Sherburne County which included detention of 1/2” of rainfall. The current requirements include detention of 1” of rainfall which would require doubling the size of the ponds that were previously constructed. This is a unique situation where the roads and stormwater improvements were constructed without all of the land adjacent to these roadways being final platted. Due to the unusual circumstances with these 2 plats it would be my recommend to consider the prior stormwater improvements adequate and require no additional ponding.

**Becker Township Comments:** Becker Township recommended approval and submitted a copy of Resolution 2017 – 13.

**Other Department/Agency Comments:**

**David Roedel, Deputy County Engineer (April 9, 2018)** – I reviewed the existing conditions on CR 75 and bypass and turn lanes exist at 249<sup>th</sup> Ave NW, which is the entrance to Heritage Trails 4<sup>th</sup> & 5<sup>th</sup> Additions. Public Works has no concerns with the proposed plat.

**Russ Heiling, County Surveyor (March 6, 2018)** – Plat conforms with the survey requirements of their respective preliminary plats.

**Amy Rowan, County Auditor’s Office (Aug. 16, 2017)** – No issues

**Staff Comments:**

1. Heritage Trails received preliminary plat approval from County Board in 2004. Heritage Trails Third Addition received preliminary plat approval from County Board in 2009.
2. The County has issued a Stormwater Permit for the plat and has a copy of the NPDES permit.

**Recommended Conditions if Approved:**

1. Park fees for 1 lots at \$800 per lot = \$800
2. No further platting be allowed until the roadway improvements for 246<sup>th</sup> Ave NW from 190<sup>th</sup> St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements.

3. No further platting be allowed until the roadway improvements of 190<sup>th</sup> Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance with the Township requirements.
4. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance.

Beverly Aubol, 24848 188<sup>th</sup> St. NW, Big Lake, MN came forward.

Schlingmann asked if she has read the recommended conditions and is in agreement.

Aubol replied that she understands the conditions and concurs with them.

Schlingmann advised this final plat does not require a public hearing. He asked the Commissioners if they had any comments or questions.

There were no comments.

*Nelson moved and Spencer seconded to recommend approval of the request for Final Residential Standard Plat approval of "Heritage Trail Fifth Addition" consisting of 2 lots (1 existing residence) and 7 outlots and with the following four conditions:*

1. *Park fees for 1 lots at \$800 per lot = \$800*
2. *No further platting be allowed until the roadway improvements for 246th Ave NW from 190th St NW to the west limits of Lot 1, Block 1, Heritage Trails Third Addition (PID#35-502-0105) are completed in accordance with the township requirements.*
3. *No further platting be allowed until the roadway improvements of 190th Street NW to the north limits of Lot 1, Block 1, Heritage Trails Fifth Addition are completed in accordance with the Township requirements.*
4. *Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance.*

*The motion carried unanimously and is recommended to the County Board for approval.*

Commissioner Bruce Aubol resumed his seat on the Planning Commission.

3. *6:38 PM Continued Item:* A meeting was held at the request of **NORTH POINT PROPERTIES MN** for Final Residential Standard Plat approval of "Pine Crest Estates" consisting of 22 lots PID # 30-011-4300 W1/2 of SE1/4 (full legal on file) Sec 11, Twp 34, Rge 26 Livonia Township 67.57 acres

Lynn Waytashek presented the request to the Planning Commission and reviewed with them the following packet attachments, comments and recommended conditions if approved:

**Board Packet Attachments:**

- A. Final Plat

B. Proposed Final Grading & Drainage Plan (B1 – B3)

**Livonia Township Comments:** Recommended approval. Township Engineer, Nick Anderson of Bogart Pederson & Associates, letter dated April 5, 2018 states that he approves final grading and drainage plan. Zoning staff had concerns about water possibly flowing onto adjoining parcel. Township engineer responded that “The overflow from Pond #1 will not increase either the flow rate or additional quantity of water toward the depression on PID#30-011-4206 than the natural conditions before development.

**Staff Comments:**

- A. A portion of the property was previously a greenhouse and landscaping business. The County Board passed a resolution revoking the permit in 2008 (Doc#675526).
- B. The pipeline company has been notified by the applicant of the proposed road crossing. There is an “Encroachment Agreement” that the developer has signed. The County received an email from Daniel Gorman, Northern Natural Gas, dated April 5<sup>th</sup> that stated that “Northern Natural Gas has received a signed copy of the Encroachment Agreement . . . for the subdivision. . . Presently the encroachment agreement is being forwarded through our signing process. . . This proposal has received approval from our operations and engineering department and Northern is comfortable allowing construction to begin in the meantime. Once the Encroachment Agreement has been completed on our end we will forward a signed copy to Mr. Pool and submit the document to the County Recorder.”
- C. There is an existing well on Lot 9, Block 3 that will remain for the future house.
- D. Lot 10, Block 3 will be taking access off of 262<sup>nd</sup> Avenue located in the adjacent plat of Aspen Heights.

**Recommended Conditions if Approved:**

- 1. Existing access from Lot 9, Block 3 onto CSAH #4 must be removed. Access to CSAH #4 from Lot 1, Block 2 and Lot 9, Block 3 will not be permitted. Trees must be cleared in the right-of-way of CSAH #4. Access permit from Public Works Department will be required.
- 2. The developer shall provide adequate measures to ensure the protection of the existing wellhead on proposed Lot 9, Block 3.
- 3. Final plat must be recorded within one (1) year of County Board approval.

Sheldon Pool, 13148 269<sup>th</sup> Ave., Zimmerman, MN came forward.

Schlingmann asked if he has read the recommended conditions and is in agreement.

Pool replied that he understands the conditions and concurs with them.

Schlingmann advised this final plat does not require a public hearing. He asked the Commissioners if they had any comments or questions.

There were no comments.

*Spencer moved and Adams seconded to recommend approval of the request for Final Residential Standard Plat approval of “Pine Crest Estates” consisting of 22 lots and with the following three conditions:*

1. Existing access from Lot 9, Block 3 onto CSAH #4 must be removed. Access to CSAH #4 from Lot 1, Block 2 and Lot 9, Block 3 will not be permitted. Trees must be cleared in the right-of-way of CSAH #4. Access permit from Public Works Department will be required.
2. The developer shall provide adequate measures to ensure the protection of the existing wellhead on proposed Lot 9, Block 3.
3. Final plat must be recorded within one (1) year of County Board approval.

*The motion carried unanimously and is recommended to the County Board for approval.*

**Schlingman proceeded to read the Findings of Fact from Section 18 of the Zoning Ordinance into the record for the following two public hearings.**

4. 6:42 PM A public hearing was held at the request of **TODD A. AND MARGOT M. LORSUNG** for a Conditional Use Permit for a Personal Storage Structure PID # 40-416-0310 Legal Desc: Lot 5 Block 3 Cedar Point Sec 27, Twp 35, Rge 29 Palmer Township .14 acres Agricultural District and within the Recreational Shoreland Districts of Briggs 710146 and Rush 710147 Lakes

Mitch Glines presented the request to the Planning Commission and reviewed with them the following packet attachments, comments, including the revised staff comments, and recommended conditions if approved:

**Board Packet Attachments:**

- A. Aerial Photo
- B. Survey - also see revised survey dated April 12, 2019
- C. Building Plan – also see revised building plans dated April 12, 2019
- D. Site Photo

**Palmer Township:** Has no concerns with this CUP as presented. Good use of small lots.

**Other Department / Agency Comments:** None

**Revised Staff Comments:**

1. The applicant has submitted revised building plans and a survey for the personal storage structure. The revised building plans (stamped 4-12-2018) include a 28' x 33' building that meets all the required setbacks. The survey (stamped 4-12-2018) includes a 24' x 20' apron in front of the garage with a "ribbon" driveway that includes two (2) 2' wide strips equaling 4' x 47'. The 5' wide are between the two strips will be grass.
2. ~~The applicant is requesting a personal storage building, and has submitted a survey (attachment B) and building plans (attachment C) for a 30' x 36' (1,080 sq. ft.) building that complies with setback requirements, however the impervious surface calculations do not accurately account for the impervious surface that would be created by this project. (The applicant may be submitting a new plan prior to the public hearing that will adjust~~

- ~~the building size and driveway style to comply with the impervious surface requirement as set forth in the Zoning Ordinance).~~
3. At the time that this plan was submitted to Palmer Township for comment, the township was not aware that the submitted plan did not meet the 25% impervious surface requirement.
  4. ~~The applicant's survey shows the proposed driveway at 8' wide and the parking (apron) in front of the building at 3' x 27'. The County requires that the applicant show what will reasonably be used for impervious surface and staff believes that there should be at least a 9' wide driveway calculated for the purpose of impervious calculations and a parking and vehicle maneuvering area in front of the garage doors to be at least the width of the garage front and 20' in depth.~~
  5. ~~If the property owner reduces the size of the proposed building, then no variance should be needed. Any proposed structure for this CUP should comply with regulations without the need for a variance.~~
  6. The property is in the Shoreland Overlay District. Maximum amount of impervious surface area allowed in the Shoreland Overlay District is 25%. The proposed impervious surface will equal 24.8% which equates to approximately 1,592 square feet.
  7. The maximum amount of impervious surface area allowed on this lot is 1,605 sq ft.
  8. The applicant owns a house on Briggs Lake (PID 40-408-0330). The applicant is looking to build this personal storage building to park and store boats and ATVs.
  9. The property currently has no structures on it.

**Revised Recommended Conditions if Approved.**

1. The applicant must comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
3. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
4. A maximum height of the structure is 25 feet from the ground to the peak.
5. Applicant must maintain less than the 25% (1,605 sq. ft.) of impervious surface area on lot. The applicant is proposing 24.8 % (1,592 sq. ft.) of impervious surface. No additional impervious surface will be allowed.
6. The 5' wide area between the two (2) ribbon strips being used as a driveway must remain as grass and cannot be compacted.

Todd and Margot Lorsung, 11285 42<sup>nd</sup> St. SE, Clear Lake, MN, came forward to present their request. He explained they are trying to build a Personal Storage Structure to store some of their water equipment. Lorsung said they live on a small lot on Lake Julia and they do not have room for another garage. This lot is in Cedar Point and it was the closest one that was available for purchase. He said it is only 50' wide so it has been a challenge to construct a building that would fit and meet all of the requirements.

Mitch Glines advised he received new building plans and a new survey on April 12<sup>th</sup>. He explained how the applicant has reduced the size of the building and the construction of the driveway in order to meet impervious surface requirements for the Shoreland District and the zoning ordinance setbacks and building code requirements for this lot.



Glines said the applicant has received a copy of the revised recommended conditions.

Schlingmann asked the applicant if he was in agreement with those revised conditions.

Lorsung replied that he was.

Schlingmann opened the public hearing. There were no comments from the public.

Nelson moved and Jehoich seconded to close the public hearing. The motion carried.

The public hearing was closed.

Demeules said he would like to commend the applicants for working with the Zoning Office and being able to put the shed up without having to apply for a variance.

*Demeules moved and Spencer seconded to recommend approval of the request for a Conditional use Permit for a Personal Structure with the following six conditions:*

1. *The applicant must comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.*
2. *The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.*
3. *The Personal Storage Structure is not permitted to have plumbing or a floor drain.*
4. *A maximum height of the structure is 25 feet from the ground to the peak.*
5. *Applicant must maintain less than the 25% (1,605 sq. ft.) of impervious surface area on lot. The applicant is proposing 24.8 % (1,592 sq. ft.) of impervious surface. No additional impervious surface will be allowed.*
6. *The 5' wide area between the two (2) ribbon strips being used as a driveway must remain as grass and cannot be compacted.*

*The motion carried unanimously and is recommended to the County Board for approval.*

5. 6:20 PM A public hearing was held at the request of **BURGOYNE INVESTMENT HOLDING LLC** for a new Interim Use Permit to replace the existing Interim Use Permit # 51722 Doc # 793717 for a Used Auto Sales Business, by allowing more vehicles on site for sale to the public. PID # 30-022-2201 Property address: 12193 253<sup>rd</sup> Ave NW Zimmerman, MN Legal Desc: Th pt of W1/2 of NW1/4 as described (full legal on file) Sec 22, Twp 34, Rge 26 Livonia Township 2.1 acres Commercial District

Mitch Glines presented the request to the Planning Commission and reviewed with them the

following packet attachments, comments, including the staff comments, and recommended conditions if approved:

**Board Packet Attachments:**

- A. Aerial Photo
- B. Written Explanation of Request
- C. Site Plan
- D. Site Photos 1-3

**Livonia Township Comments:** Recommend approval with the following conditions – the lot that the six (6) cars are parked on must meet Sherburne County standards, the lot surface is to be maintained, preferably made of asphalt or, as an alternative, recycled tar, crushed granite, etc. Also, the Board would prefer the IUP to have provisions to require cars to be well maintained, drivable and presented in a neat and organized way on a maintained surface.

**Other Department/Agency Comments:** None

**Staff Comments:**

- 1. A CUP was approved in 2010 for an Auto Body Repair Shop in a Commercial District.
- 2. An IUP was approved in 2014 for a Business Selling Vehicles, Boats, or Farm Implements.
- 3. The septic system was evaluated in 2010 and passed compliance. A passing compliance is good for 10 years.
- 4. The applicant is requesting to add six (6) additional parking spaces for the sale of vehicles along US Hwy 169. Currently six (6) vehicles are allowed for sale behind the building bringing the total number of vehicles for sale to twelve (12).
- 5. Hours of sale will remain between 10am and 4pm Monday-Saturday.
- 6. The vehicles are proposed to be parked on packed gravel per the applicant.

**Existing and Proposed conditions for I.U.P. for a Business Selling Vehicles, Boats or Farm Implements (Underlined are the new proposed verbiage)**

- 1. The occupant shall maintain a Dealers' License from the MN Dept. of Public Safety, and comply with all license requirements.
- 2. Vehicles for sale or stored on the property shall be limited to passenger vehicles, light-duty trucks and trailers. There shall be a maximum of 6 12 vehicles for sale/stored on the property by the dealership
- 3. 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 the dealership per MN Statute 168.27, Subd 10. Each stall shall be 9' X 18' and signed for dealership parking.
- 4. Six (6) vehicles for sale shall be parked within the two-sided fenced area behind the building, identified on the applicant's site plan, dated July 17, 2014 and six (6) vehicles for sale in front of building where shown on Attachment C (for a total of 12 vehicles). Parking shall be on a durable surface, such as concrete, asphalt, or gravel (not grass or dirt). The rear parking surface area shall not be expanded (existing: 75' X 130').

5. There shall be no more than two inoperable vehicles stored outside on the property (excluding short-term customer parking for auto-body shop).
6. The business shall not be a processing facility for salvaged auto parts for scrap metal. 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.
7. No vehicle shall be parked within the 10' parking/driveway setback from the property line. Vehicles may be parked no closer than 20 feet from "the edge of" the right-of-way of US Highway 169.
8. All exterior lighting shall be directed away from the public right-of-way.
9. 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.
10. The septic drainfield area shall be protected from being compacted.
11. The applicant shall allow the County to inspect the property during normal business hours.
12. The applicant shall comply with all federal, state, and local laws and regulations.
13. This IUP is issued to Burgoyne Investment Holding, LLC and shall expire with a change in ownership.
14. The Planning Commission has made the findings in Section 18, Subd 6, item 4 of the Zoning Ordinance.
15. New IUP will replace existing IUP # 51722 Doc # 793717 which will be revoked when new IUP is recorded.
16. Cars for sale to be well maintained, drivable and presented in a neat and organized way on a maintained surface.

Mathew Burgoyne, 25962 140<sup>th</sup> St NW, Zimmerman, came forward to address the Board.

Adams said, right now you have a place for six vehicles and you want to go to twelve. He asked the applicant if twelve is going to be enough.

Burgoyne replied that it will be enough due to the mixed uses on the property which also includes a body shop and a mini-storage business. He said twelve cars is the limit on what he wants to allow.

Schlingmann noted that it looks as though he will be parking six cars for sale in parking spaces up front.

Burgoyne replied yes, six in the front and six in the back behind the building.

Schlingmann asked if he plans on blacktopping the front area.

Burgoyne replied it will be compacted gravel with crushed asphalt on top of that.

Schlingmann asked if the rest of the property is asphalt.

Burgoyne replied that some of the areas around the building are asphalt, but everything out back is gravel.

Adams asked if there is room up front for more than six cars.

Burgoyne said there could be, but a total of twelve on the property would be the limit and that business would have to look for another place if they wished to expand beyond that.

Schlingmann said it is his personal opinion that if Burgoyne is going to be in the business of selling more cars, the front area should be paved.

Burgoyne explained that the area they are in is actually quite low, and in some areas the pavement is just not performing well and it has been difficult to maintain.

Glines proceeded to go over the new conditions and reminded the Board that upon approval of this new I.U.P., the old one will be revoked.

Schlingmann opened the public hearing.

Gary Williams, 24824 117<sup>th</sup> St NW, Zimmerman asked if they plan on expanding to the adjoining property to the south and east.

Burgoyne, replied they will not be expanding to the next property. The business will stay on this parcel alone.

Riddle asked to clarify condition # 7 where it states "20' from the right of way". She said it should state 20' from "the edge of" the right of way.

There were no other comments from the public.

Nelson moved and Aubol seconded to close the public hearing. The public hearing was closed.

*Spencer moved and Nelson seconded to approve the request for a new Interim Use Permit to replace the existing Interim Use Permit # 51722 Doc # 793717 for a Used Auto Sales Business, by allowing more vehicles on site for sale to the public and with the following amended sixteen conditions including the correction to # 7 by adding "the edge of" the right of way:*

1. *The occupant shall maintain a Dealers' License from the MN Dept. of Public Safety, and comply with all license requirements.*
2. *Vehicles for sale or stored on the property shall be limited to passenger vehicles, light-duty trucks and trailers. There shall be a maximum of ~~6~~ 12 vehicles for sale/stored on the property by the dealership*
3. *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 the dealership per MN Statute 168.27, Subd 10. Each stall shall be 9' X 18' and signed for dealership parking.*
4. *Six (6) vehicles for sale shall be parked within the two-sided fenced area behind the building, identified on the applicant's site plan, dated July 17, 2014 and six (6) vehicles for sale in front of building where shown on Attachment C (for a total of 12 vehicles). Parking shall be on a durable surface, such as concrete, asphalt, or gravel (not grass or dirt). The rear parking surface area shall not be expanded (existing: 75' X 130').*
5. *There shall be no more than two inoperable vehicles stored outside on the property (excluding short-term customer parking for auto-body shop).*
6. *The business shall not be a processing facility for salvaged auto parts for scrap metal. 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.*
7. *No vehicle shall be parked within the 10' parking/driveway setback from the property line. Vehicles may be parked no closer than 20 feet from "the edge of" the right-of-way of US Highway 169.*
8. *All exterior lighting shall be directed away from the public right-of-way.*
9. *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.*
10. *The septic drainfield area shall be protected from being compacted.*
11. *The applicant shall allow the County to inspect the property during normal business hours.*
12. *The applicant shall comply with all federal, state, and local laws and regulations.*
13. *This IUP is issued to Burgoyne Investment Holding, LLC and shall expire with a change in ownership.*
14. *The Planning Commission has made the findings in Section 18, Subd 6, item 4 of the Zoning Ordinance.*
15. *New IUP will replace existing IUP # 51722 Doc # 793717 which will be revoked when new IUP is recorded.*
16. *Cars for sale to be well maintained, driveable and presented in a neat and organized way on a maintained surface.*

*The motion carried unanimously and is recommended to the County Board for approval.*

6. 6:30 PM **DISCUSSION ITEMS** Setback requirements under the Zoning Ordinance

Marc Schneider led a discussion regarding the County's current road setback requirements and some of the ramifications they are having including the large number of variances the Board of Adjustment has been approving. He gave a power point presentation with charts showing that the majority of variances we are seeing have to do with road and shoreland setback requests. On the road setbacks, 81% of those variances were on non-conforming lots, and the Board has been approving them at a very high rate. He commented that a common theme at any land use training is that if you are issuing particular variances at a higher rate, something may not be working within the ordinance.

Schneider stated that our road setbacks have been the same for a very long time. He explained there is a provision for non-conforming lots that exist under Section 17 General Regulations that allows you to line up with adjoining neighbors that are closer to the road. However, many times this provision does not play out correctly because many of the small lake lots have vacant lots next door which precludes them from getting that exemption. Schneider noted that 30 or 40 years ago, we would simply allow the setbacks to conform in general with the way the rest of the neighborhood looked. He displayed maps that show comparisons between the way standard lots have been built out using the standard road setbacks and the way nonconforming lots are unable to meet those same standard road setbacks. Schneider said communities have approached this differently, and some have taken the whole neighborhood, such as a perimeter or a block, to come up with an average setback.

Schneider gave a handout to the Commissioners on what road setbacks other Counties are using and also a Survey of Sherburne County Townships regarding their opinions on what should be done, if anything, with our road setbacks. He said he has also gone out to the townships in the past to have this discussion.

Baldwin – Did not return on the Survey

Big Lake – Leave it alone (Analyze on a case by case basis)

Blue Hill – Need to explore further (Lessen setbacks around the lakes)

Clear Lake – Leave it alone (No comments)

Haven – Need to explore further (Make setbacks uniform. Either from ROW or Centerline – not both; Also make uniform for platted and unplatted lots.

Livonia – Leave it alone (no comments)

Orrock – Must amend the Ordinance

Palmer – Need to explore further (Adjust footage; No variances needed if it is an existing and not getting closer to setback)

Santiago – Did not return survey (Chairman Stuart Nelson provided zoning office with general comments)

Schneider said this road setback topic has been coming to a head recently due to the volume of variance requests we are receiving and the idea being tossed around that we may need to start thinking about making adjustments in our Ordinance.

The following options to approach this were discussed with the Commissioners:

- 1 Amend setback to all roads (Township, County and County State-Aid)
- 2 Amend setbacks to Township roads
- 3 Amend Road setbacks only on nonconforming lots of record
- 4 Amend existing road setback exemptions to be more lenient

Schlingmann commented, that being on the Board of Adjustment, it has been rather exasperating hearing all of the variance requests for road setbacks and some of them very large setbacks. He said it just doesn't make any sense when we end up approving them time after time.

Demeules added that he has a problem with requiring a variance on an addition, that is actually further from a road, just because the existing structure is non-conforming.

Schneider agreed and explained that in 2005, they changed the state statute to read that any expansion to a non-conforming structure requires a variance. He pointed out that the variance applications doubled in one year after that change.

Schneider asked if there is a consensus on what to do with the conforming lots that have a 67' setback from the road right of way or a 100' setback from the centerline.

The Board agreed those road setbacks seemed to be a reasonable on standard sized lots.

Schlingmann also suggested when dealing with county and township roads, where their speed limits are similar, that the setbacks stay uniform.

Discussion continued on having the focus be on non-conforming lots and using lot size averaging as an administrative function of the zoning office to cut down on the number of variances being asked for.

Schneider said he will be discussing these and other options further with staff and eventually in front of the town boards and he is also open to any ideas the Commissioners may have once they have driven around to observe their townships and have given this more thought. He said he would welcome a call with any thoughts they may have.

Schlingmann commented that the bottom line is that even though the Townships may have their own opinions on this, and it is good to have this discussion, it is the County's Ordinance and they are the ones that have to make it work and enforce it.

Nancy Riddle added that they will also be working closely with the County Attorney's Office as these draft changes are being reviewed.

Schnieder agreed and said he recognizes that they do have some limitations on what can be amended.

Jay Swanson remarked that they have some really big problems coming up with the lots around

Lake Diann, Sandy and Elk Lake etc. In some areas you could literally knock on doors from the road. He said they would love to have this conversation due to the many different flavors of township roads. Some are in the platted areas but their biggest problems by far are with road setbacks having to do with the properties around the lakes.

Schnieder thanked the Commissioners for their feedback.

No action was taken.

7:05 PM Meeting Adjourned.

Respectfully Submitted by:

Judy Weber, Secretary