

# SHERBURNE C O U N T Y



*Sherburne County  
Planning Advisory Commission Meeting Minutes  
May 20, 2021  
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on May 20, 2021 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:

Chair, Bryan Lawrence, Baldwin Township; Vice-Chair, Bruce Aubol, Big Lake Township; Roger Nelson, Blue Hill Township; Todd Maloney, Livonia Township; Mike Ganz, Palmer Township; Bryan Adams, Orrock Township; Mike Pesch, Haven Township; Terrance Vandereyk, Clear Lake Township; Tim Dolan, County Commissioner

The following staff members were present:

Nancy Riddle, Zoning Administrator; Lynn Waytashek, Assistant Zoning Administrator; Marc Schneider, Senior Planner, Mitch Glines, Planner; Carrie Winter, Secretary; Dave Lucas, Solid Waste Administrator; David Roedel, Assistant Public Works Director/Deputy County Engineer.

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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 June 15, 2021 at 9:00am.

Aubol made a motion to approve the minutes from the April 15, 2021 Public Hearing. Nelson seconded. Motion carried and the minutes were approved for the April 15, 2021 Public Hearing.

Nelson made a motion to approve the Public Hearing agenda for May 20, 2021. Adams seconded. Motion carried and the Public Hearing agenda for May 20, 2021 was approved.

### Agenda:

1. **Justin and Melissa Massmann** Request to rezone the property from Agricultural to General Rural
2. **Carlson Farm** (Ziegler Custom Home Inc.) Requesting preliminary plat approval consisting of 9 lots.
3. **Core Exteriors LLC** (Branden and Pamela Hubbard) Requesting an Interim Use Permit for a Home Business in an Accessory Building
4. **Polacek Family Partnership** (Owners Jeffery and Carol Growth) Requesting an Interim Use Permit for a Large Contractor's Yard.
5. **Ryan Kirsling:** Request for an Interim Use Permit for Home Business in an Accessory Building – Auto Repair and Restoration
6. **Jeremy Hoffman:** Requesting a Conditional Use Permit for a Riding Stable and Horse Boarding Facility
7. **Craig Hart:** Requesting a Conditional Use Permit for a Personal Storage Structure.
8. **Mark Hart:** Requesting a Conditional Use Permit for a Personal Storage Structure.
9. **Robert Tjostelson:** Requesting a Conditional Use Permit for a Personal Storage Structure.
10. **Buenaventura Vista 3rd Addition** (Anderson Bros. Property LLC & Orton Properties LLC) requesting preliminary and final simple plat approval of two (2) lots.
11. **Anderson Bros. Property LLC** Request to rezone the property from Commercial to Industrial.

## Agenda Item #1-6:04pm

**Justin and Melissa Massmann** Request to rezone the property from Agricultural to General Rural

PID 10-136-3401, Address 14808 Co Rd 30 NW, Section 36 Big Lake Township 12.16 acres in the Agricultural Zoning 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. Zoning Map

**BIG LAKE TOWNSHIP COMMENTS:** (April 28, 2021) Recommends approval.

### **DEPARTMENT/AGENCY COMMENTS:**

City of Big Lake: No comment.

### **STAFF COMMENTS:**

1. The applicant has requested to rezone a 12.16-acre lot from Agricultural to General Rural.
2. The County's 2010-2030 Comprehensive Plan, Land Use Map identify this parcel as Rural Residential. Therefore, there is no need to amend the County's Comprehensive Land Use Map as the Zoning of General Rural is consistent with the Comprehensive Plan Rural Residential.
3. There is an existing house on this property and the applicant would like the opportunity to subdivide the property into two lots, which would be prohibited under Agricultural Zoning.
4. The land surrounding this property to the north and the east is zoned General Rural to the west it is Agricultural and to the south it is Mississippi Recreational. Most properties around this lot are currently used for residential purposes.

### **Planning Commission Discussion Followed:**

Lawrence asked why the property to the West is still zoned Agricultural instead of General Rural, it looks to be smaller parcels with single family homes?

Schneider replied this is a single family home and not for Agricultural purposes, it is classified as residential, but this is zoned as it is due to lines on the map when Zoning was done in 1994.

The applicant, Justin Massmann, 14808 Cty Rd 30, Big Lake, came forward.

Lawrence opened the Public Hearing.

Deanna Wirtz, 14900 Cty Rd 30, Big Lake stated that she is not against it, but would like to understand what they are doing to the land.

Schneider stated that the request is to alter the plan from Agricultural Zoning to General Rural Zoning. Agricultural Zoning has certain restrictions on lot size, lot width, etc. that would prohibit Massmann from further developing this property, say into 2 lots. General Rural would allow Massmann to subdivide the property if it complies with all of the platting requirements, into 2 lots.

Wirtz asked, "So everything else will stay the same out there, no rules will change?"

Schneider replied that it is just affecting this parcel of land.

Wirtz asked, "Will this just stay as one, not be divided?"

Schneider stated that this property may come forward at some point to be divided into 2 lots, but that is not on the agenda tonight.

Wirtz, asked, "If something like that happens, I will need to come back again?"

Schneider stated that there would be another public hearing at that time. The applicant can speak to that if this is an immediate or future plan. This gives the applicant the opportunity to subdivide the land as the applicant will comply with lot size and width.

Lawrence asked if this lot is non-conforming with the Agricultural Restrictions, even though it is zoned Agriculture?

Schneider stated that this is a legal non-conforming lot because it does not conform to the dimensional standards. This predates the establishment of the Ordinance of 1 per 40.

Wirtz stated that there is drainage here that affects her land and that needs to stay open otherwise she gets flooded out.

Lawrence asked Schneider if this would be affected?

Schneider stated that this is part of the platting, to confirm that neighboring properties are not being adversely affected. He asked Wirtz if she was referring to the ditch on the displayed aerial?

Wirtz stated that she had to make sure that this was open, had to put in drainage for her Zoning to go through. She doesn't want her place flooded if something changes.

Lawrence reiterated that the only time something would change is if they come back with a request to subdivide the parcel and the drainage would be looked at, at that time.

Waytashek asked how wide this lot is and if they wanted to split this lot in the future, the building in the center of the current parcel may need to be removed, is the applicant aware of this?

Schneider replied that this was discussed in the land division letter.

Lawrence asked Massmann if he intends to subdivide the parcel? To make a second lot? Third lot?

Massmann said there is not an immediate plan on how this would look but, in the future, turning this into 2 lots at some point in time is the thought.

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

Aubol made a motion to recommend approval of the rezone from Agricultural to General Rural. Pesch Seconded.

Waytashek asked if this motion included the Findings.

Lawrence stated that it would.

**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:

*Schneider read the questions and Aubol provided the response as follows.*

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

***Yes, the Comprehensive Plan, Figure 9.15 Future Land Use map identifies this property as Rural Residential.***

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?

***Yes, the property currently has a house on it and single-family housing is the primary use in the General Rural Zoning District.***

- 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, neighboring lands are currently zoned General Rural, Agricultural or Mississippi Recreational River District, all of which have similar permitted uses like single family housing.***

- 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 change in use is not expected to have any impact on existing public services.***

- 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?

***This property is vacant and is not within a Shoreland District. The proposed use of a single family house will not adversely impact natural resources. Any future development of the property will require permits from Sherburne County Planning and Zoning and all development must comply with all zoning, subdivision, and stormwater regulations.***

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

***No, the existing and proposed use will not impact an ecological or historically significant area.***

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

***Yes, this is a 12 -acre parcel and any future development of this parcel will require permits from Sherburne County and Big Lake Township and will be required to comply with all zoning, subdivision, and stormwater regulations.***

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

***This property is currently used for single-family residential and has adequate size to be subdivided into two parcels that would exceed the minimum 2.5 acre lot size in the General Rural Zoning District.***

*The motion carried unanimously and the Rezone request from Agricultural to General Rural is recommended for approval to the County Board with the Findings.*

**Agenda Item #2-6:15pm**

**Carlson Farm** (Ziegler Custom Home Inc.) Requesting preliminary plat approval consisting of 9 lots.

PID 01-013-4100 and 01-013-4101, Section 13, Baldwin Township 80 acres in the General Rural Zoning District.

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

**PLANNING COMMISSION’S PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Preliminary Plat (Date April 15, 2021)
- C. Preliminary Grading and Drainage Plans (April 15, 2021)
- D. Township Comments with attachments

**BALDWIN TOWNSHIP COMMENTS** (May 3, 2021) Recommend approval. (See Packet Attachment D 1-4)

**Bogart Pederson & Associates (Wes Davis), Baldwin Township Engineer** (May 3, 2021)

Upon review of the Stormwater Report, Soils Report and Grading Plan, everything looks to be compliant with Sherburne County's Zoning and Subdivision Ordinances. The MPCA and SWPPP requirements shall be met during construction.

Provided any additional comments made by the Township Board are addressed, I would recommend approval of the Preliminary Plat of Carlson Farms.

**DEPARTMENT/AGENCY COMMENTS:**

**David Roedel, Deputy County Engineer** (April 2, 2021)

- 1. The proposed Preliminary Plat meets the access spacing requirement on CR 38 of 330’.
- 2. The Sherburne County Public Works Department will require park dedication fees for the 9 new lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Department signing the plat mylars

**Russ Heiling, County Surveyor’s Office** (April 6, 2021)

- 1. Is there a plan for future connectivity of 98th Street NW?
- 2. All access to County Highways must be approved and permitted by the County Engineer. Please consult the County Engineer.
- 3. No title commitment was reviewed at this time.

**Mike Lindenau, County Ditch Inspector** (March 30, 2021) – I have no issues. Does not benefit from County Ditch.



**PLANNING & ZONING STAFF COMMENTS:**

1. This proposed preliminary plat consists of 9 lots on 80-acres.
2. No new roads will be constructed.
3. Lots 5 & 6 will have a shared access to County Road 38.
4. All 9 lots are over 5 acres in size and have at least 3.69 acres of buildable area.
5. There are no existing structures or septic systems on the property.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Park dedication fees for 9 lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
3. An Access Permit will be required prior to accessing County Road 38 and shall be constructed according to Public Works Engineering Standards.
4. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
6. 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:**

Lawrence asked about driveways on lots 5 and 6. In one map, reviewed at the Township Meeting these driveways are shown independent and on another set of plans, these are shown as combined. The last one that was talked about, it was discussed that the driveways would only be combined in the last 25 ft of the Right-of-Way.

Schneider stated that an updated map was provided following the Township meeting, this is dated May 3<sup>rd</sup>, and this is the one that should be used for the recommendations. The stormwater plan was NOT updated on May 3<sup>rd</sup>. The May 3<sup>rd</sup> map reflects the changes that the township wanted to see.

Sam Deleo, 13 11<sup>th</sup> Ave North, St Cloud came forward as representative of the application.

Vandereyk asked Baldwin township for clarification on the minutes from the April 28, 2021. The minutes state that "There are (2) wetlands in the NW corner and a couple of smaller wetlands are along CR 38 but there are no wetlands."

Schneider stated that this may have not included the word, "impact" and the result would be that there are no wetland impacts with this plat.

Adams asked if the lower floor elevation is lower than the 100 year flood.

Deleo stated that this can be below the 100 year flood elevation if this is a basement. He continued that the bottom structure or basement floor can be below the 100 year floor elevation.

Adams asked if this is common.

Deleo replied, "It is, the adjacent grade next to the foundation cannot be lower or the lowest opening of the house if there are windows, these cannot be below the 100 year elevation."

Lawrence opened the Public Hearing.

No one from the Public spoke. No written comments were received from the Public.

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

Lawrence reiterated that there have been adjustments made to the holding ponds as well as the driveways for lots #5 and #6. These driveways will be combined right at the Right-of-Way mark, across from 98<sup>th</sup> Street and it is going to be wider, so it matches the street on the other side. They will both have ample access to approach the street that they turn on. Baldwin township approves the plat at this time.

Nelson made a motion to recommend approval of the Preliminary Plat of "Carlson Farm" with the (6) recommended Conditions. Adams seconded.

Lawrence confirmed that Deleo understood the Conditions and can abide by them.

Deleo confirmed.

**CONDITIONS:**

1. Park dedication fees for 9 lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
3. An Access Permit will be required prior to accessing County Road 38 and shall be constructed according to Public Works Engineering Standards.
4. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
6. 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 unanimously and the Preliminary Plat of “Carlson Farm” consisting of (9) lots is recommended for approval to the County Board with the (6) recommended Conditions.*

**Agenda Item #3-6:22pm**

**Core Exteriors LLC** (Branden and Pamela Hubbard) Requesting a Home Business in an Accessory Building

PID # 15-464-0114. Legal Desc: Oak Savannah Second Addition, Lot 7, Blk 1. Sec 26, Twp 35, Rge 27, Blue Hill Township. 2.99 acres in the General Rural District.

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

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Written Description of Business
- C. Building Layout/Site Plan
- D. Site Photos (1-2)

**BLUE HILL TOWNSHIP COMMENTS** (April 19, 2021): Recommend approval.

**DEPARTMENT/AGENCY COMMENTS:** None

**PLANNING & ZONING STAFF COMMENTS:**

- 1. The applicant is requesting to use his accessory building as the office for Core Exteriors LLC. Core Exteriors has a total of 8 employees but only Mr. and Ms. Hubbard would work from the property. There is a small office on the second level of the accessory building that will be used for this business.
- 2. The only vehicle related to the business that will be their daily is a ½ ton pickup with trailer.
- 3. In the Spring the applicant will have his employees out to the site for training. No customers or employees will check into this property daily.
- 4. The applicant has not indicated that any business material or business waste will be generated from this property. This IUP is to allow the applicants to operate their office from the newly constructed accessory building.

**RECOMMENDED CONDITIONS IF APPROVED:**

- 1. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
- 2. Days & hours of operation shall be Monday thru Sunday, 8:00 AM - 7:00 PM.
- 3. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. All work must be conducted within the Accessory Building.
- 4. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
- 5. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.

6. The IUP is issued to Core Exteriors LLC, Branden and Pamela Hubbard and shall expire with a change in ownership of the property.
7. The applicant and/or property owner shall permit the County to inspect the property at any time.

**Planning Commission Discussion Followed:**

Pamela Hubbard, 15370 290<sup>th</sup> Ave NW, Zimmerman is the property owner and she is accompanied by the CEO for Core Exteriors, LLC.

Lawrence asked if Core Exteriors rents the building or if it is a part of the business.

Hubbard replied, "We own it."

Paul Selle, 12819 46<sup>th</sup> Circle NE, St Michael, stated that he did see the letters that were sent in by some of the neighbors and he would like to address a couple of those issues. Employees would have gone into Pella Windows, etc. for training. Due to Covid, they held these trainings at the facility and then one vendor would come in to do the training.

Lawrence asked which facility Selle is referring to? Zimmerman?

Selle, replied, that this is correct. They were located in Rogers, but the lease ran out on that building.

Selle continued, that as far as vehicles at the facility, the training sessions lasted 30-45 days, now everyone works out of their homes (Project Manager, Selle, Salespeople, etc.). Now, only himself or project manager will show up on-site, so this takes care of the vehicles being on the site, which was a comment from the public. Outside storage was another comment from the public. When finishing the building, contractors did not show up, so the product was outside. As of now, the building is complete, all product is in the building. There is a trailer behind the building. There are woods to the West and to the North of the building, this issue is also taken care of. The Hubbards own 3 vehicles, friends and family come back to facility as well, so you will see vehicles there. They were holding a sales meeting on Mondays, 9-11am on site. After feedback from the neighbors, they will now do Zoom calls for this so this traffic will not be there. Occasional traffic will be there per the application. Everything is subbed out, the contractors will go directly to the job site, all the product is delivered directly from the distributor to the site. None of these individuals will come to the office area. This office is not open to the public. The trash is minimal, if product is showing up for the business, this goes into regular trash as well as the typical office waste.

Lawrence opened the public hearing.

Wade Clausen, 15379 292<sup>nd</sup> Ave NW, Zimmerman, he owns the adjoining property to the North. He has many years and experience as a contractor. Clausen stated that Core Exteriors has applied  
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for home business classification and they are a general contractor. He understands that there are many home businesses out there that are smaller and according to the definition, they only have a total of 2 employees. This doesn't say 2 employees coming to the site. This application should have been classified as a Contractor's Yard. According to Sec 5, Definitions, for Sherburne County, this is a defined site where the business is contracting work for any of the building trades. Clausen has been to hundreds of Contractor's Yards in his experience and many years in the construction industry. A Contractor's Yard is an establishment that is primarily engaged in general contracting. This includes administrative offices, workshops, indoor and outdoor storage of material, equipment, and vehicles. This is the same description that is used by Law Insider, another source he used to verify that he was on the right track. Another reason they should be classified as a Contractor's Yard is the size of the operation, scope of work, number of employees (which is already above what a home business is) and under Sherburne County's definition. When Schneider did an onsite visit with Hubbard, he said, and his website says they have 11-50 employees. According to Clausen, Mr. Hubbard said that this includes subcontractors. This is another indication that he is a general contractor and that this should be a Contractor's Yard. On the application, he states that he has 8 employees. Once again, too many for a home business. He's got a lot of people that he is involved with and he can't believe that they won't visit the site eventually. This application doesn't meet the requirements of the Oak Savannah Second Addition Covenants. Item #25 reads that Businesses are restricted, no business or commercial use shall be permitted on any lot except for home occupations permitted by the County Zoning Ordinance and in compliance with the applicable laws and regulations. Clausen stated that his end goal is that Core Exteriors be treated like a general contractor just as they are portraying themselves to the public. He doesn't want to see a commercial application put into this Subdivision especially when it's not following the guidelines of Sherburne County.

Lawrence asked Schneider about the Covenants. Does the County enforce this or how is this interpreted?

Schneider stated that County enforces Ordinance, Covenants are a civil matter between the homeowner and the group enforcing that.

Lawrence stated that he wanted this included so that everyone is aware of the County's stance on this.

Nelson stated that when these applications come to staff, they decide what the use is.

Schneider stated that the applicants define their request. The applicant is not proposing to have (and as our Ordinance says) a site or parcel of land used for the storage or vehicles, equipment, and materials by a person in the trade. He has a personal truck and trailer, which is the only equipment proposed. There was not a request for exterior storage or deliveries of materials at the site nor to have the employees pick up equipment. If that would have been in the application, staff would have said, I don't think you have the right request. Schneider stated that he would like to clarify that there were things that have been done out there that are outside the bounds

of what would be permitted. With home business in an accessory building, having staff come out to train for a week on end is not something that would be permitted as a home business in an accessory building.

Lawrence asked, this would be a Condition. Correct?

Schneider replied that no more than 2 employees coming to the property, this is the limitation of a home business in an accessory building. The applicant provides the request and staff verifies that it's within the bounds.

Vandereyk stated that in regard to waste materials, the applicant said that if products come in crates or boxes, they are disposed of properly and on the other hand, there are not supposed to be product deliveries there.

Nelson added that it goes right to the job sites.

Selle stated that the people that are working for Core Exteriors are 1099. The employees are Selle and the Project Manager. Materials go from the manufacturer or distributor then right to the site. Regarding waste materials, he was referring to office materials when he was describing this, computer paper, Amazon deliveries, etc.

Adams asked if we should be considering covenants even if we do not enforce the covenants?

Nelson stated that if the covenants have not been renewed, they expire after 10 years.

Riddle stated that she had talked with the attorney's office today and we can't deny based on covenants. Though we would like to respect them, it's not something that we can base our approvals on.

Lawrence asked how long the development had been there and if original developer still owns these lots today?

Nelson stated that the developer declared bankruptcy.

Lawrence asked if those covenants still stay with the land.

Nelson said that they are recorded with the plat, but they do expire if no one takes the initiative to renew them, they will go away.

Aubol stated that the spirit of a home business is that this is operated by the homeowner, is that the case here?

Schneider stated a home business allows up to 2 employees, Branden Hubbard is the operator. His CEO comes in 2 days a week and his senior sales manager may come in 2 days a week; those are the 2 employees.

Aubol asked for clarification that the business owner is on site operating the business?

Pamela Hubbard stated that Brandon works out of the office. He is not able to be here because he sits on the Contractor's Association of Minnesota and he is at a Board Event tonight.

Lawrence asked who owns business?

Hubbard replied that she and Branden own the business.

Aubol asked if they are also the owners of the residence.

Hubbard replied, Yes.

Lynn Clausen, 15379 292<sup>nd</sup> Ave NW, Zimmerman, owns the adjoining lot to the North of the request. She stated that the covenants are enforced and travel with the land, no matter how many owners or developers. They do not expire when a developer sells off the lots. They expire after 30 years if 2/3 of the lot owners say they should expire. In regard to enforcing covenants, it is accurate that the County does not enforce, however, the law says that if they conflict, the stricter of the two shall apply. With regard to their set of comments, that the Hubbard's made in the application, he states that there will be (5) half-ton trucks there. He is covering his bases because they will be there. Foreman will be there; subcontractors will be there. What will the number of subcontractors involved in this business be, up to 50, which he admitted to Marc Schneider? They have to come on site. When the foreman starts a job, they need to know the scope of the project. They get the marching orders there. There are deliveries there. Yes, she can excuse the big picture of the parking lot there, but these are the same vehicles that she sees there over and over again. He admits to 8 employees and says that there will be 5 trucks there. There are many in the neighborhood that do not want a big business, a major contractor. 50? This is no way near 2 employees. There is nowhere in the ordinance where it states that employees need to be on site, 8 hours a day, 40 hours a week.

Alyssa Battles, 15397 292<sup>nd</sup> Ave NW, Zimmerman. Her lot is to the North with all of the trees. She has a lot of concerns; she did not move here with her husband to start a family and have a construction business in her backyard. She has only been here since September and now there will be all of these trucks here, and a parking lot. Is a parking lot going to be put up and how close to her house will that be? Are they tearing down some trees? What are the plans for the back end of the property that is near her land? She works at home for a call center, how many subcontractors are going to be coming in and out? How many deliveries will there be? With her job she does not have leeway to take a break from work when they are getting garbage picked up, moving vehicles, whatever may be going on. In talking with her neighbors, this seems out of Sherburne County Planning Advisory Commission Minutes  
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left field, seems like a slap in the face, she doesn't want a giant business in her back yard or in her neighborhood, she didn't move there for that. For the training, if you say 2 people, is this the owner and 2 additional people on top of that? So, 4 in total?

Schneider stated that the Ordinance states there may be no more than 2 FTE employees other than members of the household residing on the premise.

Battles stated that this seems fairly specific and when it comes to training, will you have 15 people there for 6 hours because you can get away with it? This doesn't seem fair, is she supposed to keep track of the cars and their license plates, whether they are coming in and out, if that's a delivery, a subcontractor, their friends, and family? It feels like there are blurred lines that they can get away with.

Lawrence confirmed the location of Battles' lot, is this to the North? On a completely different street? If you look at the map, the driveway for the shed is all mapped out.

Battles asked if the marked area will be a parking lot and will there be vehicles coming and going? This is her concern, if she wants to do anything with her land, and push out the woods to give herself a bigger back yard, when she wants her family, she wants to start clearing that out and how much room is she going to have?

Lawrence replied that she will have to her property line and can clear out the woods. Where this building is and where the parking lot is, is not encroaching on Battles' property. He deferred to Hubbard on whether there will be any further development to the back of the building.

Hubbard stated that all trees that will be cleared have been cleared. The trailer is the only thing that is there. The company owns 4 vehicles of which 2 are off site with employees. Only the personal vehicles that are owned by the company, that they are driving, will be on the land and a vehicle that their child drives. The trailer is stored there when it is not in use at a job site. No overflow materials are stored there, only some materials that are handed out to clients and distributed to the sales staff as needed. The sales staff works from home.

Selle reiterated that there is a difference between 1099 and W-2 employees. W-2 employees show up and 1099 is what they do. Their subcontractors have their own parking lots, own employees, they go directly to the sites, they do not come to the facility. Everything is done by email and by checks. As far as training, they had to get out of the Rogers area. They have heard the neighbor's comments and now everything is done by Zoom. They couldn't go to trainings at the vendors because of Covid. There have been changes on the website, the sales staff went from 8 to 4, there are only 6-7 people now. There will not be traffic there, there won't be a concrete parking lot, it is a driveway and it will hold 2 cars on the left side.

Lawrence asked if he included Mr. and Mrs. Hubbard, when Selle says 7-8 employees?

Selle confirmed that this is the case.

Riddle asked about half ton pick-ups, the application states 5 pick-ups, is this accurate?

Hubbard clarified, there are 3 half-ton pickups, her SUV and her son's vehicle.

Riddle asked, so not 5 pickups.

Hubbard stated, No.

Schneider stated that the Planning Commission members had received Public Comments that were submitted in writing and an additional comment came in for the record. He also noted that Wade Clausen had submitted a written comment and spoke tonight at the Public Hearing.

Lawrence asked which was Clausen's lot. To the East of Battles, without the trees?

Mr. and Mrs. Clausen confirmed.

Schneider read the following into the record from Lori and Dave Stevens at 15398 292nd Ave NW Zimmerman, Mn. They are on vacation and had submitted a comment that was sent to the Planning Commission members. This is an additional comment:

*One more thing. He IS running a Contractor business. NOT a home base business. Which I believe is NOT eligible for a permit. Am I wrong? Are you sure he's being truthful with Sherburne Co? Better to know now than later.*

*Regards,  
Lori and David Stevens*

Lawrence asked if any comments came from anyone who lives on 290<sup>th</sup> Street, the same street that the Hubbards live on?

Schneider stated no.

Battles stated that these lots are undeveloped.

Lawrence replied that they are built on now.

Nelson stated that there is a tree buffer between Battles' property and the Clausen's said that there were several vehicles there. That building was built in late fall, these vehicles were those that were building the building on the property, not subcontractors. Nelson added that someday Zoom will end.

Adams added that he is struggling with this, he's been in construction business for years and you have to communicate with your subcontractors. It's tough to do it electronically. He thinks that the probability of contractors coming out for meetings is very high. He thinks that we are setting this up for an enforcement issue down the road. He understands home business and wants them, if we can, but this is stretching the definition with this application.

Nelson said the use is going to be the same, no matter what you call it.

Mr. Clausen added that fact that they are a general contractor sets the precedent for the Ordinance that would take place for this classification. He is trying to say that he is not a general contractor, but he is a general contractor and he said it, he deals with subcontractors, he sends the people out and that falls under a specific specification and a specific process.

Selle stated that they have not had 1 subcontractor come to the office, they go directly to the site and everything is done through project manager on the site.

Nelson made a motion to close the public hearing. Ganz Seconded. The motion carried and the public hearing was closed.

Nelson made a motion to recommend approval of the IUP for Home Business in an Accessory Building with the (7) Conditions. Aubol Seconded.

Lawrence confirmed with the Mrs. Hubbard that she is aware and can abide by the (7) Conditions.

Mrs. Hubbard stated, Yes.

Pesch stated that he is relying on #5 so that if the issues of the speakers come to fruition in terms of noise, in terms of disturbing activity. He believes this is stretching the definition of a home business-he's thinks of someone who is doing taxes. This emphasis is that this should be quiet activity, and you don't notice that it's a business, this is his perception of a home business. The activity that is being described is a Contractor's Yard, but he is not sure if there is evidence of this yet. If this comes to be the case if the future, he believes that enforcement will be necessary. He doesn't know how much oversight there is after the fact but believes that the neighbors and residents will call attention to it. What we are being promised tonight is that the activities of the business are outside of this home office and that the office activities that are being described can be relied upon.

Selle stated yes, this is his integrity that is on the line, when he says yes, it's yes.

Pesch asked if this includes the (7) Conditions.

Selle replied, Yes.

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Adams asked about Sunday Hours that are proposed from 8am-7pm. Is this wise to be open on Sunday?

Lawrence asked if Adams is proposing Monday-Friday?

Adams suggested Monday-Friday and half of Saturday.

Nelson said that they just have to walk out the back door to the shed and they are at work.

Lawrence stated that he understands that, but when the office hours are listed, that opens it up for a salesman to walk in. If they walk out to the shed to work on their lawn mower or to sit in their office, that is one thing.

Selle said that he has no problem taking Sunday off.

Adams stated Monday-Saturday for the hours.

**CONDITIONS:**

1. There may be one non-illuminated sign totaling no more than 12 sq. ft. in size located on the property, but outside of the public right-of-way.
2. Days & hours of operation shall be Monday through Saturday, 8:00 AM - 7:00 PM.
3. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. All work must be conducted within the Accessory Building.
4. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.
5. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
6. The IUP is issued to Core Exteriors LLC, Branden and Pamela Hubbard and shall expire with a change in ownership of the property.
7. The applicant and/or property owner shall permit the County to inspect the property at any time.

**FINDINGS:**

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

*Schneider read the Findings while Nelson provided the responses.*

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, the property is rural with very few employees.***

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, outbuildings are allowed in the development.***

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

***Yes, there is nothing extra ordinary about the utilities that will be needed.***

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

***Yes, there is sufficient parking by the building.***

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 as the work is done off site.***

Lawrence told the applicants that he appreciates the changes they have made in response to the concerns of the residents and he hopes they will be first and foremost as they move forward.

*The Interim use for Home Business in an Accessory Building-Home Office is recommended for approval to the County Board with the (7) Conditions and Findings of Fact, with 6 members voting in favor to recommend (Nelson, Ganz, Aubol, Vandereyk, Pesch, Maloney) and Adams opposed.*



**Item #4-7:03pm**

**Polacek Family Partnership** (Owners Jeffery and Carol Growth) Requesting an Interim Use Permit for a Large Contractor's Yard.

PID 25-435-0105, Lot 1, Block 1 Teders Industrial Park Two, Section 16 Haven Township 7.8 acre in the Industrial Zoning District.

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

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Written Description of Business
- C. Building Layout/Site Plan

**HAVEN TOWNSHIP COMMENTS** (April 19, 2021):

The Haven Town Board gave a positive comment of the request. The Polacek Family Partnership and Jeffrey & Carol Growth will execute and abide by the Developers Agreement between them and the Township.

**DEPARTMENT/AGENCY COMMENTS:**

**MnDOT:** (May 7, 2021) The MnDOT District 3 Development Review Committee met last week and discussed the proposal for the Large Contractors Yard IUP application that will be going to the Sherburne County Planning Advisory Committee on May 20. From the information we were provided on the property, the committee is making the following recommendations relating to access to US Highway 10.

1. MnDOT prefers that no additional direct access to US Highway 10 be allowed utilizing the existing driveway that also currently serves UPS and the Appliance Recyclers due to the large volume of truck and other traffic that already utilizes that location.
2. Prefer that the developer work with Haven Township and the County to connect via local road 31<sup>st</sup> Street SE to CR. 3.
3. MnDOT District 3 will be conducting a traffic study of this portion of US Highway 10 in 2022 proposed to be from CR 65 to 15<sup>th</sup> Avenue SE in St. Cloud. The study will help MnDOT, Sherburne County and Haven Township create a vision for how best to manage access along this portion of US Highway 10. In the meantime, we prefer that no additional accesses to US Highway 10 be granted until the study is completed.

**PLANNING & ZONING STAFF COMMENTS:**

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1. The applicant is proposing to establish a large contractor's yard on a 7-acre lot in Teders Industrial Park Two.
2. The applicant is looking to rent and lease space to different contractors to store their equipment and materials. They are proposing to have up to 150 parking spaces and 4,800 sq. ft. of indoor storage.
3. The applicant estimates only a percentage of the uses will be coming and going every day. They estimate about 10% to 20% of their tenants would come and go in a 24-hour period.
4. There will be no full-time employees working from this property. The property will be managed by MPS Rental Inc.
5. They are proposing to allow 24/7 access to the property.
6. The proposed development will require that the applicant enter into a developer's agreement with Haven Township for the development of 31st Street SE. Currently this property does not have legal access to a road. The property will be fenced and a gated with additional lighting added for security. The applicant will not have direct access to Hwy 10. All access to this property shall be via 31st Street SE to CSAH 3.
7. There is an existing easement for Central Appliance Recyclers across this property. The applicant is in the process of purchasing this business. MnDOT comments dated May 5, 2021 acknowledge access to Hwy 10 for Central Appliance Recyclers and UPS, but prefers no additional direct access be granted to Hwy 10 for this business.
8. The applicant has worked with Larson Engineering Inc. to give them preliminary plans for development to address stormwater runoff. If this permit is approved the applicant will be required to obtain an NPDES from the MPCA and stormwater and erosion control permit from the County because this project will be establishing more than 1 acre of new impervious surface.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. A developer's agreement between the Applicant and Haven Township must be signed with the township for the development of 31st Street prior to starting business operations at this site.
2. A building permit is required from the Planning and Zoning Department for any future buildings. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code.
3. Any signage shall comply with the County's sign ordinance and a sign permit is required.
4. All exterior lighting shall be directed away from the public right-of-way or neighboring properties.
5. This IUP is issued to Polacek Family Partnership LLC. and shall expire with a change in majority ownership of the business or sale of this property.
6. Road access will remain via 31st Street SE Ave, no other road access is approved with this IUP. No additional direct access to US Highway 10 be allowed. The existing driveway that currently serves Appliance Recyclers may remain but is limited to Central Appliance Recyclers and UPS.



7. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
8. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
9. The entire property will be fenced, with a chain-linked fence at least 6ft tall.
10. Property may be accessed and used 24 hours a day and 7 days a week.
11. The applicant shall allow the County to inspect the property during normal business hours.

**Planning Commission Discussion Followed:**

The applicant, Michael Schafer, 12066 Gantry Lane, Apple Valley, explained that they have a number of lots like these functioning now in the cities. He described that the use of this lot is to rent space for individuals who are not able to store vehicles and equipment at their site. He anticipates that in the future they will build additional buildings on the lot, but for now will function with the building that is on site. They have a number of clients who need indoor and outdoor storage.

Lawrence asked if they can be as large as semitrucks and asked how many spots are anticipated.

Schafer confirmed that it may be as large as semitrucks and they do not intend to have any restrictions on who chooses to park here.

Lawrence asked what the capacity is for the space.

Schafer replied that they are anticipating 160 individual spots that will be rented, not sure on specific vehicles that will be in these spots, perhaps a few more. The preliminary plans are based on an engineer's best guess. They have now had borings done to figure out what is needed for infiltration, what they need for catch ponds, etc. and then they will do a final design after the engineering report is received.

Lawrence asked what is the size of a spot?

Schafer replied, they do vary, the largest spot is 12 ft by 60 ft.

Schneider stated that this does comply with standards and will come down to engineering, that they can demonstrate that they have not reduced the area of stormwater runoff on the site, total volume, and rate. The number of spots may vary depending upon how much water retention work is needed on the project site and this will come from the hydro calculations for the property. This is a unique request. A place where contractors can store their equipment, vehicles, etc.

Vandereyk asked staff if the Storm Water Management Plan should be considered before this comes to the Planning Commission.

Schneider stated that the applicant did a preliminary plan on this. This is at the applicant's discretion as it's not built into the application that they have to have an engineered certified stormwater management plan. The preliminary work is done. This process has been done before for Cheney Auto, not that long ago. We are allowing more flexibility in our industrial sites, a couple of months ago we saw a Highway PUD come through with very tight regulations because that was going in a General Rural district where there are residential uses and higher standards.

Aubol asked what surface the vehicles will be parked on?

Schafer replied that this will be recycled asphalt. They are waiting on engineering from Braun Intertec to understand the soils, but they are anticipating 10 inches of base and 4 inches of recycled asphalt above it.

Lawrence opened the public hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the public hearing. Adams seconded. The motion carried and the public hearing was closed.

Lawrence asked the applicant if they will be buying the site or renting the site?

Schafer replied that they will be buying the site. A purchase agreement is in place and the closing will be contingent on County approval.

Maloney asked if the road will be set to Township standards, will this be an asphalt road?

Schafer replied that they are being held to County specifications of a 10-ton road up to the property and then will transition to recycled asphalt once they enter the property.

Ganz asked what type of vegetation is currently on the lot?

Schafer said that he had been told by the sellers that it was open farmland until about 15 years ago, and from there whatever has grown there in the 10 years that it has been untouched.

Nelson made a motion to recommend approval of the IUP for a Large Contractor's Yard with the (11) Conditions. Pesch seconded.

Schafer asked about Condition # 9, the Northern section goes off to wetlands, is that required to fence off the wetlands or is it possible to reduce the numbers based on the makeup of the area?

Lawrence asked if he was asking to move the fence to the outside of the wetland or remove it completely?

Schafer stated that it was his understanding that a 6 ft chain link fence would need to be put at the property line, separating the wetlands from the property. They don't want to access the wetlands, just don't feel that this is a security issue as someone would not come through the wetlands to access the property, can they eliminate the fence on that side?

Lawrence asked staff why the Condition was made for a 6 ft fence all the way around?

Schneider stated that it is a security issue. This is a common use around the industrial properties, and it is adjacent to industrial properties all the way around except for to the North which is wetland.

Adams asked if you would want a fence there to prohibit anyone from inadvertently driving into the wetland?

Schafer stated that he understands that, but based on experience, chain link fence doesn't stop a vehicle from going through it.

Aubol asked if the wish is to remove the fence for snow removal capacity?

Schafer stated that this is part of it although they should be able to maintain snow on the property with the holding ponds. His request was based on pricing, although that shouldn't be a factor, steel prices have gone up 200% in the last 6 months. If the price of the fence can be reduced by 25% this would be helpful, and he doesn't see that it is beneficial from a security standpoint.

Aubol asked if the intent is to fence up to the area? The blue area on the packet attachments is too low to access for parking?

Schafer replied that they intend to fence on the East and West lines up to the back property line. The lot itself is flat, but the area immediately off to the North drops off into the wetland with about a 10 ft hill. This is a reason why security will not be an issue on that property line.

Aubol added that it seems fair to say that this lot will not see 100% use, there will be some areas of runoff ponds, wetland.

Schafer stated that in the preliminary drawings, they have wrapped the lot in holding ponds, noting the elbow on the East side on the drawings shows this. This is where they will most likely stack the snow. They plan to use the lot to its maximum potential while still having proper water retention systems in place.

Adams asked the applicant if he was aware of the Conditions before tonight and why he is bringing up the fence issue now, rather than to staff earlier?

Schafer stated that if it's required, he will do it, but he just got final bids on fencing. He wanted to throw it out there since they are having the conversation.

Nelson asked Schneider if he is comfortable with not having this fence on the back side of the lot.

Schneider stated that he does not have a strong opinion on the fence.

Nelson stated that he would like to amend his motion to not require fencing next to the wetland. Pesch seconded the motion to eliminate the fence near the wetland.

Vandereyk asked what will happen with the Central Appliance building?

Schafer stated that they are purchasing that lot as well.

Vandereyk asked if they were operating on that lot?

Schafer replied that there will be an agreement for Central Appliance to lease back the property for a time. This lease will terminate at one point.

Vandereyk stated that they will need to have access.

Schafer agreed, and stated that they will place 2 gates at the Southern most property line. One for the new business and one for Central Appliance so they can control that. At some point in the future when the lease ends, this entry will be sealed off.

Vandereyk reiterated that they will need access to the warehouse.

Schafer agreed and added that they will have the same access that they have now.

Lawrence asked if the applicant could abide by the (11) Conditions?

Schafer replied, Yes.

**CONDITIONS:**

1. A developer's agreement between the Applicant and Haven Township must be signed with the township for the development of 31st Street prior to starting business operations at this site.
2. A building permit is required from the Planning and Zoning Department for any future buildings. All building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code.
3. Any signage shall comply with the County's sign ordinance and a sign permit is required.
4. All exterior lighting shall be directed away from the public right-of-way or neighboring properties.

5. This IUP is issued to Polacek Family Partnership LLC. and shall expire with a change in majority ownership of the business or sale of this property.
6. Road access will remain via 31st Street SE Ave, no other road access is approved with this IUP. No additional direct access to US Highway 10 be allowed. The existing driveway that currently serves Appliance Recyclers may remain but is limited to Central Appliance Recyclers and UPS.
7. A Stormwater Erosion Control permit will be required from the County Zoning Dept prior to any grading on the property and prior to a building permit being issued.
8. Must obtain an NPDES permit from the MPCA and provide a copy to the County Zoning Dept prior to commencing construction.
9. A chain-linked fence at least 6ft tall shall be placed around the south, west and east sides of the property. Fencing is not required on the north side of the lot where the wetlands exist.
10. Property may be accessed and used 24 hours a day and 7 days a week.
11. 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:*

*Schneider read the Findings while Nelson provided a response.*

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, it is in an industrial 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, the developer has to work with the township and the county***

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

***Yes, they have agreed to do the road and all of the access permits.***

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 a lot of room for parking.***

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's anticipated that there is nothing to cause a disturbance.***

*The motion carried and the IUP for a Large Contractor's Yard, with the (11) Conditions and Findings of Fact is recommended to the County Board for approval.*

**Agenda Item #5-7:25**

**Ryan Kirsling (Property Owner Diane M Bemboom Revocable Trust):** Request an Interim Use Permit for Home Business in an Accessory Building – Auto Repair and Restoration

PID 25-026-1111, Address: 6413 47<sup>th</sup> SE, Sec 26, Haven Township on 2.5 acres in the Agricultural 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. Written Description of Business
- C. Building Layout/Site Plan
- D. Site Photos (1-2)

**HAVEN TOWNSHIP COMMENTS** (April 19, 2021): The Haven Town Board sends a positive comment for the request for an Interim Use Permit (IUP) for a Home Business in an Accessory Building on PID 25-026-1111. With the conditions of having all vehicles being serviced inside the sheds; he will be the only employee; no signage on site to advertise; no more than 2 unlicensed vehicles in the yard.

**DEPARTMENT/AGENCY COMMENTS:**

**David Roedel, County Deputy Engineer:** No comments received.

**PLANNING & ZONING STAFF COMMENTS:**

1. On April 9, 2020 the Zoning Office received a complaint about an alleged business being operated from the property located at the address above.
2. An inspection from County Staff of the property confirmed that a business was indeed being operated from the property. A Notice of Violation was sent to the property owner with a correction action to either cease operating the business from the property or apply for an IUP to operate a business from this property.
3. The applicant has chosen to apply for an Interim Use Permit to operate the business out of a 1,320 sq. ft. accessory building on the property.
4. The applicant has a full-time job with Bemboom Fence and works on the vehicles on the side.
5. Per the business description submitted, Mr. Kirsling is requesting an IUP for repair auto and small engines for family, friends, friend’s family, and neighbors.
6. Hours would be Monday – Sunday 8AM – 9PM.
7. Compact vehicles to light trucks are proposed to be worked on.
8. Scrap metal will be disposed of at a local recycling facility.

9. Used fluid disposal: recycled at local recycling/disposal site.
10. There was a solid waste violation on the property that has since been cleaned up and the property has been brought into compliance.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Must meet commercial building standards and be approved by County Building Official.
2. No signage per Haven Township's Comments.
3. No additional employees per Haven Township's comments.
4. Days & hours of operation shall be Monday thru Sunday, 8:00 AM - 9:00 PM.
5. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
6. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.
7. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
8. Must have a fire extinguisher in building.
9. Excessive noise, glare, odors, traffic, or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
10. Vehicle parts must be stored inside.
11. The IUP is issued to Ryan Kirsling and shall expire with a change in ownership of the property.
12. The applicant and/or property owner shall permit the County to inspect the property at any time.

**Planning Commission Discussion Followed:**

Ryan Kirsling, 6413 47<sup>th</sup> St SE, St Cloud, came forward as the applicant.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the public hearing. Ganz seconded. The motion carried and the public hearing was closed.

Adams asked if there is any painting involved?

Kirsling said that he just does the metal work, no painting.

Lawrence asked the applicant if he can abide by the listed (12) Conditions.

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Kirsling replied, Yes.

Adams asked if Sunday is appropriate as the applicant is close to a neighboring property?

Kirsling stated that he works full time so he will not be working every day, he may not be out there all week except for on a Sunday. The neighbors have his phone number if it becomes a nuisance. The close neighbors have a smaller child, and both have his number if he would ever be too noisy. They can call or text and tell him to cease work and he will, if the child is taking a nap, etc. It hasn't been an issue to this point.

Lawrence asked if his intent is to grow into a business? He sees it as a weekend hobby that he is being asked to get an IUP for.

Kirsling said that he has always worked on cars, he is busier working on more cars now that his friends have children and don't have time to work on their own vehicles or people that they may have helped out are now being referred to Ryan because he's honest. He is being paid for it which is what requires him to be a business. What he has going on now, is what he intends it to be.

Glines said that this was a gray area and since funds were exchanged, he was asked to apply for a permit since it's a business.

Kirsling said that as far as putting a sign on the road or advertising, this is not his intention.

Glines added that this is stated in the Conditions.

Vandereyk made a motion to recommend approval of the IUP for Home Business in an Accessory Building with the (12) Conditions. Pesch seconded.

**CONDITIONS:**

1. Must meet commercial building standards and be approved by County Building Official.
2. No signage per Haven Township's Comments.
3. No additional employees per Haven Township's comments.
4. Days & hours of operation shall be Monday thru Sunday, 8:00 AM - 9:00 PM.
5. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations. If hazardous waste license is required by the MPCA, a copy of the license shall be provided to the County upon request. All fluids will be contained in a non-flammable steel container and brought to the proper recycling facility.
6. All business activities may be conducted within a maximum area of 1,800 sq ft within one accessory structure. If the accessory building is to be used for non-business use (i.e. personal storage), a partition wall or similar divider must be used to separate business from non-

business use to identify compliance with the 1,800 sq ft maximum floor area. All work must be conducted within the Accessory Building.

7. There may be no sandblasting, chemical/paint spraying, or similar use associated with the business.
8. Must have a fire extinguisher in building.
9. Excessive noise, glare, odors, traffic, or other nuisances may be justification for the County to revoke or modify the terms of the Interim Use Permit.
10. Vehicle parts must be stored inside.
11. The IUP is issued to Ryan Kirsling and shall expire with a change in ownership of the property.
12. The applicant and/or property owner shall permit the County to inspect the property at any time.

**FINDINGS:**

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

*Glimes read the Findings while Vandereyk provided a response.*

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 anticipated to diminish and impair values locally.***

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 area is wooded and relatively isolated.***

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

***Yes, the applicant is not requesting additional utilities or a need for drainage issues.***

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 enough parking.***

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, the applicant has described his ability to communicate with the neighbors, there will be no issues.***

*The motion carried and the IUP for Home Business in an Accessory Structure is recommended to the County Board for approval with the (12) Conditions and Findings of Fact.*

**Item #6-7:34pm**

**Jenna and Jeremy Hoffman (Property Owner Hoffman Real Estate, LLC):** Request for a Conditional Use Permit for a Riding Stable and Horse Boarding Facility

PID 30-022-4405 Address: 24660 112<sup>th</sup> St NW, Sec 22, Livonia Township on 18 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. Written Explanation of Request
- C. Site Plan (1-2)
- D. Site Photos (1-5)

**LIVONIA TOWNSHIP COMMENTS** (received 11/24/2020): The Town Board likes to encourage small businesses; there are similar operations in the area; horse boarding is not new to this facility, the previous owners also boarded and kept horses; the facility is already set up for horses.

**OTHER DEPARTMENT/AGENCY COMMENTS:**

**City of Zimmerman:** Has no issues.

**PLANNING & ZONING STAFF COMMENTS:**

1. The applicants are proposing to only board horses that are in training which is between 10 to 12 horses as business grows. The applicants own 7 personal horses that are used in the riding program.
2. Per the business description received, there will be no shows or clinics held on the property.
3. The applicants are proposing a porta-potty for public restrooms for guests.
4. According to the applicant, typically no more than 3 clients will be there at any one time.
5. Regular business hours are Monday thru Friday 9:00am to 7:30pm and Saturdays 9:00am to 4:00PM. Riding lessons are Monday thru Thursday 3:00pm to 7:30pm and Saturdays 9:00am to 12:00 pm.
6. Manure will be removed from the property 3 to 4 times a year and taken to a farmer in Isanti County just north east of Princeton, MN. Manure may not be spread on site.
7. There are several run-in shelters for the horses to get out of the weather.
8. There is one subcontracted employee who helps with the daily care of horses and facility.
9. The building inspected by a Structural Engineer and is suitable for commercial use.
10. Pursuant to the Sherburne County Solid Waste Ordinance, Section 19.10 "Animal manure shall be classified as a solid waste when they are accumulated, stored or stockpiled on

the ground surface . . . within 200 ft of a residence located on neighboring property.” Therefore, any manure stockpile(s) must be located at least 200 ft from any neighboring residences. The applicants must also follow MN Pollution Control Agency – Manure Stockpiling –Technical Guidelines Fact Sheet #8.06.

11. The business is insured, and waivers are signed by anyone who rides or handles the horses.
12. Pasture areas must be fenced around wetland areas so that horses cannot access open water on site. Must be compliant with MN Rules Chapter 7020 – Feedlot rules.
13. Bedding and manure must be stockpiled on an impervious pad with sidewall berms to minimize the impact to wetlands on site.
14. If in the future, they would like to hold a larger event they would need to apply for an Occasional Special Event – Interim Use Permit and go through the permitting process.
15. There were previously solid waste issues on site for manure stockpiling in wetlands and solid waste accumulation. All solid waste has since been cleaned up.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. A maximum of 20 horses will be located on this property including property owner’s own horses.
2. Pursuant to the Sherburne County Solid Waste Ordinance, Section 19.10 “Animal manure shall be classified as a solid waste when they are accumulated, stored or stockpiled on the ground surface . . . within 200 ft of a residence located on neighboring property.” Therefore, any manure stockpile(s) must be located at least 200 ft from any neighboring residences. The applicants must also follow MN Pollution Control Agency – Manure Stockpiling –Technical Guidelines Fact Sheet #8.06.
3. Stacking slab must be constructed of either concrete or asphalt and must have at least 4 ft. tall poured sidewalls or sealed cement block sidewalls. The slope of the stacking slab must be toward the back to ensure containment and prevent runoff. Upon construction of the stacking slab there will be a six-month review of its effectiveness to properly mitigate against odors and other nuisances. Bedding and manure must be stockpiled on an impervious pad with sidewall berms to minimize the impact to wetlands on site.
4. Manure must be removed from the property 3 to 4 times a year and taken to a farmer in Isanti County just north east of Princeton, MN. Manure may not be spread on site. A contract must be maintained with the farmer for manure disposal.
5. Pasture areas must be fenced around wetland areas so that horses cannot access open water on site.
6. Must be compliant with MN Rules Chapter 7020 – Feedlot rules.
7. Animal mortality must be addressed off site and be compliant with Minnesota Board of Animal Health standards. No animals may be buried on site in accordance with the Sherburne County Solid Waste Ordinance, as amended. Per MN Rules Chapter 7020, animal carcasses must be removed from the property within 72 hours of death.
8. Regular business hours are Monday thru Friday 9:00am to 7:30pm and Saturdays 9:00am to 4:00pm.

9. Must meet all parking and loading regulations as listed in the Sherburne County Zoning Ordinance, Section 17, Subdivision 2.
10. The property owner shall permit the County to inspect the property during normal business hours.
11. Must meet all federal, state, and local regulations.

**Planning Commission Discussion Followed:**

Jeremy Hoffmann, 24660 112<sup>th</sup> St NW, Zimmerman, came forward as the applicant.

Lawrence asked if the applicant triggered the application, or if it happened in another way?

Glines stated that Hoffmann moved in, in 2018 and the office received a complaint about manure being dumped in the wetland. They did meet on site with numerous Government Agencies that were involved. This has since been resolved. There were also some minor solid waste violations that come along with horses and these have also been resolved. This has been a horse riding stable for many years and was never on a permit. This building was built some time ago without a permit, so Hoffman got an after-the-fact permit. This was an Ag Building. Hoffman was required to get an Engineer to confirm that the building is suitable for the intended purpose. These plans were approved by the Sherburne County Building Official.

Aubol asked how many animals Hoffman intends to host, his and others?

Hoffman stated that as of now there are 20 on the property which includes 2 minis, as the business grows, numbers may go up or they may go down. It's depends on the world. This year is back on track for normal business and last year was a little slow.

Aubol asked what Hoffman would consider as the maximum capacity?

Hoffman replied that right now the application states 20, but 25 is as much as they could handle. It's just Hoffman, his wife and 1 employee who is comes in the morning to help clean stalls.

Ganz asked if minis are considered an animal unit?

Hoffman said that as far as the County goes, a horse is a horse.

Ganz added that sometimes sheep, cows are different, so he wanted to ask.

Hoffmann replied that as far as he knows, the County guidelines, just say horse.

Waytashek added that these are state guidelines.

Glines stated that the maximum listed in the Conditions now does state 20 horses, so if this is different it should be discussed.

Hoffmann said that if possible and asked if now is the time?

Adams asked in the future, can Hoffman have sheep or goats, or how does this effect the 20 horses?

Lawrence stated that the question is how many animal units can the property handle? Is a stable different?

Glines replied that a stable is different, this is specifically for horses, when you get into sheep, etc. then it's more of a feedlot and manure storage, setbacks, etc. when it comes to something like this there is the fine line between business and personal. Business and personal need to be separated.

Lawrence added, to go back to Adams question, this is not looked at as a feed lot evaluation, this is looked at as how many horses a boarding stable can handle.

Glines agreed.

Adams, asked if he can raise a couple of goats and sheep, if he wants to do that?

Glines replied, as long as he's meeting the feed lot requirements in the General Rural District.

Hoffman asked if it's possible to increase that number of horses allowed.

Glines stated that this number was based off of the application, but if he would like to increase this, now is the time to make this request.

Waytashek asked about storage for manure if that is large enough to accommodate more horses?

Hoffman said yes, he has been working with Addison March in the Zoning office and the MPCA to know how big it needs to be, where it needs to be for setbacks, etc.

Waytashek asked about where the manure storage is going.

Hoffman pointed out the location on the packet.

Waytashek asked if Hoffman had applied for the permit through the MPCA.

Hoffman said that he has not.

Glines stated that they have met onsite with the MPCA and Addison March was in the process of working with Hoffman. She is currently on leave. There is a Condition that states that Hoffman must meet all of the manure storage requirements. Glines asked Dave Lucas to elaborate on the manure management plan.

Waytashek asked if it's a shelter that has a roof over it?

Hoffman, said, No, unless it needs to be.

Lawrence asked if it's concrete.

Hoffman replied, Yes.

Lawrence asked if it has walls?

Hoffman replied, Yes.

Lawrence asked what type of surface it is on, for rain, etc.?

Hoffman said it will be flat or tipped back. According to the guidelines, it cannot run off. It needs to contain it inside.

Waytashek asked, so if you have more horses, will you need to increase the size of that?

Hoffman said that he would assume so.

Nelson added, it could just be cleaned more often.

Hoffmann agreed and said that it is moved 3-4 times per year. He just hauled manure today and got the signed contract.

Lawrence stated that he was wondering how many times it was hauled.

Hoffman stated, as needed, but 3-4 times per year is the plan.

Lucas asked where the manure is being hauled to.

Hoffman said that it is a farmer in Isanti County, who works with another partner and has crops.

Lucas asked, your manure management plan is that you're hauling it to this person.

Lawrence asked if he hauls or if Hoffman hauls?



Hoffman answered, a little of both.

Adams asked what he would like to increase the number of horses to?

Hoffman asked if he could get 25?

Adams asked if this is what he wants?

Hoffman said yes.

Adams asked if this an issue for staff.

Glines said as long as manure is handled accordingly. The site has the capability to handle more.

Lawrence asked if going to 25, impacts or limits the number of clients, if there was a number listed?

Hoffman says that there are 1-2 clients there at a time for riding lessons, they get there, get the horse ready, have their lesson and leave. They are a small private farm.

Waytashek asked if he requires an MPCA permit.

Lucas, said no, as it's under 50 units. When its 50 animal units or greater it needs to be registered with the State.

Adams asked if alcohol use should be restricted.

Lawrence said that he would defer to staff, but it's not that he's asking for an event center and this hasn't been asked of any other business in here tonight.

Hoffman said there will be no clinics, the horses will be on site and not hauled in, no shows, everything is 1 on 1.

Lawrence asked what the requirement is since he doesn't need an MPCA permit?

Glines stated that there are setbacks to the wetlands per the MPCA. It's boarding horses, so it's receiving pay, customers on site, using the facility for learning activities. It does go into manure management for the MPCA due to the wetland setbacks not being met. If they required a permit through the MPCA it would be a Condition but since it's under 50 animal units, it's not a requirement nor a Condition.

Waytashek asked if we wanted to make it a Condition that boarding horses and riding lessons are permitted but events and competitions are not permitted?

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Lawrence said that this may limit a group of students or competitions. If they were to have a large event, they would need to go through a process again.

Hoffman said that they do not plan to have events, they may have multiple students there.

Lawrence asked, if this was a Condition, it wouldn't affect you at all?

Hoffman answered, No, not in the foreseeable future.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the public hearing. Pesch seconded. The motion carried and the public hearing was closed.

Maloney made a motion to recommend approval of the CUP for a riding stable and horse boarding facility with the (11) Conditions including a change in Condition #1 to 25 horses. Adams seconded.

**CONDITIONS:**

1. A maximum of 25 horses will be located on this property including property owner's own horses.
2. Pursuant to the Sherburne County Solid Waste Ordinance, Section 19.10 "Animal manure shall be classified as a solid waste when they are accumulated, stored or stockpiled on the ground surface . . . within 200 ft of a residence located on neighboring property." Therefore, any manure stockpile(s) must be located at least 200 ft from any neighboring residences. The applicants must also follow MN Pollution Control Agency – Manure Stockpiling –Technical Guidelines Fact Sheet #8.06.
3. Stacking slab must be constructed of either concrete or asphalt and must have at least 4 ft. tall poured sidewalls or sealed cement block sidewalls. The slope of the stacking slab must be toward the back to ensure containment and prevent runoff. Upon construction of the stacking slab there will be a six-month review of its effectiveness to properly mitigate against odors and other nuisances. Bedding and manure must be stockpiled on an impervious pad with sidewall berms to minimize the impact to wetlands on site.
4. Manure must be removed from the property 3 to 4 times a year and taken to a farmer in Isanti County just north east of Princeton, MN. Manure may not be spread on site. A contract must be maintained with the farmer for manure disposal.
5. Pasture areas must be fenced around wetland areas so that horses cannot access open water on site.
6. Must be compliant with MN Rules Chapter 7020 – Feedlot rules.
7. Animal mortality must be addressed off site and be compliant with Minnesota Board of Animal Health standards. No animals may be buried on site in accordance with the

Sherburne County Solid Waste Ordinance, as amended. Per MN Rules Chapter 7020, animal carcasses must be removed from the property within 72 hours of death.

8. Regular business hours are Monday thru Friday 9:00am to 7:30pm and Saturdays 9:00am to 4:00pm.
9. Must meet all parking and loading regulations as listed in the Sherburne County Zoning Ordinance, Section 17, Subdivision 2.
10. The property owner shall permit the County to inspect the property during normal business hours.
11. Must meet all federal, state, and local regulations.

**FINDINGS:**

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

*Glines read the Findings and Maloney provided a response.*

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

***Yes, the proposed use is a riding stable and horse boarding facility. This is a large parcel of land (18-acres). The property will not have more than twenty (25) horses on it. The proposed use fits with those in the surrounding area. All manure will be disposed of on a farm offsite.***

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

***Yes, the property is surrounded by residential lots that have houses already on them. The parcels to the south appear to have horses on their property as well.***

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

***Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.***

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.***

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

***Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. A maximum of twenty (25) horses is allowed. Manure will be hauled off site.***

*The motion carried and the CUP for a Riding Stable and Horse Boarding Facility is recommended to the County Board with the (11) Conditions and Findings of Fact.*

**Item #7-7:52pm**

**Craig Hart (Property Owner Craig & Sandra Hart):** Request for a Conditional Use Permit for a Personal Storage Structure.

PID 40-459-0116 Legal Lot 8, Block 1 Sleepy Oaks Clear Lake Palmer Township 1.86 acres Shoreland Residential Overlay District and the Shoreland Overlay District of Rush 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. Site Plan
- C. Building Plan/Elevation (1-2)
- D. Site Photo

**PALMER TOWNSHIP COMMENTS** (April 14, 2021): Township has no problem with request as long as all County Regulations are followed.

**DEPARTMENT/AGENCY COMMENTS:**

No comments received.

**PLANNING & ZONING STAFF COMMENTS:**

1. The applicant is requesting to construct a 30'x40' (1,200 sq. ft.) Personal Storage Structure.
2. The applicants own the house across the street on 54<sup>th</sup> Ave SE on Rush Lake.
3. Per the applicant, the building will be 22.5' to the peak.
4. Per an email received on March 19, 2021, the building will be used for personal storage such as a recreational vehicle (RV) and a fish house.
5. The impervious surface on the lot is proposed to be 5.43% with the building and driveway.
6. There are no other buildings, septic or wells on this lot.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The applicant must obtain a building permit and 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. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.

**Planning Commission Discussion Followed:**

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Craig Hart, 11466 54<sup>th</sup> St, Clear Lake, came forward as the applicant.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

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

Lawrence confirmed that the applicant understood the (5) Conditions that he would need to abide by.

Hart answered, Yes.

Ganz made a motion to recommend approval of the CUP for Personal Storage Structure with the (5) Conditions. Aubol seconded.

**CONDITIONS:**

1. The applicant must obtain a building permit and 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. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.

**FINDINGS:**

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

*Glins read the Findings while Ganz provided a response.*

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

***Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.***

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

***Yes, the proposed use will be used as a personal garage. There is enough property to accommodate space for a future house and septic if desired.***

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

***Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.***

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.***

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

***Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. It will be used as a personal garage.***

*The motion carried and the CUP for Personal Storage Structure is recommended to the County Board with the (5) Conditions and Findings of Fact.*

**Agenda Item #8-7:56pm**

**Mark Hart (Property Owner Mark Dennis and Suzanne Marie Hart):** Request for a Conditional Use Permit for a Personal Storage Structure.

PID 40-459-0114 Legal Lot 7, Block 1 Sleepy Oaks Clear Lake Palmer Township 1.54 acres Shoreland Residential Overlay District and the Shoreland Overlay District of Rush 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. Site Plan
- C. Building Plan/Elevation (1-2)
- D. Site Photo

**PALMER TOWNSHIP COMMENTS** (April 14, 2021): Township has no problem with request as long as all County Regulations are followed.

**DEPARTMENT/AGENCY COMMENTS:**

No comments received.

**PLANNING & ZONING STAFF COMMENTS:**

1. The applicant is requesting to construct a 30'x40' (1,200 sq. ft.) Personal Storage Structure.
2. The applicant lives in Blaine, MN and needs a place to store personal items.
3. Per the applicant, the building will be 22.5' to the peak.
4. Per an email received on March 21, 2021, the structure will be used for storing a recreational vehicle (RV) along with a boat and/or other vehicles.
5. The impervious surface on the lot is proposed to be 5.43% with the building and driveway.
6. There are no other buildings, septic or wells on this lot.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The applicant must obtain a building permit and 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. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.



**Planning Commission Discussion Followed:**

Mark Hart, 11466 Kenyon Ct NE, Blaine, came forward as the applicant.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Adams made a motion to close the Public Hearing. Aubol seconded. The motion carried and the Public Hearing was closed.

Ganz made a motion to recommend approval of the CUP for Personal Storage Structure with the (5) Conditions. Nelson seconded.

**CONDITIONS:**

1. The applicant must obtain a building permit and 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. The size and location of the Personal Storage Structure should not impede the placement of a future home, or primary and secondary septic system.
5. The maximum height of the structure is 25 feet from the ground to the peak.

**FINDINGS:**

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

*Glins read the Findings while Ganz provided a response.*

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

***Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.***

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

***Yes, the proposed use will be used as a personal garage. There is enough property to accommodate space for a future house and septic if desired.***

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

***Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.***

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.***

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

***Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the immediate area. It will be used as a personal garage.***

*The motion carried and the CUP for Personal Storage Structure is recommended to the County Board with the (5) Conditions and Findings of Fact.*

**Item #9-8:01pm**

**Robert Tjostelson (Property Owner Diane Tiegs & Robert Tjostelson):** Request for a Conditional Use Permit for a Personal Storage Structure.

PID 40-034-3405 Legal. Sec. 34, Twp 35, Rge. 29 Palmer Township .54 acres and the Shoreland Overlay District of Big Elk 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. Site Plan
- C. Building Plan/Elevation (1-3)
- D. Site Photo (1-3)

**PALMER TOWNSHIP COMMENTS** (April 14, 2021): Applicant needs to revise plan to have 25 ft. from the edge of the tar to structure. Distance is needed to accommodate parking.

**DEPARTMENT/AGENCY COMMENTS:**

No comments received.

**PLANNING & ZONING STAFF COMMENTS:**

1. The applicant is requesting to construct a 26'x30' (780 sq. ft.) Personal Storage Structure. The applicant owns a house on Big Elk Lake across the street from this lot (PID 40-415-0070).
2. The applicant has applied for a 64 ft. variance to the centerline of the road and it will be presented at the March 13, 2021 Board of Adjustment meeting.
3. The structure is proposed to be 10' from the property line. The property was surveyed in 2020.
4. The applicant has stated that seven (7) trees will be required to be removed for the structure.
5. Per the Township's Comments, the applicant has measured the proposed structure and it will be 25' from the edge of the tar. The site plan has been revised to reflect that.
6. There is currently a well on the property that is used for the house.
7. There was a shipping container on the property being used for storage. The container has since been removed and cannot be used on the property.
8. There are wetlands on the property. Zach Guttormson, Environmental Water Resource Specialist, has conducted a site visit to confirm the proposed structure will not be placed in or impact a wetland.
9. There is an existing shed on the property that will be required to be removed before a building permit is issued.

10. The maximum impervious surface on this lot per the survey is 5,880 sq. ft. The proposed 26' x 30' building with a 20'x16' driveway will account for 1,100 sq. ft. of impervious surface, which equates to approximately 4% impervious surface.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The lowest floor elevation must be at or above the Regulatory Floodplain Elevation of 970. A certificate of elevation may be required to ensure the structure meets minimum elevation requirements.
3. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.
4. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
5. The maximum height of the structure is 25 feet from the ground to the peak.
6. The existing shed is required to be removed before a building permit is issued. Shed cannot be burned or buried on site.
7. Must install gutters on the building to control run off.

**Planning Commission Discussion Followed:**

Bob Tjostelson, 6556 108<sup>th</sup> Ave Clear Lake, came forward as the applicant.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the Public Hearing. Adams seconded. The motion carried and the Public Hearing was closed.

Ganz made a motion to recommend approval of the CUP for Personal Storage Structure with the (7) Conditions. Nelson seconded.

Lawrence asked applicant if understood the Conditions and is able to abide by them.

Tjostelson, replied, Yes.

**CONDITIONS:**

1. The applicant must obtain a building permit and comply with County's Zoning Ordinance and the 2015 Minnesota State Building Code.
2. The lowest floor elevation must be at or above the Regulatory Floodplain Elevation of 970. A certificate of elevation may be required to ensure the structure meets minimum elevation requirements.
3. The Personal Storage Structure cannot be used as dwelling unit or for any business purpose.

4. The Personal Storage Structure is not permitted to have plumbing or a floor drain.
5. The maximum height of the structure is 25 feet from the ground to the peak.
6. The existing shed is required to be removed before a building permit is issued. Shed cannot be burned or buried on site.
7. Must install gutters on the building to control run off.

**FINDINGS:**

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

*Glins read the Findings while Ganz provided a response.*

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

***Yes, the proposed use is a personal storage structure. It is not anticipated to diminish and impair values within the immediate area.***

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

***Yes, the proposed use will be used as a personal garage. Most of the lots in the surrounding area have been built on.***

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

***Yes, the applicant is not requesting additional utilities beyond what a normal residence would require.***

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.***

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

***Yes, it is not anticipated to cause offensive odor, fumes, dust, noise, and vibration to the***

***immediate area. It will be used as a personal garage.***

*The motion carried and the CUP for Personal Storage Structure is recommended to the County Board with the (7) Conditions and Findings of Fact.*

**Agenda Item #10-8:06pm**

**Buenaventura Vista 3rd Addition** (Anderson Bros. Property LLC & Orton Properties LLC) requesting preliminary and final simple plat approval of two (2) lots.

PID 01-419-0010 Outlot A W of Hwy 169 in the Commercial Zoning District 6.94 acres and PID 01-423-0210 Lot 1 & 2 Ex 95ft of Block 2 Buenaventura Vista 2<sup>nd</sup> Addition 2.76 acres in the Industrial Zoning District Sec 4, Twp 35, Rge 26 Baldwin Twp.

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

**PLANNING COMMISSION PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Preliminary Plat (March 31, 2021)
- C. Final Plat (March 31, 2021)

**BALDWIN TOWNSHIP COMMENTS** (March 1, 2021): Recommend approval.

**DEPARTMENT/AGENCY COMMENTS:**

**County Attorney Office:** No comments received.

**Mike Lindenau, Co Ditch Inspector** (Feb 11, 2021): No concerns.

**David Roedel, Deputy County Engineer** (February 18, 2021):

- 1. Access to Lot 2 shall be limited to the existing ingress and egress easement located on the western side of the lot.
- 2. Access to Lot 1 shall be via the township road per their guidelines. The lot location does not meet Sherburne County Public Works Access spacing requirements for an access to County Road 45 and will not be allowed.

**Russ Heiling, County Surveyor** (February 16, 2021): All survey comments have been addressed. Title work will be required to be submitted at final plat review.

**PLANNING & ZONING STAFF COMMENTS:**

- 1. The applicants are proposing to alter lot lines between PID 01-419-0010 owned by Anderson Brothers LLC and PID 01-423-0210 owned Orton Properties LLC. Their proposal would expand Orton Property’s lot size by roughly 3 acres. This plat will allow for the existing business of SRW Products to expand their operations, while leaving 3 acres for Anderson Brothers LLC.
- 2. The developers are proposing to remove an existing drainage and utility easement from the Orton Properties Parcel and relocated this easement along the north side of Lot 1 Block 1 along County Road 45 and run a 30-foot easement between Lots 1&2.
- 3. On March 1, 2021 the Zoning Office received notice that the septic system on the Anderson Brother property had failed a compliance inspection. To address the failing septic Anderson Brothers LLC has had a septic designed and got two bids for install. They have deposited 150% of the estimated install fee into escrow account. The septic will be installed as soon as possible.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. 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:**

Richard Anderson, applicant, joined by phone.

Lawrence stated that the process has been started to eliminate the current drainage and utility easement that runs East to West and the easement that will be reestablished for utilities.

Vandereyk asked staff about parcel 90-414-0105 which looks like a platted street?

Schneider stated that this has been dedicated as a part of the Great Northern trail. This is the old Railroad bed.

Vandereyk asked about the building on that PID and if this is a possible street.

Lawrence added that the building is a well house for the city of Princeton.

Vandereyk asked how PID # 01-423-0210 accesses County Rd 45?

Schneider stated that this is an easement that was addressed in David Roedel's comments.

Roedel stated that there are deliveries on the side of the building and PID # 01-419-0010 will need to utilize this access in the future presuming that the Southerly parcel will still be able to have deliveries through here. No other access on that new piece will be able to use that County Road, they will need to come off the West of the property.

Lawrence stated that this piece is going to be combined with the Southern piece.

Lawrence asked applicant if he had any questions.

Anderson stated that the Township vacating that easement was the last item to clear up and this appears to be in order.

Lawrence opened the Public Hearing.

No one from the Public spoke nor were any comments received.

Nelson made a motion to close the Public Hearing. Ganz seconded. The motion carried and the Public Hearing was closed.



Adams made a motion to recommend approval of the Preliminary and Final Simple Plat of Buenaventura Vista 3<sup>rd</sup> Addition with the (1) recommended Condition. Nelson seconded.

**CONDITION:**

1. 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 unanimously and the Preliminary and Final Standard Simple Plat of "Buenaventura Vista 3<sup>rd</sup> Addition" consisting of (2) lots is recommended for approval to the County Board with the (1) recommended Condition.*

**Agenda Item #11-8:17pm**

**Anderson Bros. Property LLC** to rezone the property from Commercial to Industrial.

PID 01-419-0010 Outlot A W of Hwy 169 in the Commercial Zoning District 6.94 acres Sec 4, Twp 35, Rge 26 Baldwin Twp.

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. Zoning Map showing proposed rezone location.
- C. Application request.

**BALDWIN TOWNSHIP COMMENTS:** (March 1, 2021) Recommended Approval

**DEPARTMENT/AGENCY COMMENTS:**

**City of Princeton:** No comment.

**STAFF COMMENTS:**

1. Please note that the legal notice that was sent out inserted the word “Heavy” in front of Industrial. This was incorrect as there are no Heavy Industrial zoned parcels or any request to rezone to Heavy Industrial. That was a County administrative error.
2. The applicant has requested to rezone 3 acres of the west side of Outlot A of Hwy 169, from Commercial to Industrial. This land will be added to the proposed new Lot 1, Block 1 of Buenaventura Vista 3<sup>rd</sup> Addition. The remaining 3.34 acres will remain Commercial. The rezoned property will become part of the property owned by Orton Properties LLC and used to expand the business operation of SRW Products in the future.
3. The County’s 2010-2030 Comprehensive Plan Land Use Map identifies these parcels as Business and Industry. Therefore, there is no need to amend the County’s Comprehensive Land Use Map.
4. The property is vacant and undeveloped at this time.
5. The lands surrounding this property are either zoned Commercial or Industrial or within the city limits of Princeton. The land to the west is owned by the City of Princeton and is the former Burlington Northern Railroad (Great Northern Trail).

**Planning Commission Discussion Followed:**

Richard Anderson, applicant, remained on the phone.

Lawrence clarified the only land being rezoned is the newly created lot on the west side. Anderson's business will remain commercial.

Lawrence opened the Public Hearing.

No one from the Public spoke. No written comments were received from the Public.

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

Vandereyk made a motion to recommend approval of the rezone from Commercial to Industrial. Pesch 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:

*Schneider read the questions and Vandereyk provided the response as follows.*

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

***Yes. The Comprehensive Plan, Figure 9.15 Future Land Use map identifies this property as Business and Industry.***

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?

***No, the property is currently undeveloped, and the rezone will make the proposed uses by SRW products compliant with the Zoning Ordinance.***

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. Neighboring lands are currently zoned Industrial and Commercial.***

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?

***The Comprehensive Land Use Maps for Baldwin Township have identified this land for Business and Industry and this parcel is undeveloped at this time. The applicant will be responsible for working with the County and Township to ensure all necessary permits are pulled prior to developing this lot.***

- 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?

***This property is vacant and is not within a Shoreland District. The MN County Biological Survey shows no biodiverse plant communities within one mile of this property. Any future development of the property will require permits from Sherburne County Planning and Zoning and all future development must comply with all zoning, subdivision, and stormwater regulations.***

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

***No, the MN County Biological Survey completed by the DNR shows no biodiverse plant communities within one mile of this property.***

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

***Yes. This is a 3-acre parcel that is being added to a 2.76-acre parcel and any future development of this parcel will require permits from Sherburne County and Baldwin Township and will be required to comply with all zoning, subdivision, and stormwater regulations.***

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

***This property is undeveloped and has been zoned Commercial and the County's Comprehensive Land Use Map shows this land as Business and Industry. The expectation for this parcel from the County and the Township was that it would one day be developed for a business or industrial use.***

*The motion carried unanimously and the Rezone request from Commercial to Industrial is recommended for approval to the County Board with the Findings.*

**Closing:**

Nelson made a motion to adjourn the meeting. Ganz seconded. The motion carried and the meeting was adjourned at 8:24pm.

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Submitted by Carrie Winter, Secretary