

**SHERBURNE COUNTY
PLANNING ADVISORY COMMISSION MEETING
MINUTES**

October 18, 2018

The Sherburne County Planning Advisory Commission met at the Sherburne County Government Center in Elk River, Minnesota on October 18, 2018 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Lawrence called the meeting to order and advised that the Planning Advisory Commission is a recommending body to the County Board of Commissioners which will hear the agenda items on November 6, 2018 in this same location at 4:30 PM. He also went over the meeting procedures and noted that the hearings are being recorded.

Roll call was taken. The following members were present: Chairperson Bryan Lawrence, Baldwin Township; Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; County Board Commissioner, Ewald Petersen; Corrie Silverberg, Orrock Township; Terrance Vander Eyk, Clear Lake Township; Jeff Schlingman, Haven Township; David Jehoich, Santiago Township

Not present: Steven Demeules, Palmer Township; Bruce Aubol, Big Lake Township; Bryan Adams, Orrock Township

Staff present: Zoning Administrator Nancy Riddle, County Planner Marc Schneider, Zoning Specialist Mitch Glines, Tim Sime, Assistant County Attorney, and Secretary Judy Weber.

Schlingmann moved and Jehoich seconded to approve the minutes of the September 20, 2018 Public Hearing. The motion carried unanimously.

Spencer moved and Eyk seconded to approve the agenda for the October 18, 2018 public hearing. The motion carried.

6:00 PM A public hearing was held at the request of **JUDY A. ABRAHAMSON** for Preliminary and Final Residential Simple Plat approval of "ABRAHAMSON ACRES" consisting of 1 lot with an existing residence Property address: 18242 17th St SE, Princeton, MN PID # 45-002-4100 Legal Description: Th pt of th SE1/4 of Sec 2, Twp 35, Rge 28 Lying Wly of desc line A and lying Ely and Sly of Desc line B (full legal on file) Santiago Township 7.65 acres Agricultural District

Mitch Glines presented the request along with the packet attachments, comments and recommended conditions if approved. He said he had nothing further to add and would answer any questions from the Board.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (surveyor's revision date of 9-11-2018)
- C. Final Plat (date stamped 9-20-2018)

SANTIAGO TOWNSHIP COMMENTS: (September 13, 2018) – Township Board has no concerns.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (8-30-2018) – Have no concerns with proposed. It is anticipated that no new access locations will be necessary with the split.

Mike Lindenau, County Ditch Inspector (8-24-2018) – Ditch 5 and easement are clearly determined on the plat. I have no issues.

Russ Heiling, County Surveyor (9-27-2018) –No additional comments. Will require a final plat check along with associated fees to be paid before recording.

PLANNING & ZONING STAFF COMMENTS:

1. Septic was upgraded in 2018.
2. The existing property is 40.6 acres. They are proposing to split off 7.65 acres. The remaining approximately 33 acres will not meet the minimum metes and bounds lot size for the Agricultural District (which is 40 acres). Therefore, they must combine the remaining approximately 33 acres with the adjoining parcel (PID#45-002-4300). The deed for the split must be presented to the Zoning Department prior to Zoning signing the final plat mylars. The deed combining the remaining acreage and the adjoining parcel must be recorded immediately after the plat is recorded.
3. Lot has existing house on it. No park fees required.

RECOMMENDED CONDITIONS IF APPROVED:

1. A deed combining the remaining acreage, not being platted (approximately 33 acres) must be combined to adjoining PID#45-002-4300. The deed for the split must be presented to the Zoning Department prior to Zoning signing the final plat mylars. The deed must be recorded immediately after the plat is recorded.
2. A Developer's Agreement must be signed with the County Attorney's Office, if needed.
3. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance

Lawrence asked the applicant to come forward.

Paul Hans, 4777 109th Ave SE, Clear Lake, addressed the Board and said he is representing the applicant and he did not have any further comments to add.

Lawrence opened the public hearing.

No one came forward.

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

The public hearing was closed.

Schlingmann moved and Spencer seconded to recommend approval of the request for Preliminary and Final Residential Simple Plat approval of “Abrahamson Acres” consisting of 1 lot with an existing residence and with the following three (3) conditions:

- 1. A deed combining the remaining acreage, not being platted (approximately 33 acres) must be combined to adjoining PID#45-002-4300. The deed for the split must be presented to the Zoning Department prior to Zoning signing the final plat mylars. The deed must be recorded immediately after the plat is recorded.*
- 2. A Developer’s Agreement must be signed with the County Attorney’s Office, if needed.*
- 3. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance*

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

6:05 PM A public hearing was held at the request of **STEPHEN AND DIANNE SMITH FAMILY TRUST** for Preliminary and Final Residential Simple Plat approval of “HUGH E CRAIG ESTATES SIMPLE PLAT” consisting of 3 lots PID # 35-019-1201 Legal Desc: S1/2 of NW1/4 of NE1/4 (full legal on file) Sec 19, Twp 34, Rge 27 Orrock Township 17.03 acres General Rural District

Mitch Glines presented the request along with the packet attachments, comments and recommended conditions if approved. He said he had nothing further to add and would answer any questions from the Board.

BOARD’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat
- C. Final Plat

ORROCK TOWNSHIP COMMENTS: (September 27, 2018) Town Board concurred with Township Engineer comments.

Mike Nielson, Township Engineer (September 27, 2018) – Upon satisfactorily providing the requested information and meeting the requirements of Sherburne County memo dated September 19, 2018 I would recommend approval of the proposed plat.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (September 18, 2018)

1. Sherburne County Public Works Engineering has no concerns with the proposed Simple Plat Application. The site layout provides and optimized access spacing.

2. The Sherburne County Public Works Department will require park dedication fees for 3 lots at \$800 per lot, totaling \$2,400. Park fees must be paid prior to the Public Works Department signing the plat mylars.

Russ Heiling, County Surveyor (October 3, 2018) - No additional comments. Will require a final plat check along with associated fees to be paid before recording.

Kathleen Heaney, County Attorney Office (September 18, 2018) - Since this is an intersection of two county roads, please ensure that the access points are defined from highway and also find out if there is a need for a site triangle.

Amy Rowan, County Auditor's Office (September 13, 2018) – No ditches on property. Taxes must be paid prior to plat being recorded.

PLANNING AND ZONING STAFF COMMENTS:

1. The proposed project consists of 3 new lots. Two five (5) acre lots and one seven (7) acre lot on a 17+/- acre parcel.
2. No new roads will be constructed. One access will be taken from CSAH 4 and two accesses from County Road 75.
3. There are no existing houses, wells or septic systems on the property.

RECOMMENDED CONDITIONS IF APPROVED:

1. Park dedication fees for three (3) lots at \$2,400. Fees are paid to Public Works prior to them signing the final plat mylars.
2. Must obtain driveway access from Sherburne County Public Works prior to driveway construction.
3. A Developer's Agreement must be signed with the County Attorney's Office, if needed.
4. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance

Lawrence invited the applicant to come forward.

Kyle Roddy, LHB Land Surveyors, Cambridge, MN came forward and said they have worked thru all of the issues with the County and are ready for a recommendation of approval.

Lawrence opened the public hearing.

There were no comments.

Schlingmann noted there was a concern from the County Attorney's Office regarding the need for a site triangle due to the intersection of two county roads. He asked if this has been resolved.

Glines replied that Dave Roedel, County Engineer, was copied on that concern and he reviewed it and determined that a site triangle was not needed.

David Guse, 8652 182nd Ave SE, Becker, came forward to say that he is an interested party in the purchase of one of the proposed lots (Lot 3). He asked if there is a problem with the existing access to his lot off of County Road 75.

Glines stated that Dave Roedel, County Engineer, has said that the proposed accesses to the lots in this plat are acceptable, however, you will still need to get approval from the Public Works Department as far as the culvert and the construction of the access.

Guse asked if there would be any need for a culvert since the access is existing.

Glines replied that he couldn't speak on behalf of the Public Works Department, but the access may need to be upgraded. They would have to review it and make that determination.

Guse asked who would pay for an upgrade.

Glines replied it would most likely be at the cost of the developer or the landowner.

Lawrence suggested that Guse contact Public Works regarding information on the driveway access. He also noted that this Board is approving the plat drawing this evening with the accesses as shown.

Riddle explained to Guse that he can call and discuss this access with Public Works right now, because they have already reviewed the plat and would be available to talk to you during the daytime hours.

Schneider took Guse's contact information and said he would pass it along to Mike Juricich in the Public Works Department.

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

The public hearing was closed.

Nelson moved and Schlingmann seconded to recommend approval of the request for Preliminary and Final Residential Simple Plat approval of "Hugh E Craig Estates" consisting of 3 lots with the following four (4) conditions:

- 1. Park dedication fees for three (3) lots at \$2,400. Fees are paid to Public Works prior to them signing the final plat mylars.*
- 2. Must obtain driveway access from Sherburne County Public Works prior to driveway construction.*
- 3. A Developer's Agreement must be signed with the County Attorney's Office, if needed.*
- 4. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance*

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

6:12 PM Glines informed the Board that **Sarah Cook**, the applicant for the next hearing, is running late, and he asked that she be moved to a later start on the agenda. The Planning Commission agreed to move the item to the end of the agenda.

6:15 PM Brian Lawrence proceeded to read the following Findings of Fact into the record for the following Public Hearings:

No Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:

1. That the CUP/IUP will not be injurious to the use & enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish & impair property values within the immediate vicinity.
2. That the establishment of the CUP/IUP will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate utilities, access roads, drainage & other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odors, 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.

6:17 PM A public hearing was held at the request of **DAVID M AND CARLA MERTZ** for an I.U.P. for Rural Tourism Property address: 31548 136th St NW, Princeton, MN PID # 01-007-1106 Legal Desc: S790' of E944' of NE1/4 of NE1/4 (full legal on file) Sec 7, Twp 35, Rge 26 Baldwin Township 10 acres General Rural District

Marc Schneider presented the request to the Planning Commission including the following packet attachments, comments and recommended conditions if approved. He noted there was one modification since the packets were mailed out, to condition #2 which combined the days and hours of operation under one condition. There are now thirteen recommended conditions rather than fourteen.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Written description provided by Applicant (1-6).
- C. Letter from Wedding and Event Planner Alex Lewer, General Manager with Rockwoods Bar and Grill.
- D. Site Plan
- E. Aerial Photo showing Event Footprint
- F. Driveway and Access Approval from Baldwin Township 1-3
- G. Interior Building Plans showing occupancy limits for Barn prepared by an Architect 1-2
- H. Site Photos 1-8

BALDWIN TOWNSHIP COMMENTS: (October 2, 2018) Recommended approval with no stipulations.

STAFF COMMENTS:

1. The applicant is requesting an Interim Use Permit to establish a Rural Tourism Business on their 10 acres parcel, in Baldwin Township. This IUP would allow the applicant to host weddings, social events and other celebrations. The applicant's request meets the standards established under Section 16.2 (Interim Use Permits), Subd. 5.18 A (Rural Tourism, Standards).
2. The applicant intends to use approximately 1.3 acres of their 10-acre parcel for events. The south east side of the property will provide parking and the northeast side where the barn is located will provide space for guest's outdoor or indoor events. The applicant has indicated that this is an active farm and guest will only have access to the areas highlighted in (Packet Attachment D). The applicant does own a second 23-acre parcel to the west, but they are only requesting this IUP on their homestead 10-acre parcel.
3. The applicant has provided the County with a detailed operational plan that summarizes their farm and business intentions. In the operational plan they have provided all the submittal information required in the County Zoning Ordinance, Section 16.2 (Interim Use Permits), Subd. 5.18 B. (Rural Tourism, Submittal Information) (See Board Attachment B)
4. There are three parking areas identified on the site plan, a 30'x40' handicap accessible lot on the north side of the property near the barn and two parking areas on the south side of the property totaling 22,800 sq. ft. of parking area. In accordance with Section 17 (General Regulations), Subd. 2.10 (Required number of on-site parking spaces) the applicant must provide parking for 100 vehicles. The applicant has parking for over 130 vehicles. No parking will be permitted on the street or the road right of way.
5. There will be two driveway access points permitted for this property to 136th Street, which is a Township Road. The applicant has obtained approval from the Baldwin Town Board to use this access for their IUP (Packet Attachment F).
6. The applicant has hired an RDS Architects to provide preliminary building plans for the remodeling the 1,300 sq. ft. barn. The Architect has determined the Total Building Occupancy Load at 155 people. Before the barn can be accessed by guest, the applicant must apply for and obtain all necessary construction and building from the County and Department of Labor in Industry. The applicant is not proposing to install bathrooms or kitchen space in the barn.
7. All liquor and catering will be provided by outside contractors. The applicant is working with Rockwood Bar and Grill to cater their events (Packet Attachment C).
8. Guest will not have access to indoor bathrooms. The applicant will use temporary toilets for events, which will be located south of the barn and next to the chicken coops.
9. Guest will not have access to the residential house located on this property. Guest are only allowed in the designated areas identified on the site plan provided by the applicant (Packet Attachment D).

Schneider noted that this is the first time this Board has seen an application for an IUP for Rural Tourism since the ordinance was amended last month.

Lawrence asked the applicant to come forward.

Carla Mertz, 31548 136th St NW, Princeton, addressed the Board and said she will answer any further questions that they have.

Lawrence gave some history of the project. He said the applicants are working on improving the barn in preparation of hosting various activities and events such as weddings. He also noted that they intend to have open house activities during the week days for school tours etc. Lawrence explained this is the first application of this type under the new amended ordinance and the township had gone thru the drafting process several times and the I.U.P. application was discussed extensively.

Schneider said the applicants were very involved with the drafting of the amendment and they have provided a complete application that identifies all of the ordinance requirements. He noted the tricky part has been to establish conditions that ensure it does not cause conflict with the findings of fact that this Board needs to make, including setting noise standard requirements that can be controlled when they are outdoors. Schneider asked Mertz to speak to the events they would like to have until the barn can be completed.

Mertz said until the barn is deemed accessible, all activities and events will be held outdoors under rented tents. Updates to the barn will begin this winter by breaking the concrete floor and will continue as they can afford.

Schneider explained under the conditions for approval, there can be no occupancy of the buildings until they have received a certificate of occupancy from the County Building Official and the Fire Marshall.

Lawrence asked to have it clarified that this application does not hinge upon the barn being completed.

Schneider said that was correct, but they have indicated they do intend to use the barn in time. He said the reason he brought it up was to make sure everyone realized there is a safety concern that comes along with this and to make it clear that the buildings on the property cannot be put into use at this time.

Lawrence noted that Mertz owns more than the required ten acres, but this application is only on the ten acres that are specified. He also pointed out that there is an access to the parking area in the southeast corner of the property so the public will not be gaining entry thru the homestead driveway.

Schlingmann asked how they intend to handle the security on the site.

Mertz replied they have talked with the Sheriff Department to contract with them for events and road control if they need to. She said they also know two retired police officers that have shown an interest, and some staff that can be on site for security purposes.

Spencer asked how they intend to monitor the volume of the outdoor/indoor music.

Mertz said they will be getting a decibel meter and have staff monitor the noise when the band or DJ start up. She said she understands that their neighbors moved out to this area for privacy and peace and they want to be respectful of that and do not want to cause any disruption. She said a few weeks ago at an event, they had to ask the band to quiet down.

Spencer asked, so your neighbors are aware of what you are trying to do.

Mertz replied that they have spoken to every neighbor around them.

Schneider noted that condition # 4 will allow the county to require the applicant to run a sound level meter test during events and supply the county with those records. He explained that has been a big concern of his since he has spent a fair amount of time dealing with other noise complaints. Schneider added that even though there is a condition that they need to meet state standards, it still does not mean we won't get any complaints, but at least it will give us a benchmark to regulate and enforce.

Mertz said they were considering having events in the front of the barn, but after looking at the locations of their neighbor, they decided that it would be best to move all activities to the backside of the barn.

Spencer asked how many parking spaces they have.

Mertz replied they have about 17,000 square feet of area for parking.

Schneider added that it is actually about 136 spaces. He said there is a provision in our ordinance regarding parking space requirements that says they are obligated to have spaces for 100 people. He noted that they are proposing to improve the parking surfaces and handi-capped accessible parking so that they meet the numbers that are established by our ordinance.

Spencer asked Mertz if she felt they had ample parking.

Mertz replied that they had 75 people at their recent event and they absolutely had more than enough parking.

For clarification, Schneider asked if that was a private event.

Mertz replied that it was a private farm event.

Schneider noted on their application they said they will have a parking attendant to ensure that people are parking in the correct areas.

Spencer asked if there will be lighting in the parking areas.

Mertz answered that they will have lights in their parking areas that are on a switch so they can be controlled when they go on and off. That way they will not be disrupting their neighbors with lighting at all hours of the night.

Lawrence said he knows there is an occupancy standard for the buildings, but is it necessary to have an occupancy standard for the property or the event.

Schneider answered that our ordinance does not have anything for the actual land. Occupancy is so much driven by the structures or the improvements to the structures, so he did not believe that one existed. He said the ordinance restricts the number of people to 300 at an event and the building has a maximum occupancy of 155 according to their architect.

Mertz explained that if they had an event of 300 people, the barn would be closed due to the limited occupancy and the fact that they could not control how many people were in and out of the barn.

Lawrence opened the public hearing.

There were no comments.

Nelson moved and Jehoich seconded to close the public hearing.

The public hearing was closed.

Spencer moved and Nelson second to recommend approval of the request for an I.U.P. for Rural Tourism with the following thirteen (13) recommended conditions:

- 1. The Board's Packet Attachments including the site plan with the written descriptions along with any conditions added during Planning Advisory Commission and/or County Board review will become a part of the approved interim use permit.*
- 2. Days & hours of May 1st to November 1st. Indoor activities 9:00 AM – 11:00 PM. Outside, activities (including events in tents) must be completed during daylight hours. Workers may stay after hours to clean-up no later than 12:00 AM.*
- 3. Outdoor and indoor music is permitted and must follow the hours of operation established in this permit. All activities must comply with MN Rule 7030.0040 Noise Standards. If complaints arise related to the noise levels the permit holder will need to run a sound level meter during the events to ensure compliance with MN Rule 7030.40. The permit holder will supply the County with records of the noise level test.*
- 4. No parking on public roads, temporary parking areas may be approved at the sole discretion of the County. Parking areas must be a minimum of forty (40) feet from all property lines and must be screened from neighboring property. Parking areas can be grass fields but must be delineated.*
- 5. A Building Permit is required from the Planning and Zoning Department for any structural improvements. Building plans must be prepared by an architect or engineer to certify the structure complies with MN Building Code and the American Disability Act requirements.*
- 6. Before any structures, or portions of structures can be used for events the applicant must receive a certificate of occupancy from the Sherburne County Building Official and Local Fire Warden. The existing house and garage may not be accessible by event participants.*
- 7. Exterior lighting shall be directed away from residences and the public right-of-way*
- 8. The use of food & beverage vendors shall comply with all MN Dept. of Health regulations. Required permits shall be provided to the Planning and Zoning Office if requested.*
- 9. There may be one sign totaling not more than 12 square feet in size, located on the property and outside the public right of way and a permit from the Planning and Zoning Office is required.*
- 10. The owner will maintain a log of the activities occurring onsite that includes activity/event dates, group identity, times and number of guests and make available to the Planning and Zoning Office if requested.*
- 11. The IUP is issued to David and Carla Mertz and shall expire with a change in ownership of the property.*

12. Applicant to comply with Section 16.2 - Subdivision 5.9 of County Zoning Ordinance and all local, state, and federal laws.

13. The Findings in the Zoning Ordinance under Sec 18, Subd 6.4 have been made.

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

6:40 PM A public hearing was held at the request of **FAMILY ONE HOMES INC** for Preliminary Residential Standard Plat approval of "MISTY HOLLOW" consisting of 10 Lots PID # 01-032-2200 Legal Desc: NW1/4 of NW1/4 (full legal on file) Sec 32, Twp 35, Rge 26 Baldwin Township 41.96 acres General Rural District and within the Natural Environment Lakeshore District of Goose Lake 710087

Schneider presented the request to the Planning Commission including the packet attachments, comments and recommended conditions if approved.

BOARD'S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (date stamped October 3, 2018)
- C. Preliminary Grading and Drainage Plan (date stamped September. 11, 2018)
- D. Letter from Wayne Jacobson MN Professional Soil Scientist #30611 (dated 10/15/2018)
- E. Revised Preliminary Plat (date stamped 10/16/2018)

BALDWIN TOWNSHIP COMMENTS: (September 10, 2018) Township Recommends Approval of the Preliminary Plat contingent on Nick Anderson (Township Engineer) Comment's.
Nick Anderson Township Engineer (October 2, 2018) All Preliminary Plat and Grading Plan Comments have been addressed.

OTHER DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (August 23 2018)

- 1. As required, Right of Way is identified at 50' on the Preliminary Plat. Coordinate with Sherburne County Public Works Survey department regarding their comments related to the Centerline alignment.
- 2. Access location has been previously coordinated with County and developer and is acceptable.
- 3. Trees shall be cleared to the Right of Way line.
- 4. Fencing and other obstacles, including culverts, existing driveways and field approaches shall be removed from the Right of Way.
- 5. The Sherburne County Public Works Department will require park dedication fees for 10 lots at \$800 per lot, totaling \$8,000. Park fees must be paid prior to the Public Works Department signing the plat mylars
- 6. All work shall be performed in accordance with applicable State and County standards.

Russ Heiling, County Surveyor (10/03/2018) – The preliminary plat revision addresses my comments from August 21, 2018

DNR: No comments received for proposed plat.

STAFF COMMENTS:

The 41-acre parcel is undeveloped and has no structures on it. This is a 10-lot standard plat all lots are located within a Shoreland District there four riparian lots and six nonriparian lots. There will be a new 832 linear foot Township Road. The road will be a cul-de-sac, which will connect to 283rd Ave NW. No future road connections will be made.

Note the Developer has provided an written comment from the Soil Scientist for this plat, Wayne Jacobson which stated he has no doubt that the soils will be fine for building purposes and they will meet Sherburne County Code requiring 3ft of separation from the high water table (Board Packet Attachment D) The Developer has had the surveyor modify the preliminary plat's buildable line to reflect the comment from Wayne Jacobson.

Schneider explained that he added a couple of additional items to the packet to show the minor revision in the southwest corner of the Preliminary Plat drawing. He noted the letter from Wayne Jacobson, Professional Soil Scientist dated October 15, 2018 (Packet Attachment D-1 thru D-4) was added along with a revised Preliminary Plat drawing dated October 16, 2018 (Packet Attachment E).

Schneider said that the buildability line on Lot 2 caused a bit of confusion because it did not look right. Seth Monroe worked with Wayne Jacobson to evaluate the buildability of the property. What it came down to was that the soil scientist did not strike mottled soil within 6' at the boring so the buildability line you saw on the preliminary was not directly tied to where the soil scientist did the boring. He did a boring essentially 8' higher on Lot 2 than he did on lots 1 and 3 which skewed the buildability line. Once the plat drawing was revised in accordance with the supporting documentation from the soil scientist, the buildable area on Lot 2 was kept in line with Lot 1 and Lot 3 and the issue was resolved.

Lawrence said, so basically the buildable space on Lot 2 was no longer limited.

Schnieder said that was correct and it avoids any future conflicts when the lot is sold and the new owner is ready to build.

Lawrence asked the applicant to come forward.

Greg Wersal, president of Family One Homes said he is seeking preliminary plat approval and he has seen the conditions for approval.

Seth Monroe, Rum River Land Surveyors and Engineering said his consulting firm worked with the Township and the County to address all comments and concerns.

Schnieder commented that this plat has an 880' dead end cul-de-sac and to the north is Baldwin Township park land. He also noted that minimal tree removal was required with this design and he felt it made sense the way it was laid out.

Lawrence opened the public hearing.

There were no comments.

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

Lawrence closed the public hearing.

Schlingmann moved Jehoich seconded to recommend approval of the request for Preliminary Residential Standard Plat approval of “Misty Hollow” consisting of 10 Lots and with the following six (6) conditions:

- 1. Park dedication fees in the amount of \$8,000 will be paid to the Public Works Department when the final plat is signed.*
- 2. A Developer’s Agreement must be signed with the County Attorney’s Office, if needed.*
- 3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.*
- 4. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.*
- 5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to being scheduled for final plat approval. No construction can be started prior to final plat approval.*
- 6. Developer has one (1) year to record the plat per Section 4, Subd 3 of the Subdivision Ordinance.*

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

6:40 PM A public hearing was held at the request of **SARAH COOK:** (Property owner is Sarah Bursey) Request an I.U.P. for a Home Business in an Accessory Building – Dog/Cat Grooming Property address: 26660 104th St NW, Zimmerman, MN PID # 30-011-1405 Legal Desc: N330’ of E330’ of SE1/4 of NE1/4 (full legal on file) Sec 11, Twp 34, Rge 26 Livonia Township 2.5 acres General Rural District

Mitch Glines presented the request to the Planning Commissioners including the packet attachments, comments and recommended conditions if approved. He said the applicant was given a copy of the comments and recommended conditions.

BOARD’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Written Description of Business (1-2)
- C. Proposed Garage Layout
- D. Site Photos (1-3)

LIVONIA TOWNSHIP COMMENTS: Recommends approval

OTHER DEPARTMENT/AGENCY COMMENTS:

Public Works Department: Has no concerns with the IUP.

Fire Chief of Zimmerman: No comments received.

County Attorney Office: It looks as though she is going to have more than 2 employees on the site. It also looks as though the property is engaged in the retail sale of pet food.

PLANNING AND ZONING STAFF COMMENTS:

1. The applicant is proposing to move her pet grooming business (Paw Spa) from a commercial building in Monticello to a detached garage on her property in Livonia Township.
2. The detached garage is 960 sq. ft. and will need to be renovated to accommodate the business. This would include building separate rooms for check-in, grooming area, bathroom and blow drying. A portion of the garage will remain for personal use to park a car.
3. The proposed bathroom would have a separate holding tank installed.
4. Boarding of pets will not be allowed as the property does not qualify for a kennel license. The requirements for a kennel license are a minimum of 2.5 acres in the residential area and the kennels or shelters must at least 500ft to any pre-existing residence except that of the kennel owner. The nearest pre-existing residence is 280ft to the west.
5. A fenced in area between the house and detached garage totaling approximately 1,500 sq. ft. will contain the dogs when they are outside.
6. A source of heat and water supply would also be included in the renovation.
7. The business will have two (2) full time employees (FTE) in addition the property owner (confirmed on 9/25/2018 via email from Sarah Cook).

Lawrence asked if Glines has received any comments from neighbors on this proposal.

Glines said he has not.

Lawrence asked the applicant to come forward.

Sarah Cook, 26660 104th St NW, Zimmerman said she would like to move her current business in Monticello to her home. She said she will not be adding any additional buildings, but she will need to finish off the inside of her existing garage.

Schlingmann commented that the property is in a different name than the applicant.

Cook explained that Bursey was her previous name at the time that she purchased the home and she guessed the county records were never changed.

Schlingmann noted there was a concern from the County Attorney Office regarding the number of employees. He asked Cook how many of her staff will be moving to the new location.

Cook replied she has two employees plus herself and they will all be re-locating to her home.

Schlingmann asked if the outside run is basically for her daycare service.

Cook answered that she put up the fenced area three years ago when she moved to the property for her own personal dogs. She said she is planning on putting a door on the backside of the outbuilding so they can simply let the dogs out the back to go to the bathroom and then let back in again.

Schlingmann asked how many dogs she has at her current facility that are in daycare.

Cook replied they do not do a high volume of daycare. She said their primary source of income comes from their grooming services and since the distance to her new location is quite far, she believes most of those daycare families will no longer be able to follow her. Cook added that there may be new families, but that is not her desired primary service to offer. She said the business will be downsizing from where they are now.

Schlingmann commented that he looked over the requirements in the ordinance for a business in an accessory building, and under Item B, the last sentence says all work must be conducted within the existing building. He said the applicant has made provisions for at least 3 dogs to be outside, so how are you going to rectify that.

Glines replied that we limited it to three dogs in the fenced in area because more than that would require a kennel license.

Schlingman said he is not talking about a kennel license, he's talking about the I.U.P. being operated outside of the building.

Cook explained the business will be conducted inside of the building and she does not have dog runs. The dogs will simply be let out to go to the bathroom and back in again.

Schlingmann said he wants to know how she plans on getting around what the ordinance states.

Sime said it is the Zoning Administrator who interprets the Ordinance. As he understands the request, the business is for grooming and daycare, which will require the dogs to go out as needed to the bathroom and he is not sure how else that could be accommodated.

Schlingmann said this is like interpreting the constitution, and the Ordinance says "all work". He said he wondered what the rest of the Board's contention is.

Lawrence asked Cook if the dogs will be in the enclosed area when they are let outside.

Cook replied that the fence encloses the entire area between the home and the garage. She said if it meant anything, she would be happy to say they would no longer have daycare services if that is the big issue.

She said at their current location they walk them out the door on a leash, potty them and then bring them right back inside and she has never had any issues in the ten years that they have been there. Cook said if needed, they could put them on a leash and walk them out into her front yard, if that would be acceptable. She noted that it would be much easier to let them out in a confined area without running the risk of them get off of the leash.

Silverberg asked if most people drop their pets off and return in an hour, or do they come back at the end of the day.

Cook replied it is about half and half. She said it has been a big plus in my business to allow them to leave pets until the end of the business day if they need to, because most places do not allow this. Some families would literally have to take the day off work just to get their pet groomed if they were required to come back in an hour. She said they do not charge extra for that service, where most places charge a kenneling or boarding fee. Cook said with the move, she believes that about half of her families will not be able to follow her to the new location and it will be a transition for the business.

Lawrence asked on average, how many pets do you service in a week.

Cook said they average about thirteen dogs a day between the three of them.

Jehoich asked if the dogs are kept in stalls.

Cook explained her current place has multiple rooms and the dogs that get along well stay in one room and the dogs that need their own space are in another room. She said the salon is cage free and after eighteen years in the business, she has never had a dog fight. Cook also explained that most of the time they know instantaneously if they are going to get along in a group or not.

Jehoich asked if they have ever had any new puppies as a result.

Cook answered that they don't have that problem either. She said she is very well educated on the pet industry and a rule at the salon is that the females are not allow to come during those certain times.

Riddle commented that keeping dogs together in a group rather than individual cages is now pretty common and the owners have a good intuition as to which dogs can be grouped together.

Riddle said she also wanted to address the issue that came up earlier regarding letting the dogs outside to go to the bathroom. She noted that there are plenty of home businesses in accessory buildings where some of the activities take place outside. As long as the activity is identified and restrictions are placed upon it, there has not been a problem.

Spencer asked how the dog waste is handled.

Cook replied that she will be working with Mitch on this as things start moving along. She said she believes she will need a separate holding tank for the waste water that will come from the grooming, and possibly a second well source. She will also be contacting Ace Waste Disposal to see exactly what she needs to do for the dog waste disposal.

Lawrence opened the public hearing.
There were no comments.

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

Spencer moved and Eyk seconded to recommend approval of the request for an I.U.P. for a Home Business in an Accessory Building – Dog/Cat Grooming with the following thirteen conditions:

- 1. No more than three (3) dogs outside at any given time.*
- 2. 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.*
- 3. Days & hours of operation shall be Monday thru Fri, 7:00 AM - 6:00PM, Sat 8:00 AM - 3:00 PM*
- 4. The applicant must apply for a building permit for any modifications to the structure and a new septic tank.*
- 5. There may be no more than two (2) employees (FTE) other than a member of the household residing on the premises.*
- 6. No boarding of animals is allowed.*
- 7. All animal waste must be disposed of in a legal manner. Applicant must work with local waste hauler to determine the right way for disposal.*
- 8. Items for sale (i.e. pet food) will not be displayed in windows or for public to see.*
- 9. The IUP is issued to Sarah Cook and shall expire with a change in ownership of the property.*
- 10. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the IUP.*
- 11. The property owner shall permit the County to inspect the property during normal business hours.*
- 12. Applicant to comply with Section 16.2 - Subdivision 5.9 of County Zoning Ordinance and all local, state, and federal laws.*
- 13. The Findings in the Zoning Ordinance under Sec 18, Subd 6.4 have been made.*

The motion carried with Schlingmann in opposition and is recommended to the County Board for approval.

Nelson moved and Schlingmann seconded to adjourn. Motion carried unanimously.

7:10 PM Meeting Adjourned.

Respectfully Submitted by:

Judy Weber, Secretary