

**Planning Commission
MINUTES
May 28th, 2020**

PRESENT: Gerry Feld, Al Brenny, Art Buhs, Mary Jo Holewa, Scott Johnson, Jerry Lang, Dan Gottwalt, Warren Peschl]

Staff: Roxanne Achman

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Gerry seconded and the motion carried.
3. File #20-176, Doug Friedrich, Friedrich Properties LLC, requesting a conditional use permit to operate vehicles sales and repair in the B-2 Business District. Pursuant to Sections 7.9.4(C) and 11.6. The affected property is described as follows: part of the NE1/4, Section 12, West Langola Township.

Roxanne stated that this request is in Langola township. This property was rezoned to B-2 in 2018. There are already other businesses in this area along Hwy 10. The 2040 Comprehensive Plan identifies this area as highway commercial. The request is for vehicles sales with repair business. Repair businesses are permitted in the business districts. Vehicles sales require a conditional use permit. She stated that Auto Salvage is not permitted. She showed the site plan. The property is 12.28 acres. Access will be from a service road. The office will be in the repair garage building. There will be a storage building with a fenced in area. She showed a drawing of what the buildings will look like. She showed pictures of the site from different angles. The applicant has a storm water permit for the pond. The trees along the north property line have been removed. When the fertilizer plant owned this property, they were required to maintain these trees. The service road is a private road. There was a conditional use permit on this property for small vehicle sales for the previous owner.

Russell Friedrich, 39976 CR1, Rice stated that they are requesting a conditional use permit for vehicle sales and repair. Gerry asked what would be in the fenced area. Russell stated that any vehicles towed in that are inoperable. Jerry asked if repairs would be done on semi-trucks. Russell stated that on cars and trucks. Mary Jo asked about their policy for used oil, parts washing, solvents and tires and if they were registered with the MNPCA. Russell stated that they have a waste oil heater. They don't use parts washer/solvent. They are registered with the MPCA. There would be security lighting with lighting along the service road for the vehicles that are for sales. The fence will be earth tone and there will be landscaping along 165th St. Art asked about signage. Roxanne stated that a monument sign is allowed and there would be signage on the building. No paving is planned.

Roxanne stated that a letter was received from Beth Muntifering, 4785 165th St NW, with concerns with the number of cars on the property, lighting, waste disposal and security and had questions about the pond. She received an email from Stan Wagner, 4709 165th St NW requesting that there be a buffer of trees for screening. He questioned the pond and would like fencing around the pond.

Art moved to close the public hearing. Jerry seconded and the motion carried.

Mary Jo asked if the applicant would hold the titles of the used cars or if they would be on consignment. Russell stated that they would hold the titles. Roxanne suggested conditions regarding specific landscaping.

Gerry moved that the request meets Section 7.9.4(c) page 51 and Section 11.6 pages 9-12. Dan seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Art stated that the property is zoned for commercial use and located in an area that sees a high amount of traffic. Additionally, this stretch of Highway 10 is identified in the 2040 Comprehensive Plan for highway commercial. It is not anticipated that the proposed use of this property for vehicle sales will create an excessive burden on facilities and utilities that serve the area. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Gerry stated that the business is directly adjacent to Hwy 10. There are several businesses to the south. This request fits the 2040 comprehensive plan. There will be fencing and screening. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

- 3) Warren stated that the property is zoned highway commercial. The structures will be new with an earth tone color. Vehicles being repaired or stored will be in an enclosed area. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Dan stated that the property is zoned and planned for highway commercial. Automobile and vehicle sales fits within this type of land use. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited Section 2.1.1 B, C and L and added the development conditions to File #20-176. Jerry seconded. Doug and Russell stated that they reviewed and agree with the conditions. There was discussion regarding the lighting. Doug stated the lighting will face the buildings and lot. The motion carried. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that the use is in accordance with the 2040 Comprehensive Plan, the site is planned highway commercial. He cited Land Use Goal #3: Commercial and Industrial Development. Policy #: Commercial and Industrial Development and Mobility Goal #1: Transportation System Policy #7: Commercial and Industrial Sites. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Mary Jo stated that the use is not expected to cause traffic hazards or congestion. There is a right turn lane on Highway 10 and then a frontage road to turn onto shortly after turning onto 165th St NW. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Dan stated that there are no wetlands in this area. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Warren moved to approve this conditional use permit. Dan seconded and the motion carried.

4. File #20-187, Tim and Gloria Rajkowski requesting a conditional use permit to allow mini storage in the Agricultural District. Pursuant to Section 7.2.4 (BB) and 11.6. The affected property is described as follows: part of the NW1/4 SW1/4, Section 35, Watab Township.

Roxanne stated that this property is in Watab Township on CR33 from Hwy 10. They also have a communication tower with warehouse and offices on this property. The site is zoned agricultural but designated Hwy Commercial in the 2040 Comprehensive Plan. The request is for up to 5 mini storage buildings. Two buildings to start with additional 3 over time. There will be one off-site employee. No

lighting facing CR33. Security fencing will be at the entrance with motion sensors throughout the site. Hours of access will be from 6am to 10pm. There is a stormwater management plan designed. All setbacks will be met. She showed the aerial of the proposed plan. She pointed out where the security fence and motion sensors will be. The property to the north is zoned commercial. She showed the site plan and pictures of the site. The proposed buildings will be similar to the existing buildings on site.

Tim and Gloria Rajkowski, 320 60th St NW, stated that they are requesting a conditional use permit for mini storage. Tim said that they are requesting 7 days/week. Roxanne stated that in the agricultural district the sign allowance is much lesser: 32sf monument sign and 32sf sign on a building. Tim went over the security plan for the site. He leases the buildings to the tower company he sold his business to.

Roxanne read an email in opposition from Cami and Jason Prom stating their concern with security and their property value.

Jerry moved to close the public hearing. Dan seconded and the motion carried.

Gerry moved that the request meets Section 7.2.4(BB) pages 4-7 and Section 11.6 pages 9-12. Mary Jo seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the property is located near Hwy 10. Mini Storage structures are used intermittently. The use will not be a burden on public facilities and utilities. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Art asked where the Prom residence is from the affected property. He stated that the business is located in an area directly adjacent to property zoned for commercial uses and that is planned for Highway Commercial in the 2040 Comprehensive Plan. The nearby homes are screened by dense trees. Additionally, the site has a number of trees and the buildings will be constructed similarly to the existing buildings on the site. The property to the south is wetland and will not be developed. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Dan stated that the buildings will have a similar appearance to the existing buildings on site. The storage area will be fenced for security purposes and there will be no lighting facing the road. The vote was unanimous that the

structure and site have an appearance that will not have an adverse effect upon adjacent properties.

- 4) Al stated that the property is planned for highway commercial and has existing commercial uses on it. Self-service mini storage fits within this type of land use. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Mary Jo stated that the Development Code does allow for mini storage with a conditional use permit. She cited (C) and (E) of Section 2.1.1. She moved to include the development conditions adding #9. Hours of operation, 6 am to 10 pm, 7 days a week to File #20-187. Warren seconded and the motion carried. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry cited Land Use Goal #3: Commercial and Industrial Development. Policy #1: Commercial and Industrial Development and Mobility Goal #1: Transportation System Policy #7: Commercial and Industrial Sites. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Gerry stated that the property is located along Hwy 10. Traffic should be able to move in and out quickly. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that the wetland delineation was completed. The wetlands on site will not be impacted by the proposed structures or use. The vote was unanimous that the use will not violate the wetland provisions of MN Statute Chapter 103G.

Jerry moved to approve File #20-187. Warren seconded and the motion carried.

5. Roxanne stated that there would be no meeting on June 11th.
6. Warren moved to adjourn at 8:00 p.m. Dan seconded and the motion carried.

Respectfully submitted,

Karen Loehrer
Administrative Secretary
(prepared from audio)