

Planning Commission MINUTES June 13th, 2019

PRESENT: Mitch Czech, Art Buhs, Mary Jo Holewa, Gerry Feld, Jerry Lang, Dan Gottwalt, Warren Peschl

Staff: Roxanne Achman, Karen E Loehrer

1. Gerry called the meeting to order followed by the Pledge of Allegiance.
2. Art moved to approve the agenda. Dan seconded and the motion carried.
3. Warren moved to approve the minutes from the May 9th and May 23rd, 2019 meetings. Jerry seconded and the motion carried.
4. File #19-146, Mike and Kris Steiner requesting a conditional use permit to operate a repair garage in the Agricultural District. Pursuant to Section 7.1.23 and 11.6. The affected property is described as follows: SW1/4 NW1/4, Section 31, Alberta Township.

Roxanne stated that this property is located to the west of Gilman and south of Hwy 25. This is a 40 acre parcel. The request is to continue the operation of a repair garage. The applicant does repairs on farm tractors and trucks. The business is operated out of an existing 70'x110' building. The applicant does live on the property. She stated that this is an after-the-fact request. The business has been in operation for many years. There is some screening to the north.

Mike Steiner, 12190 75th Ave, stated he started fixing tractors and trucks for neighbors. He hired employees 5 years ago. He plans on operating for 5 to 10 years then change to farming. Mary Jo asked about the storage and disposal of cleaners, oil and antifreeze. Mike stated he hauls antifreeze to Eastside Oil. He uses the waste oil to heat the shop.

No one spoke in favor, opposition or general comments. Art moved to close the public hearing. Mary Jo seconded and the motion carried.

Mitch stated that the request meets Section 7.1.23, pages 3&4 and Section 11.6 pages 7&8.

In reviewing Section 11.6 the vote was as follows

- 1) Warren stated that the use is not expected to create a burden. The site has operated as a repair garage for many years without any issues. 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) Dan stated that the area is zoned Agricultural. Repair Garages are permitted within this district with a conditional use permit. There is screening on the north and very few homes in this area. 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) Jerry stated that the storage structure is similar to other storage structures throughout the county and within the Ag District. Screening along 75th Ave NE or locating vehicles within an enclosed area could improve the site's appearance. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Mary Jo said that a repair garage for farm tractors and trucks is reasonably related to the general nature of the Ag District. 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 Sections 2.1.1, 2.1.3 and include the development conditions to File #19-146. 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) Mitch stated that the Development Code allows for repair garages. He cited Economic Development Goal #2: Agricultural Hub Policy #1: Agricultural Business: Encourage value-added agricultural industries, businesses and diverse agricultural operations to locate in the county. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Warren stated that there is not expected to be a stream of traffic flowing into this site. It is not the type of business that would generate a stream of traffic. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Gerry stated that there are no wetlands on this site. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The use is not expected to create an excessive burden. The site has operated as a repair garage for the past several years without issue.

- (2) Is the use 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?

The area is zoned Agricultural. Repair Garages are permitted within this district with a conditional use permit. There is screening on the north and very few homes in this area.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

The storage structure is similar to other storage structures throughout the county and within the Ag District. Screening along 75th Ave NE or locating vehicles within an enclosed area could improve the site's appearance.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

A repair garage for farm tractors and trucks is reasonably related to the general nature of the Ag District.

- (5) Is the use 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?

The application is in accordance with the following sections of the Development Code.

Section 2.1.1 of the Development Code the purpose and intent of the Code is to promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

Section 2.1.3 states the purpose and intent is to promote the orderly development of residential, business, industrial, recreational and public areas.

Development Conditions for File No. 19-146 are approved.

- (6) Is the use in conflict with the Land Use Plan of the county?

The Development Code allows for repair garages.

Economic Development

Goal #2: Agricultural Hub

Policy #1: Agricultural Businesses: Encourage value-added agricultural industries, businesses and diverse agricultural operations to locate in the county.

(7) Will the use cause traffic hazards or congestion?

There is not expected to be a stream of traffic flowing into this site. It is not the type of business that would generate a stream of traffic.

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no wetlands on this site.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. The applicant shall obtain proper permits necessary to operate said business at the property including but not limited to land use, and building permits.
4. Pursuant to Section 11.6.2 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
5. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
6. Tires shall be stored indoors or if stored outside the tires shall be tarped or stored under a building to shield the tires from the weather. No more than 25 tires shall be stored outside at any one time.
7. All cleaners, oils and antifreeze must be properly stored and disposed of.
8. This CUP does NOT allow for an Auto Salvage yard or other uses not specifically

granted.

Art moved to accept the findings and conditions and grant File #19-146. Jerry seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

5. 7:15 p.m. File #19-164, Lance and Lori Muyres requesting a conditional use permit to construct a storage structure without a single family dwelling or other principal building in the R-2 Residential District. Pursuant to Sections 6.2.8, 6.2.9, 7.4.2 and 11.6. The affected property is described as follows: Lot 3, Block 2, Retka Pines Estates Plat 2, Section 1, West Langola Township.

Roxanne stated that this property is located southeast of Royalton. She showed the site plan. The request is to build a storage structure prior to the home being constructed. The applicants are waiting for their current home to sell. There is sufficient room on the lot for the 50'x36' shed and a future home. The proposed structure will meet all setbacks and there is space for the two proposed septic. This site is heavily treed.

Lance Muyres, 5200 173rd St NW, stated that they intend on building a house once their current house sells. He stated that his children are registered in the Royalton School District. They would like to start with the shed for storage. One septic would be for the house and one for the shed.

No one spoke in favor, opposition or general comments. Art moved to close the public hearing. Jerry seconded and the motion carried.

Mitch stated that the request meets Section 7.4.2 page 28, Section 6.2.9, page 3 and Section 11.6 pages 7&8.

In reviewing Section 11.6 the vote was as follows

- 1) Warren stated that the use will not create a burden. The applicant will be constructing a new home in the future. 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) Dan stated that storage structures are allowed to be placed on lots in the R-2, Residential District without a single family home, provided a conditional use permit is obtained. There is significant screening on all sides by trees. A home will be built on the lot later. 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) Jerry stated that storage structures are common in the R-2, Residential District. The structure will be similar in appearance to the future home. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.

- 4) Mary Jo stated that storage structures are common in Residential Districts. The applicant plans on constructing a residence on this lot in the near future. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art stated that the Development Code allows for storage structures in residential areas prior to a home being constructed and as a principal use with a conditional use permit. He cited Sections 2.1.1 and 2.1.3 and included the development conditions to File #19-164. 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) Gerry stated that in accordance with the 2040 Comprehensive Plan the site is planned Rural Residential and is within the Urban Growth Boundary. The site is zoned R-2 and the construction of storage structure without a principal structure would not be in conflict with the Plan. Mitch cited Quality of Life Goal #1: Livability - maintain and enhance the livability of Benton County for all members of the community. Goal #2: Housing Stock - Continue to maintain a high quality living environment in all residential neighborhoods and upgrade those in need of improvement. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Gerry stated that a storage shed with a future home will not cause traffic hazards. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that there are no wetlands being impacted. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The use of this property for a storage structure without a dwelling should not create a burden. The applicant will be constructing a home on this lot in the near future.

- (2) Is the use 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?

Storage structures are allowed to be placed on lots in the R-2, Residential District without a single family home, provided a conditional use permit is obtained. There is significant screening on all sides by trees. A home will be built on the lot later.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

Storage structures are common in the R-2, Residential District. The structure will be similar in appearance to the future home.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

Storage structures are common in Residential Districts. The applicant plans on constructing a residence on this lot in the near future.

- (5) Is the use 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?

The application is in accordance with the following sections of the Development Code.

Section 2.1.1 of the Development Code the purpose and intent of the Code is to promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

Section 2.1.3 states the purpose and intent is to promote the orderly development of residential, business, industrial, recreational and public areas.

Development Conditions for File No. 19-164 are adopted.

- (6) Is the use in conflict with the Land Use Plan of the county?

In accordance with the 2040 Comprehensive Plan the site is planned Rural Residential and is within the Urban Growth Boundary. The site is zoned R-2 and the construction of storage structure without a principal structure would not be in conflict with the Plan.

Quality of Life

Goal #1: Livability – Maintain and enhance the livability of Benton County for all members of the community.

Goal #2: Housing Stock – Continue to maintain a high quality living environment in all residential neighborhoods and upgrade those in need of improvement.

- (7) Will the use cause traffic hazards or congestion?

This is just a storage structure. A home will be built later. There will be no impact to traffic.

- (8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no wetlands being impacted by the proposed structure.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. Pursuant to Section 11.6.2 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work as defined in the Development Code. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
4. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
5. The storage building will not be used for commercial purposes.
6. The storage building will not be used for temporary or permanent residence.
7. The septic area shall be preserved.
8. Appropriate permits shall be obtained including but not limited to: land use permit, building permit, and septic permit.

Warren moved to accept the findings and conditions and grant File #19-164. Dan seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

6. 7:30 p.m. File #19-165, Scott Smith requesting a conditional use permit to operate an open sales lot in the Business District. Pursuant to Sections 7.6.2 and 11.6. The affected property is described as follows: Lot 1, Block 2, Hi View Terrace 4th Addition, Section 3, Watab Township.

Roxanne stated that this property is located south of Pine's Edge. The applicant had this business north of Rice. He would like to move the business to this site. There is a manufactured home on the lot that will be used as an office. This site was previously used for the sale of manufactured homes. She showed a proposed site plan with skid loaders along the edge of the property with lighting and a loading dock by the office building. This is a business district that abuts a residential district. She felt there should be screening

along the south of the lot. Mary Jo asked about lighting. Roxanne stated that there is a condition that the lighting be directed or shielded from the residential area. She stated that Watab Township discussed this at their meeting and agreed with the proposed lighting condition.

Scott Smith, 43453 105th Ave, Holdingford, stated that he previously had this business south of Royalton. He stated that he is unsure of the layout of the lot. Scott agreed with screening on the southside. Art suggested that the applicant work with the neighbors on lighting.

No one spoke in favor, opposition or general comments. Art moved to close the public hearing. Dan seconded and the motion carried.

Mitch stated that the request meets Section 7.6.2, pages 35&36 and Section 11.6 pages 7&8.

In reviewing Section 11.6 the vote was as follows

- 1) Dan stated that the use is not expected to create an excessive burden on existing parks, schools, streets and other public facilities and utilities. The site has operated as an open sales lot in the past. There may be few employees. 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) Jerry stated that the area is zoned B – Business District. Open sales lots are permitted within this district with a conditional use permit. The land to the north is zoned B-Business as well. The land to the south and east is zoned residential. There is sufficient screening on the southeast side of the property, some screening is provided on the northeast side and no screening is provided on the south side of the lot. Art moved to add a condition that the owner works with the neighbors on screening the site from adjacent residential lots and amend condition #7 to add that the lighting is not offensive to neighbors. Jerry seconded. 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 office is a manufactured home that fits in with the surrounding residential homes; however, this is a commercial lot and will have commercial aspects to it such as the display of products for sale. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Mary Jo stated that the existing land use was for an open sales lot for the sale of manufactured homes. The proposed use is also an open sales lot, but should be less obstructive than having multiple homes displayed at one time. 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 Sections 2.1.1 and 2.1.3 and moved to add the amended development conditions to File #19-165. Warren seconded. 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) Mitch stated that the Development Code allows for open sales lots. He cited Land Use Goal #3 and Economic Development Goal #1. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Dan stated that there will be no congestion. This is a frontage road off of Hwy 10. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that there are no wetlands. The vote was unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The use is not expected to create an excessive burden on existing parks, schools, streets and other public facilities and utilities. The site has operated as an open sales lot in the past. There may be few employees.

- (2) Is the use 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?

The area is zoned B – Business District. Open sales lots are permitted within this district with a conditional use permit. The land to the north is zoned B-Business as well. The land to the south and east is zoned residential. There is sufficient screening on the southeast side of the property, some screening is provided on the northeast side and no screening is provided on the south side of the lot.

Adding condition #8 to work with the neighbors on screening along the north side of Sue Road to the west side of the driveway of the home to the south. Also amending #7 to include that lighting shall not be offensive to neighbors.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

The office is a manufactured home that fits in with the surrounding residential homes; however, this is a commercial lot and will have commercial aspects to it such as the display of products for sale.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

The existing land use was for an open sales lot for the sale of manufactured homes. The proposed use is also an open sales lot, but should be less obstructive than having multiple homes displayed at one time.

- (5) Is the use 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?

The application is in accordance with the following sections of the Development Code.

Section 2.1.1 of the Development Code the purpose and intent of the Code is to promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

Section 2.1.3 states the purpose and intent is to promote the orderly development of residential, business, industrial, recreational and public areas.

The amended Development Conditions for File No. 19-165 are adopted.

- (6) Is the use in conflict with the Land Use Plan of the county?

The Development Code allows for open sales lots.

Land Use

Goal #3: Commercial and Industrial Development

Economic Development

Goal #1: Resources

- (7) Will the use cause traffic hazards or congestion?

There is not expected to be a stream of traffic flowing into this site. Access to the site is from a frontage road off Highway 10.

- (8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no wetlands.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or

use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.

3. A building permit shall be obtained from Watab Township if any construction takes place. The township may also have requirements for other permits including but not limited to a land disturbance permit, that will be obtained and the applicant shall be responsible to obtain proper permits from the Township prior to the start of construction.
4. Pursuant to Section 11.6.2 of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
5. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
6. Obtain proper permits from the State for the sale of equipment if necessary.
7. Lighting on the lot shall be directed or shielded so that it does not shine into the residentially zoned area. Lighting shall not be offensive to the neighbors.
8. Work with the neighbors on screening along the north side of Sue Road to the west side of the driveway of the home to the south.

Warren moved to accept the findings and conditions and grant File #19-165. Dan seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

7. Boundary Line Commission discussion

Roxanne stated that the County Board has formed a Boundary Line Commission to review areas where the property lines are being disputed by the neighbors. The commission will be 5 members, 4 from the Planning Commission and 1 from the Board of Equalization. The two areas in question are on Sharon Place and Hedge Rd/Heron Rd. The county will hire an attorney and surveyor to work with the affected property owners, review surveys and the legal descriptions for the property. Through a meeting with the land owners the

surveyor and attorney will bring forward a plan on the location of the boundaries. These plans are brought to the Boundary Line Commission for recommendation to the County Board. These lots in question will become platted lots signed by a judge. With the Little Rock Lake drawdown this is a good time to find some of the pins that are in the lake. Gerry, Dan, Art and Scott agreed to be on this commission. Roxanne stated that the cost of this would be assessed back to the property owners.

8. Roxanne stated that the 2040 Comprehensive Plan has been adopted. There will be a meeting with Hkgi to start updating the Development Code.
9. Warren moved to adjourn at 8:20 p.m. Jerry seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary