

# **Planning Commission MINUTES July 11<sup>th</sup>, 2019**

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

Staff: Roxanne Achman, Michelle Meyer, Karen Loehrer

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Gerry moved to approve the agenda. Jerry seconded and the motion carried.
3. Jerry moved to approve the minutes from the June 13<sup>th</sup>, 2019 meeting. Dan seconded and the motion carried with Scott abstaining.
4. File #19-233, BCI Land Holdings, LLC requesting to amend conditional use permit #07-126 to allow for the expansion of a contractor shop in the Agricultural District. Pursuant to Sections 7.1.23 and 11.6. The affected property is described as follows: S999.61ft of the N1999.22ft of the E871.56ft, E1/2 NE1/4, Section 26, Watab Township.

Roxanne stated that this property is located in Watab Twp. just north of Lake Andrew development off a Township Road, 5<sup>th</sup> Ave NE. The request is to expand an existing contractor shop. There was a contractor shop approved for this location in 2002 with an amendment in 2007. The applicant is requesting to expand the office space. She showed an aerial of the property with the proposed addition and an aerial photo of the existing building. She pointed out the nearest residences within the agricultural zoning district. The number of employees will increase. There is a newly installed septic system that will accommodate the additional employees. The addition would match the existing structure. She showed the site plan. The applicant plans to pave/concrete the additional parking area of 24 stalls with 2 handicap stalls. The residences in the area have significant screening along the road. The site doesn't have screening from the road. The Township stated that the road is set up for the additional traffic. Hours of operation would be 7 a.m. to 5 p.m.

Steve Paasch, GLTArchitects, stated that they are working with BCI on this addition. Dustin Vaverek, BCI Construction stated that currently there are 6 offices with 15 employees. The addition would allow employees to have their own office.

Delroy Rothstein, 7150 5<sup>th</sup> Ave NE, stated that he lives across the street. He said that BCI is a good neighbor but he is against this addition. This was a small family owned business which has grown a lot. He felt that the business has grown out of its current location and should move into an industrial area. He stated that the Comprehensive Plan guides where certain uses should be.

Ernie Kruger, 376 75<sup>th</sup> St NE stated he lives just north of this site. He has two blind adult children and it concerned for their safety and the noise from the blower disrupting their ability to hear. He asked what the intent of the addition is. He said that he is concerned with a commercial building in an agricultural area. Will this change anything with taxes? He moved to this property in 1998.

Gary Buermann, 7222 5<sup>th</sup> Ave NE, directly across the street from BCI. He stated that he agrees with Delroy. He felt with the addition this property can't be used for anything else, like a residence. He stated that he ran his business from his house but when they outgrew the site he moved to an industrial park. It may be time for BCI to do the same thing.

Steve Wollak, Watab Twp Supervisor, stated his biggest concern is what the neighbors are saying, traffic and safety on the road. More employees will mean more traffic.

Gary Aschenbrenner, 7080 5<sup>th</sup> Ave NE, stated that he is opposed to this expansion. This started out as a small business and keeps growing. He felt that there is no other use for the building other than commercial. He stated that it is a bad decision to allow these additions.

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

Dustin stated that he was the first employee at Boser Construction. He stated that there was a cabinet shop in the building with more employees which has since left. Dustin stated that traffic has decreased since then. The addition includes 6 offices, a conference room and a bid room. The dust collector is gone. There is a wash bay and an area for tools. There is no manufacturing at this site. No large deliveries. Workers are there only during the day. No vehicle maintenance is done on-site. Art asked if the site could go back to a cabinet shop. Roxanne stated no, it can only continue as a contractor shop. Michelle read the definition of contractor shops. *Contractor Shops: A building or buildings used as an office, or for storage of materials and equipment, for an individual or business entity engaged in the construction, demolition or repair of any building, highway, road, railroad, sewer, project development, housing, housing development, improvement, or any*

*construction undertaking in whole or in part.* Anything that fits under this definition would be allowed with a conditional use permit.

Mitch moved that the request meets Section 7.1.23, pages 3&4 and Section 11.6, pages 7&8. Gerry seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Art stated that the use is not expected to create an excessive burden on existing parks, schools, streets and other public facilities and utilities. Watab Township indicated that 5th Ave NE is constructed to handle the additional traffic that would be generated. 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) Warren stated that the area is zoned agricultural. Contractor Shops are permitted within this district with a conditional use permit. The Lake Andrew development is approximately one quarter mile to the south. There is some screening. Most of the homes directly adjacent to the shop are heavily treed. 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 office addition will match the existing office in regards to material, color and design. The look of the office is an improvement to the site. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties
- 4) Jerry stated that the site is currently being used as a contractor shop. The addition of office space is cohesive with the current 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) Gerry stated that the use is consistent. He cited Sections 2.1.3, 2.1.6 and 2.1.12. He moved to include the development conditions to File #19-233. Art 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) Mary Jo stated that the Development Code allows for contractor shops with a conditional use permit. She cited Economic Development Goal #1: Resources Policy 2: Business Retention: Continue to support efforts to retain and expand existing businesses. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Mitch stated that with the increase in employees over time, it is expected that there will be additional morning and evening vehicles. Watab has indicated that the road is built to handle the additional traffic. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Art stated that there are significant wetlands on this site; however, the addition will not have an effect on the wetlands and will be no closer than the

existing building. 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. Watab Township indicated that 5<sup>th</sup> Ave NE is constructed to handle the additional traffic that would be generated.*

- (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. Contractor Shops are permitted within this district with a conditional use permit. The Lake Andrew development is approximately one quarter mile to the south. There is some screening. Most of the homes directly adjacent to the shop are heavily treed.*

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

*The office addition will match the existing office in regards to material, color and design. The look of the office is an improvement to the site.*

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

*The site is currently being used as a contractor shop. The addition of office space is cohesive with the current land use.*

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

Section 2.1.6 states the purpose is to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder:

Section 2.1.12 states the purpose is to further the appropriate use of land, and conserve land protect the natural resources of the county for present and future generations;

The development conditions for File No. 19-233 are adopted.

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

*The Development Code allows for contractor shops with a conditional use permit.*

**Economic Development**

Goal #1: Resources

**Policy #2: Business Retention:** Continue to support efforts to retain and expand existing businesses.

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

*With the increase in employees over time, it is expected that there will be additional morning and evening vehicles. Watab has indicated that the road is built to handle the additional traffic.*

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

*There are significant wetlands on this site; however, the addition will not have an effect on the wetlands and will be no closer than the existing building.*

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. Proper building permits shall be obtained through Watab Township.
5. 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.
6. 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 statues, rules and ordinances.
7. Follow conditions 1 & 3 from original CUP No. 02-539:
  - 1) That the hours be set at 6:00 a.m. to 8:00 p.m., 6 days a week
  - 2) ~~That manufacturing business cease on August 1<sup>st</sup>, 2003~~ (This items has been completed).
  - 3) That if there is any storage of forms, etc. there is an opaque fence constructed to screen the area.

Gerry moved to accept the findings and conditions and grant File #19-233. Mary Jo seconded. The vote was 7-in favor and 1-opposition. The motion carried. The applicant was given a copy of the findings, conditions and decision.

5. Art moved to adjourn at 7:39 p.m. Warren seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer  
Administrative Secretary