

Planning Commission Minutes October 8th, 2020

Present: Scott Johnson, Al Brenny, Jerry Lang, Gerry Feld, 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. Jerry seconded and the motion carried.
3. Gerry moved to approve the minutes from the September 10th meeting. Jerry seconded and the motion carried.
4. File #20-548, JANNEW Properties LLC requesting approval to rezone 14.62 acres from Agricultural District to R-2, Single Family Residence District. Pursuant to Sections 11.9. The affected property is described as follows: That part of the NW1/4 lying Northeasterly of the Burlington Northern Railroad, Section 15, Watab Township.

Roxanne showed the Land Use Plan Map. The map shows that the proposed area to be rezoned has high quality aggregate resources with a rural residential overlay. This location is adjacent to R-1 on the east with R-1 zoning going to the south. A gravel operation on this site would not meet the requirements abutting a residential area. The Comprehensive Plan calls for expansion of rural residential in areas that are designated rural residential. Watab is an area more suited for residential purposes. The abutting residential area has been a development since the 1970's. The lots are 2.5 acres. The request tonight is for R-2 to meet the lot depth requirement. The uses are not that different in the residential districts. She showed the proposed plan for the area if rezoned. The plan would create six lots, one lot having the existing house. The railroad runs along the west side of this property. There is significant access from 95th St NW and 10 Ave NW

both township roads. Access will be addressed during the minor plat process and Watab Township's subdivision process.

Sandra Saldana, JANNEW Properties, LLC, PO Box 276, Sauk Rapids, stated that this property is currently zoned agricultural. She rents out the existing house. The property is not conducive for farming and would better serve as residential. The Township reviewed this rezoning request at their meeting and had no issue with the rezoning.

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

In reviewing the zoning criteria the vote was as follows:

1. Gerry stated that there will be more homes than before. No effect on welfare of the area. It could take several years for the property to be built out. The vote was unanimous that the proposed rezoning is reasonably related to the promotion of the public health, safety, morals or general welfare.
2. a) Warren stated that this parcel is relatively small for agricultural purposes. The vote was unanimous that the request is not spot zoning.
b) Warren stated that the rezoning is consistent with the 2040 Comprehensive Plan. The vote was unanimous that the proposed rezoning is consistent with the comprehensive plan.
c) Al stated that the property to the south and east is currently zoned for residential uses. The railroad creates a physical barrier. The vote was unanimous that the Use Classification is consistent with the surrounding uses.
d) Jerry stated that the use is consistent with the properties to the south and east of the railroad. The vote was unanimous that the rezoned parcel will not create an island of non-conforming use within a larger zoned district.
e) Gerry stated that there is residential across the road. This won't change the value. The vote was unanimous that the rezoned parcel will not reduce the value of uses specified in the zoning district of either the rezoned plat or abutting property.

Roxanne read the findings.

- (1) Is proposed rezoning must be reasonably related to the promotion of the public health, safety, morals or general welfare?

There will be more homes than before. No effect on welfare of the area. It could take several years for the property to be built out.

- (2) Is this spot zoning?

- a. What is the size of the parcel? Small Plot of Land?

While the parcel is relatively small for an agricultural lot, it is consistent with the surrounding zoning for residential development.

- b. The proposed rezoning must be consistent with the Comprehensive Plan

Yes, it is consistent with the 2040 Benton County Comprehensive Plan

- c. Is the Use Classification consistent with the surrounding uses?

The property to the south and east is currently zoned for residential uses. The railroad creates a physical barrier.

- d. Will the rezoned parcel create an island of non-conforming use within a larger zoned district?

No. The uses will be consistent with properties to the south and east of the railroad.

- e. Will the rezoned parcel dramatically reduce the value for uses specified in the zoning district of either the rezoned plot or abutting property?

No. There is residential across road. This won't change the value.

Warren moved to accept the findings and approve this rezoning request. Al seconded and the motion carried. Roxanne stated that this request will go before the County Board October 20th.

5. Roxanne stated that there will be conditional use permit for rip-rap at the November meeting. She went over the other items for that meeting.
6. Gerry moved to adjourn at 7:20 p.m. Jerry seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary
(prepared from audio)