

Draft
PLANNING COMMISSION MEETING
August 7, 2019, at 7:00 PM
Carlton County Transportation Building

(1) Chairperson Ezell called the meeting to order at 7:01 PM.

Members Present: Jack Ezell, Sam Huhta, Erik Abrahamson, Dennis Lundin and Jim Gottschald

Members Absent: Byron Kuster and District 1 (Vacant)

Ex Officio Members Present: Commissioner Mark Thell and Heather Cunningham

Ex Officio Member Absent: None

(2) Motion by Abrahamson, seconded by Lundin, and supported by all yeas votes to approve the minutes of the June 5, 2019, meeting.

(3) The public hearing was called to order at 7:02 PM.

(4) Chairperson Ezell read a statement that the legal ad was sent to the legal newspaper, the Star Gazette, on July 18, 2019, and published July 25, 2019.

(5) Chairperson Ezell read a statement regarding Finality of Decisions and Findings of Fact. The Findings of Fact were placed on the projector screen.

(6) Permit Requests:

(A) Rezoning #519002: Julie Oswald

Julie Oswald of 3991 County Road 8, Moose Lake, MN 55767, represented by Rick Lewis of United Country Realty, has requested to amend the Official Zoning Map of Carlton County by changing the property described as Part of the Southwest ¼, of the Northeast ¼ of Section 23, Township 46 North, Range 19 West in Moose Lake Township (PIN 63-022-2545). The request includes rezoning the parcel from A-1 Agriculture/Forest Management District to A-2 Agriculture/Rural Residential District. The property address is 3991 County Road 8.

Rick Lewis of United Country Realty was present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked Mr. Lewis to further expound on the request. Lewis indicated he is representing the seller. The purchaser called the zoning office about constructing a new garage and was informed the property did not meet the requirements of the zoning district. Lewis indicated it appears the subdivision of the property was not done properly. The property split was done between family members. An easement was given for the septic system. The septic system is now on the subject property due to a lot line adjustment approved by the zoning office. The purpose of the rezoning request is to make it buildable without a variance.

Chairperson Ezell indicated that the property needs to be 20 acres to be considered buildable in the A-1 Zoning District. Lewis said yes. He also indicated the neighboring properties are A-2. Chairperson Ezell indicated that this request would not be spot zoning.

Cunningham played the video. Lewis narrated the video.

Chairman Ezell asked if there were any questions from the Planning Commission.

Gottschald asked about the history of the property and the split. Lewis explained the history further stating the property split was due to a divorce. He described the easement given for the septic system.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated August 1, 2019.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience. There were none.

Chairperson Ezell asked if there were any comments opposed to the request from the audience. There were none.

Cunningham instructed Lewis to check with Greg Bernu, Carlton County Land Commissioner, about the easement agreement across the Soo Line Trail. The easement does not indicate heirs or successors and should be updated.

(B) Conditional/Interim Use #419004: Jeanne Smith (Derrick Wehr)

Jeanne Smith of 1786 West Chub Lake Road, Carlton, MN 55718 and represented by Derrick Wehr of the same address, has requested a Conditional/Interim Use Permit to operate a vehicle repair business which only includes electrical work for police vehicles (Full Moon Garage) on her property described as Part of the Northwest ¼ of the Southwest ¼ of Section 13, Township 48 North, Range 17 West in Twin Lakes Township (PIN 81-030-2632).

Jeanne Smith and Derrick Wehr were present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked the applicants to further expound on the request.

Wehr indicated he has always worked on and restored cars. Word got out that he was good at it and he gained a good reputation. After some time, it became too much, so he got out of the business. Now he outfits new police cars. He still works on classic cars as a hobby. He has a contract with Fond du Lac Reservation for electrical work for police vehicles. He has talked to the City of Cloquet. He has also disassembled a car for Carlton County to ready it for sale at auction.

Chairperson Ezell asked about the number of cars he worked on in 2018. Wehr indicated his first contract was for six cars and completed three more after that.

Cunningham played the video. Wehr and Smith narrated the video.

Wehr stated he looked on the state's website and it indicates a car is considered "classic" if they are 20 years old. He said eight of the cars on the property would qualify. He has been working on clearing them out and constructing a berm for screening. Cunningham indicated the request for the permit is a separate issue from compliance with the ordinance in regards to the number of unlicensed vehicles. She indicated the classic cars still need plates to be considered classic. The options for compliance by September 1, 2019, are to remove eight cars, license eight cars or provide screening.

Chairperson Ezell summarized the development review submitted by Zoning Administrator Cunningham dated July 31, 2019.

Chairperson Ezell asked if the applicants read and understood the recommended 10 conditions listed on the development review. Smith and Wehr said yes, they understood and agreed to the conditions.

Wehr again asked about compliance with the ordinance and Cunningham reiterated the three options for compliance.

Chairperson Ezell asked the audience if there were any comments supportive or neutral of the request.

Ray Gibson of 1730 Chub Lake Road, Carlton, MN 55718 indicated he is okay with cop cars going up and down Chub Lake Road. They should circle around Chub Lake too.

Todd Hille of 1782 Chub Lake Road, Carlton, MN 55718 indicated he has no problem with the request.

Chairperson Ezell asked if there were any comments in opposition of the request from the audience.

Eldon Galyen of 1792 Chub Lake Road, Carlton, MN 55718 indicated the property was surveyed and the applicants took down all the trees on the property line. He indicated when the leaves come down he can see cars everywhere. He has concerns with his well which is close to the property line. He indicated he signed a complaint about the number of cars and the removal of all the trees. He indicated the value of his home is effected by the sight of all the cars. He has no problem with the proposed use but has objections to all the cars on the property. He indicated he thought the conditions looked good.

Roxanne Schmitz of 1768 West Chub Lake Road, Carlton, MN 55718 indicated she has concerns with the sirens going off in the pole building. She also has concerns with the road being used as a test strip and loud noises after 10:00 PM related to his hobby cars. She asked how the conditions would be enforced. Cunningham described the compliance program for conditional and interim uses. Cunningham also indicated that the number of cars on the property is a separate issue from the request to work on police vehicles.

Abrahamson asked if the police cars would be road tested. Wehr indicated they would not be tested on the road.

Craig Schmitz of 1768 West Chub Lake Road, Carlton, MN 55718 indicated that the applicant and his friends in the past have raced cars up and down the road. He has concerns with the applicant's hobby and the number of cars.

Wehr indicated he is currently constructing a berm for screening. It will be 10 feet in height. It will be planted with flowers.

Smith wanted to reiterate she was in agreement with the conditions.

Craig Schmitz wanted to clarify that he is fine with the request.

Chairperson Ezell indicated that a lot of thought goes into the conditions and enforcement. He encouraged the applicant to be a good neighbor.

Chairperson Ezell asked if there were any other comments from the audience. There were none.

(7) As there were no additional questions for the applicants, Chairman Ezell closed the public hearing at 8:01 PM. The Planning Commission deliberated the rezoning application and conditional/interim use applications as part of the Planning Commission meeting.

(A) Rezoning #519002: Julie Oswald

Motion by Huhta, seconded by Lundin and supported by all yea votes to recommend approval of Rezoning Application #519002 to the County Board.

(C) Conditional/Interim Use #419004: Jeanne Smith (Derrick Wehr)

Motion by Gottschald, seconded by Abrahamson and supported by yea votes to recommend approval of Interim Use Permit #419004 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the 10 conditions, with an amended condition #5, as follows:

IS THE USE REQUESTED TEMPORARY?

No. The applicant has indicated the use request is not temporary.

IS THE USE OWNER SPECIFIC?

Yes. The applicant has indicated the use request is owner specific.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE?

No. The use requires infrastructure.

IF YOU ANSWER ANY OF THE ABOVE QUESTIONS YES, CONSIDER PROCESSING AS IUP. PLEASE DESCRIBE WHY THE USE SHOULD BE CONSIDERED AN IUP OR CUP: The request should be processed as an Interim Use Permit and the permit shall terminate at the sale of the property.

FINDINGS OF FACT:

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? Yes. Article 5, Section 3, Subdivision C, 3 of Carlton County Zoning Ordinance #27 specifically lists vehicle and equipment repair as a home based business requiring a Conditional/Interim Use Permit.

If the answer is no, you must make the following findings:

~~A.) THE USE IS SIMILAR IN NATURE TO OTHER USES LISTED IN THE SAME ZONING DISTRICT. WHY OR WHY NOT?~~

~~B.) THE PROPOSED USE DOES NOT CREATE A GREATER POTENTIAL FOR IMPACTS THAN OTHER USES LISTED THAT CANNOT BE MITIGATED WITH APPROPRIATE CONDITIONS. WHY OR WHY NOT?~~

~~C.) IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT?~~

~~D.) THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT?~~

If the answer to 1 is yes or if A – D are all yes, proceed to question 2.

If not, the request should not be approved.

2. THE USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES. Yes. Conditions have been developed which should mitigate any potential diminished enjoyment of the neighboring properties such requiring the business is conducted inside the pole building and limiting the hours sirens can be tested.

3. THE ESTABLISHMENT OF THIS USE WILL NOT IMPEDE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING VACANT PROPERTY FOR

USES PREDOMINANT IN THE AREA. Yes. It appears the applicant has operated the business since at least 2015. In the last four years, normal and orderly development and improvement of the surrounding vacant properties has continued.

4. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. Utilities appear to be sufficient for the use. The access road is the driveway and appears to be sufficient. Drainage should not be an issue with this use.
5. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. It appears there is an adequate area for off street parking of vehicles.
6. ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PREVENT OR CONTROL OFFENSIVE ODOR, FUMES, DUST, NOISE AND VIBRATION SO THAT NONE OF THESE CONSTITUTE A NUISANCE. Yes. No offensive odor, fumes, dust or vibration should be generated by this use. The testing of squad car sirens would generate a potentially offensive noise. A condition has been added to address potential noise issues.
7. ADEQUATE CONTROL OF LIGHTED SIGNS AND OTHER LIGHTS IS PROVIDED SO THAT A DISTURBANCE TO NEIGHBORING PROPERTIES WILL NOT RESULT. Yes. No lighted signs or other lights are allowed.

CONDITIONS:

1. The application shall be processed as an Interim Use Permit. The permit shall terminate at the sale of the property.
2. The permit will be periodically reviewed by the County to assure compliance with Carlton County Zoning Ordinance #27, the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinance.
4. A towing, automotive repair or commercial automotive restoration company is not permitted with this request.
5. The operation of a junk yard and the dismantling of vehicles for the sale of parts is prohibited.
6. Advertising for the business conducted on the property shall match the use permitted with this request.
7. Hours of operation shall not exceed Monday through Saturday, 8:00 AM to 5:00 PM. Sirens shall be tested during the hours of operation.
8. All vehicle repairs shall be conducted inside the pole building.
9. Must comply with performance standards listed in Carlton County Zoning Ordinance #27 for a home based business, unless more restrictive conditions have been applied.
10. The applicant shall comply with the provisions of Article 5, Section 1, Subdivision K, 3 a, b and c of Carlton County Zoning Ordinance #27 by September 1, 2019.

(8) Old Business: None

(9) Other Business: None

(10) Motion by Abrahamson, seconded by Lundin and supported by yea votes to adjourn the meeting at 8:15 PM

Respectfully submitted,

Heather Cunningham
Zoning and Environmental Services Administrator