

**\*DRAFT\***  
**PLANNING COMMISSION MEETING**  
**July 6, 2016 at 7:00 PM**  
**Carlton County Transportation Building**

(1) Chairperson Ezell called the meeting to order at 7:00 PM.

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

Members Absent: District 1 (Vacant)

Ex Officio Members Present: Commissioner Susan Zmyslony and Jody Meyer, Acting Recording Secretary

Ex Officio Member Absent: Heather Cunningham, Zoning and Environmental Services Administrator

(2) Motion by Gottschald, seconded by Kuster, and supported by all yeas to approve the minutes of the June 1, 2016, meeting.

(3) Chairperson Ezell indicated there was no old business.

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

(5) Chairperson Ezell read a statement that the legal ad was sent to the legal newspaper, the Star Gazette, on June 16, 2016, and published on June 23, 2016.

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

(7) Permit Requests:

**(A) Conditional/Interim Use Request #416004 – Bobbikay Delovely (Soderstrom)**

Bobbikay Delovely (Soderstrom) of 416 Chestnut Avenue, Carlton, MN 55718 and mailing address of P.O. Box 522, Carlton, MN 55718 has requested a Conditional/Interim Use to use an existing structure as a single family residence without an associated business on site in a C-1, Commercial Recreation District on a property described as Part of the Southwest ¼ of the Northwest ¼ in Section 22, Township 49 North, Range 18 West in Perch Lake Township (92-010-4275). The property address is 784 Cary Road.

Bobbikay and Mike Soderstrom were both present to represent the request. Mike stated that Bobbikay's grandparents built the golf course and approximately 15 years ago the home became separate from the business. Her grandmother sold the golf course and stayed in the house. Bobbikay got the house after her grandmother went into the nursing home approximately 7 years ago. In trying to sell the property/house, the appraiser found that the property was zoned commercial and was concerned if the home could be rebuilt if it was destroyed by fire. The current zoning as C-1 has held up the sale. The request is to change the zoning classification so they can sell house.

Gottschald asked if the Conditional Use was to rezone the property.

Meyer clarified for the Board and the applicant that this request is for a Conditional Use to allow the property to be used for a single family dwelling not associated with a business in a C-1 zoning district. This is not a rezoning request. Cunningham does not recommend spot rezoning.

Mike Soderstrom said they need something from the County that will satisfy the appraiser so that if the house burns down it can be classified as buildable and saleable to rebuild the house in the future.

Meyer indicated that if a Conditional Use is granted, the use goes with the land and not the owner. As long as the use as a single family dwelling does not cease for 12 months or greater, then it would continue to be allowed for that use.

Gottschald suggested the applicants make sure the granting of a conditional use will satisfy the appraiser and bank.

The removal of the mobile home and the associated solid waste was discussed. Mike Soderstrom stated they had hired a contractor to remove the mobile home but he took the metal pipe and wiring and left the rest. The renter was to remove the debris, but it did not happen.

Meyer played the video and Zmyslony asked the applicant to narrate the video.

Ezell asked about the access and who maintains it. Mike Soderstrom stated that the golf course maintains the front part off Cary Road and Soderstrom's maintain in front of their house/land. Beyond that is the golf course campground.

Chairperson Ezell summarized the development review submitted by Cunningham dated June 27, 2016.

Chairperson Ezell asked if there were any further questions from board members. There were none.

There was no audience present to comment.

The Public Hearing was closed at 7:20 PM and the Planning Commission Meeting was reopened at 7:29 PM.

**(A) Conditional/Interim Use Request #416004 – Bobbikay Deloveley (Soderstrom)**

Chairperson Ezell read the conditions, with amendment to condition #7, and asked Soderstrom's if they understood. Both indicated yes. Motion by Abrahamson, seconded by Kuster and supported by all yea votes to recommend approval of Conditional Use Permit #416004 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the 7 conditions as follows:

**\*Findings\***

IS THE USE REQUESTED TEMPORARY? No. The use is a single family residence.

IS THE USE OWNER SPECIFIC? No. The use is a single family residence.

DOES THE USE LACK SPECIFIC EXISTING OR NEW INFRASTRUCTURE? No. The use is a single family residence.

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 use should be processed as conditional use.

1. IS THE CONDITIONAL OR INTERIM USE SPECIFICALLY LISTED IN THE ZONING DISTRICT IN WHICH THE PROPERTY LIES? No. It is not specifically listed.

*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? Yes. The use does not appear to be similar in nature to other uses listed in the C-1 Zoning District. The purpose of this zoning district is to provide suitable locations for resorts and commercial recreational services along certain shorelands of lakes and rivers in Carlton County and areas that serve as the gateway to recreational facilities for residents and tourists in the County. However, the property has been used as a single family residence since 1997 and not associated with any business since 2009 with no issues. With the exception of the golf course, the surrounding properties are zoned for singles family residences as a permitted use.
- 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? Yes. The proposed use and any potential impacts could be mitigated with appropriate conditions, as detailed below. A residential home and property should not impact the existing surrounding land uses. The surrounding properties include C-1 Zoning District to the north and west. The property to the east and south is an A-2 Zoning District. Across Cary Road, the properties are all R-1 Zoning District. It was my recommendation that rezoning the property to A-2 was not a viable option as the lot width is only 200 feet (requires 250 feet in lot width). The other possibility was rezoning to R-1, but the subject property is not contiguous with the other R-1 properties across Cary Road.
- C). IS THE PROPOSED USE COMPATIBLE WITH ADJACENT LAND USES? WHY OR WHY NOT? Yes. Adjacent land uses are mostly residential, with the exception of the golf course.
- D). THE PROPOSED USE IS CONSISTENT WITH THE CARLTON COUNTY COMPREHENSIVE PLAN OR THE INTENT OF THE ORDINANCE. WHY OR WHY NOT? Yes. The purpose of the plan and the ordinance are to promote public health, safety, morals and general welfare throughout Carlton County. The proposed use is consistent with those ideals.

*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. Article 3, Section 5, Subdivision D of Carlton County Ordinance #27 indicates the findings you must make to grant a conditional/interim use:
1. 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. The conditional/interim use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the immediate vicinity. The property will be used as a residence and have limited impact on existing, permitted uses.
  2. 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. The establishment of the conditional/interim use should not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Most of the surrounding land uses are single family residential with the exception of the golf course.

3. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED. Yes. It appears that adequate utilities, access roads and drainage have been or are being provided. The on-site septic system is compliant until July 1, 2017.
4. ADEQUATE OFF STREET PARKING IS OR WILL BE PROVIDED. Yes. There is adequate off street parking.
5. 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. There should not be offensive odor, fumes, dust, noise or vibration generated by the proposed use as a single family residence.
6. 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 proposed or necessary for a single family residence.

**\*Conditions\***

1. The applicant must undertake the project according to the plans and specifications submitted to the County with the application or as amended by the following conditions.
2. The permit is invalid, or expires, if the holder does not begin the project within one (1) year of granting this permit.
3. The permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions. The permit may be modified or revoked if the permittee violates one or more of the conditions of the permit.
4. 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.
5. This application shall be processed as a Conditional Use Permit.
6. The use of this property as a residential dwelling unit shall not impede the development of the adjacent C-1 Zoning District for those uses specifically listed as permitted or conditional/interim uses.
7. The mobile home and associated solid waste must be removed from the property and disposed of properly by the earlier of October 1, 2016, or transfer of the property to a new owner.

**(9)** Other business: None

**(10)** Motion by Gottschald, seconded by Abrahamson and supported by all yea votes to adjourn at approximately 7:31 PM.

Respectfully submitted,

Jody Meyer  
Acting Recording Secretary