

Draft
Planning Commission Meeting
August 5, 2015 at 7:00 p.m.
Carlton County Transportation Building

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

Members Present: Erik Abrahamson, John Manninen, Chris Wagner, Byron Kuster, Sam Huhta and Jack Ezell

Members Absent: Jim Gottschald

Ex Officio Members Present: Susan Zmyslony, County Commissioner and Heather Cunningham, Zoning and Environmental Services Administrator

Ex Officio Members Absent: None

(2) Motion by Abrahamson, seconded by Wagner, and supported by all yea votes to approve the minutes of the May 6, 2015, Planning Commission meeting.

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

(4) Chairperson Ezell called the Public Hearing to order at 7:01 p.m.

(5) Chairperson Ezell read a statement that the legal ad for the requests were sent to the legal newspaper, the Star Gazette, on July 16, 2015, and published July 23, 2015.

(6) Chairperson Ezell read a statement regarding Finality of Decisions and Findings of Fact.

(7) **(A) Conditional Use Request #415006 Gregory Graves**

Gregory Graves of 4747 North Riverside Road, Moose Lake, MN 55767 has requested a Conditional/Interim Use Permit to operate a second-hand and antique store on a property described as Part of the NE1/4 of the NE1/4 in Section 32, Township 46 North, Range 19 West (63-022-3925). The property address is 4823 County Road 10.

Gregory Graves was present to represent the conditional/interim use permit request. Graves described the project as a second-hand and antique store. He indicated that it would be like a garage sale. Chairperson Ezell asked if everything would be inside the store and Graves indicated yes.

Graves indicated he has already received a tax I.D. from the State.

Graves indicated that he spoke with the neighbors and they were okay with his request.

Cunningham played the video while Graves narrated.

Wagner asked if there was lighting and Graves indicated yes, there are two lights.

Graves indicated they knocked down three walls to make a larger area.

Cunningham indicated the septic tanks were located between the parking area and the current play area and swing set.

Chairperson Ezell asked if there were any questions.

Kuster asked about the hours and wanted to make sure they would not conflict with the new school that will be constructed across the street. Kuster asked what Graves would have to do if he wanted to change his hours. Cunningham indicated that he would need to amend his request and it would come back to the Planning Commission.

Chairperson Ezell summarized the development review and suggested conditions submitted by Cunningham dated July 27, 2015.

Chairperson Ezell asked Graves about the fence recommended in the development review. Graves indicated the neighbor just planted some trees and didn't care if a fence was constructed. Kuster said he would be reluctant to require a fence. Chairperson Ezell asked Cunningham if the fence was a staff recommendation. Cunningham indicated she made the recommendation.

Chairperson Ezell asked Graves about the hours as Graves indicated 10:00 a.m. to 5:00 p.m. and the application indicates 11:00 a.m. to 5:00 p.m. Graves indicated his wife completed the application and he would like 10:00 a.m.

Chairperson Ezell asked for comments from the audience. No comments were presented.

Chairperson Ezell asked Graves if he agreed with the conditions suggested in the development review. Graves indicated yes.

(B) Conditional Use #415007 Larry and Darlene Fuglestad

Larry and Darlene Fuglestad of 4174 County Road 8, Moose Lake, MN 55767 have requested a Conditional/Interim Use Permit to use an existing structure as a single family residence without an associated business on a property described as Part of the NW1/4 of the SW1/4 in Section 22, Township 46 North, Range 19 West (63-022-2370).

Larry and Darlene Fuglestad were present to represent the conditional/interim use permit request. Chairperson Ezell asked Mr. Fuglestad to summarize the request. Mr. Fuglestad summarized the history of the two parcels. Mr. Fuglestad indicated the taxes were too high for commercial property.

Cunningham played the video while Mr. Fuglestad narrated.

Kuster asked Mr. Fuglestad what changed and why he now wants a residential property. Mr. Fuglestad indicated that when he built the house, he was unaware that he needed to have a business associated with the house in order to build it. Cunningham indicated that the zoning permit application for the house indicated the property was commercial and that the application was specific that this parcel was associated with the adjacent commercial property. The property description provided by Mr. Fuglestad was for both properties and that was why he was allowed to construct the dwelling.

Chairperson Ezell summarized the development review submitted by Cunningham dated July 27, 2015.

Chairperson Ezell asked if Mr. Fuglestad understood and agreed with the conditions indicated in the development review. Mr. Fuglestad indicated he did not understand condition #2. Cunningham indicated that all requests for a conditional/interim use permit have a sunset date in which the project or business needs to start. For his request, she indicated that he would have a year to submit the application for subdivision and six months to record the deeds. Mr. Fuglestad said he understood and agreed to the conditions.

Chairperson Ezell asked for comments from the audience or Planning Commissioner members. There were no additional comments.

(8) As there were no additional comments, Chairperson Ezell closed the public hearing at 7:50 p.m. The Planning Commission deliberated the two conditional use permits using the attached Findings of Fact worksheets as part of the Planning Commission meeting.

(A) Conditional Use Request #415006 Gregory Graves

Motion by Kuster, seconded by Wagner and supported by yea votes to recommend approval of Conditional Use Permit #415006 to the County Board in accordance with the findings of fact found and approved by the Planning Commission with the conditions as follows:

Findings

The use will not be temporary. The use will not be owner specific. The use requires specific infrastructure. It is recommended the use is processed as a Conditional Use Permit.

1. Is the conditional/interim use specifically listed in the zoning district in which the property lies? *NO.*

A.) The use is similar in nature to other uses listed in the same zoning district. *YES. It is not heavy volume retail – similar to lawn and garden operation.*

B.) The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions. *YES. The proposed school will be located east of the property and other retail in the neighborhood.*

C.) Is the proposed use compatible with adjacent land uses? *YES. The proposed school will be located east of the property and other retail in the neighborhood.*

D.) The proposed use is consistent with the Carlton County Comprehensive Plan or the intent of the ordinance. *YES. As stated in the development review, the proposed use is not addressed in the Carlton County Comprehensive Plan and does not appear to be in conflict with the intent of this plan or Carlton County Zoning Ordinance #27.*

2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. Appears to be adequate screening from adjacent properties.*

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. The existing structure has not been a residence since enactment of zoning controls.*
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. Adequate utilities, access roads, drainage and other necessary facilities have been provided.*
5. Adequate off street parking is or will be provided. *YES. Existing parking will be adequate (at least 16 parking stalls).*
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 lighted signs will be allowed. No other offensive odors, etc. will be generated by the proposed use.*
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 will be allowed.*
8. Special conditions. *YES.*

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. The application shall be processed as a Conditional Use Permit.
6. The hours of operation, excluding delivery of retail items, shall be limited to Thursday through Saturday from 10:00 AM to 5:00 PM.
7. Any entrance lighting shall be restricted to the same hours as in Condition #6.
8. The applicant shall maintain a minimum of 16 parking spaces.

(B) Conditional Use #415007 Larry and Darlene Fuglestad

Motion by Huhta, seconded by Wagner and supported by yea votes to recommend approval of Conditional Use Permit #415007 to the County Board in accordance with the findings of fact found and approved by the Planning Commission with the conditions as follows:

Findings

The use will not be temporary. The use will not be owner specific. The use requires specific infrastructure. It is recommended the use is processed as a Conditional Use Permit.

1. Is the conditional/interim use specifically listed in the zoning district in which the property lies? *NO.*
 - A.) The use is similar in nature to other uses listed in the same zoning district. *YES. Residence is allowed with a business.*
 - B.) The proposed use does not create a greater potential for impacts than other uses listed that cannot be mitigated with appropriate conditions. *YES. The residential home and property should not impact the surrounding land uses.*
 - C.) Is the proposed use compatible with adjacent land uses? *YES. The house has been there for 20 years and is not incompatible with adjacent land uses.*
 - D.) The proposed use is consistent with the Carlton County Comprehensive Plan or the intent of the ordinance. *YES. It does not appear to be in conflict with the intent of the Carlton County Comprehensive Plan or Carlton County Zoning Ordinance #27.*
2. The use will not be injurious to the use and enjoyment of property in the immediate vicinity for the purpose already permitted nor diminish and impair property values. *YES. The property will be used as a residence and have limited impact on existing land uses.*
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. As addressed in development review and conditions.*
4. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. *YES. Adequate utilities, access roads, drainage and other necessary facilities have been provided for a residence.*
5. Adequate off street parking is or will be provided. *YES. Existing parking will be adequate for residence.*
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 odors, etc. will be generated by a residence.*
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 are proposed or necessary.*
8. Special conditions. *YES.*

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. The project would be considered started by submitting and receiving approval of the Administrative Subdivision Application and recording the documents in the Recorder's Office within 6 months of subdivision approval.
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. No variance shall be granted for the development of this property, including subsurface sewage treatment system requirements.
7. The use of this property as a residential dwelling unit shall not impede the development of the surrounding C-2 Zoning District for those uses specifically listed as permitted or conditional/interim uses.

(9) None.

(10) Motion by Huhta, seconded by Abrahamson, and supported by all yeas votes to adjourn at 8:10 p.m.

Respectfully submitted,

Heather Cunningham
Recording Secretary