

DRAFT
PLANNING COMMISSION MEETING
February 5, 2020, at 7:00 PM
Carlton County Transportation Building

(1) The meeting was called to order at 7:00 PM by Zoning and Environmental Services Administrator Cunningham.

Members Present: Jack Ezell, Byron Kuster, Sam Huhta, Dennis Lundin, Erik Abrahamson and Keith Depre

Members Absent: Jim Gottschald

Ex Officio Members Present: Commissioner Mark Thell and Heather Cunningham

Ex Officio Member Absent: None

(2) Acting as chairperson, Cunningham asked for nominations for chairperson. Abrahamson nominated Ezell. There were no other nominations. Election of Ezell as chairperson supported by all yeas. Cunningham turned the chair over to Ezell.

(3) Chairperson Ezell asked for nominations for officers. Huhta nominated Gottschald as vice chair. There were no other nominations. The election was supported by all yeas. Kuster nominated Abrahamson as secretary. There were no other nominations and the election was supported by all yeas.

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

(5) The public hearing was called to order at 7:03 PM.

(6) Chairperson Ezell read a statement that legal ads were sent to the two legal newspapers. The Star Gazette ad was sent on January 16, 2020, and published January 23, 2020. The Pine Knot ad was sent on January 16, 2020, and published on January 24, 2020.

(7) Chairperson Ezell read statements regarding Findings of Fact and Finality of Decisions. Statements regarding Findings of Fact and Finality of Decisions were placed on the projector screen.

(8) Permit Requests:

(A) Conditional/Interim Use Permit #419005

Kelly and Patricia Butcher of 6075 Woodbury Drive, Wright, MN 55798 have requested a Conditional/Interim Use Permit to operate a security barrier construction business on properties located in the A-1 and A-2 Zoning Districts. The properties are described as Part of Government Lot 3 and Lot 4 in Section 31, Township 49 North, Range 20 West in Red Clover Township; Part of the Southeast ¼ of the Southeast ¼ and Part of the Northeast ¼ of the Southeast ¼ in Section 36, Township 49 North, Range 21 West in Beseman Township. The property address is 6075 Woodbury Drive (96-010-4950 and 42-010-5785).

Kelly and Patricia Butcher were present to represent the request. Chairperson Ezell read the description of the request from the legal ad and asked Mr. Butcher to further expound on the request. Butcher indicated he didn't know he needed a permit. He has had this business on the property since 2008. He is

not making fences, gates or welding on the property. He mainly works with correctional facilities. When he gets a call for work, he pulls razor wire out of his trailer and loads his truck. He also works with subcontractors. He does not have any employees. It is not a big operation and he is ready to retire. Butcher indicated he is licensed by the Department of Labor and Industry and the Department of Transportation.

Kuster asked why Butcher is applying for a permit now. Butcher indicated there was a complaint and the zoning office contacted him. Cunningham indicated that the complainant is not public record but she indicated she could share that it was not from a neighbor.

Butcher questioned that if he sold the property, would the permit be valid. Cunningham indicated that her office was recommending the permit is processed as an Interim Use Permit and would expire when the property is sold.

Butcher pointed out that the development review indicated the Beseman property is 40 acres; it is 10 acres. Cunningham indicated it would be corrected for the record.

Chairman Ezell asked if there were any questions from the Planning Commission. There were none.

Cunningham could not play the video as the DVD player in the computer appeared to be broken. Instead Cunningham narrated an image generated with Pictometry and a 2019 aerial photograph.

Chairman Ezell summarized the development review submitted by Zoning Administrator Cunningham dated January 27, 2020.

Chairperson Ezell asked if there were any comments in support or neutral of the request from the audience.

Ed Danielczyk of 6022 Woodbury Drive, Wright, MN 55798 indicated he was in support of the request. He lives just down the road and it is not a public nuisance. He indicated you can't even see it from the road. There is no noise, traffic or dust that he can see.

Chairperson Ezell asked if there were any other comments from the audience. Cunningham read a phone record from Robert Walker of 6064 Woodbury Drive, Wright, MN 55798. It is attached as Exhibit A.

The public hearing was briefly closed at 7:30 PM but opened again at 7:31 PM as Chairperson Ezell wanted clarification on the hours of operation. Butcher indicated it is very sporadic. He indicated his lawn mower and weed whip make more noise than his business. He also has skunk deterrent alarms that make a beeping noise. He indicated he may load up on a Saturday but does not get up early anymore. He is near retirement.

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

(9) As there were no additional questions for the applicants, Chairman Ezell closed the public hearing at 7:33 PM. The Planning Commission deliberated the conditional/interim use application as part of the Planning Commission meeting.

(A) Conditional/Interim Use Permit #419005

Motion by Abrahamson, seconded by Lundin, and supported by yea votes to recommend approval of Interim Use Permit #419005 to the County Board in accordance with the findings of fact and approved by the Planning Commission with the four conditions, as follows:

IS THE USE REQUESTED TEMPORARY?

No. The application indicates the use request is not temporary.

IS THE USE OWNER SPECIFIC?

The application indicates the use request is not owner specific but this office recommends that the use 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 construction trade and contractor-type businesses 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. As the business has been located on the property without complaint in the neighborhood since at least 2007, it appears it is not injurious to the use and enjoyment of property in the immediate vicinity or diminish property values.
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 applicants have operated the business since at least 2007. In the last 13 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 parking.
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 storage of fencing materials and equipment does not generate odor, fumes, dust or vibration. Potential noise would be limited to vehicle traffic.
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 proposed.

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. Must comply with performance standards listed in Carlton County Zoning Ordinance #27 for a home based business, unless more restrictive conditions have been applied. The exception is the number of accessory structures allowed, but will be limited to less than 6,000 square feet in area.

(10) Old Business: None

(11) Other Business: None

(12) Motion by Huhta, seconded by Kuster, and supported by yea votes to adjourn the meeting.

Respectfully submitted,

Heather Cunningham
Zoning and Environmental Services Administrator
Recording Secretary

Attachment: Exhibit A