

WRIGHT COUNTY PLANNING COMMISSION
Meeting of: October 12, 2023
Minutes

The Wright County Planning Commission met on Thursday, October 12, 2023, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 7:30 p.m. with members present: Jan Thompson, Pat Mahlberg, Ken Felger, Sandy Greninger, Jeanne Holland & Dan Bravinder. Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, was legal counsel present.

ACTION ON THE SEPTEMBER 21, 2023 MINUTES

On a motion by Greninger, seconded the Bravinder, all voted to adopt the minutes for the September 21, 2023, meeting as printed.

Rhineberger addressed the Commission with a request to add end of meeting discussion regarding the Betzler Addition Plat, with the Commission agreeing to do so.

PUBLIC HEARINGS:

1. **ARBOR CREEK HOLDINGS LLC** – Cont. 7/20, 8/10 & 9/21

LOCATION: xxxx 78th St NW – Hannahs Landing Lot 6 Block 1, Section 27, Township 121, Range 28, Wright County, Minnesota. (E. Sylvia – Southside Twp.) Tax #217-084-001060 Property Owners: Hannah's Arrival LLC

Petitions for a Conditional Use Permit for a land alteration of approximately 16,798 cubic yards within the shoreland and amending an existing Conditional Use Permit for a platted subdivision to allow a home to be built lakeside of a bluff as regulated in Section 155.029, 155.051, 155.057 & 155.101, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

No representative present.

- A. Rhineberger stated the applicant has requested the item be continued to allow time for the Township to review and that meeting would not be until early November. They have requested continuation to the November 16th Planning Commission meeting.
- B. Motion made by Thompson to continue the matter to the November 16th meeting, at the request of the applicant. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

2. **CHAD TEUBERT** – New

LOCATION: 846 Halsey Ave SE – Lot 5, Block 1, Lake View Manor Addition in Sections 05, Township 119, Range 24, Wright County, Minnesota. (Martha – Rockford Twp.) Tax # 215-032 001050. Property Owners: Chad J Teubert & Nicole M Teubert

Petitions for a Conditional Use Permit for a land alteration in excess of 50 cubic yards in Shoreland to construct 2 retaining walls, backfill and grade as regulated in Section 155.029, 155.049, 155.057 & 155.101 Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Chad Teubert

- A. Rhineberger displayed property details and proposed plan. The property is an approximately 24,000 sq. ft. lot on Lake Martha. The request is for approximately 240 cubic yards of fill to create a pad for a future detached garage, with associated retaining walls. Plans on display were reviewed by Rhineberger. Rockford Township did provide approval with the option of a tailing the wall or using a concave wall, whichever works better. One neighbor is concerned with proper drainage after construction and ensuring additional water is not put on the neighboring property. Another neighbor indicated concerns about a different property in the neighborhood.
- B. Teubert and public had no comment.
- C. Mol questioned if the setbacks will be met so there would be no need for a variance. Teubert – yes, the retaining wall is 5 ft. and the presented garage plan is 10 ft. Rhineberger – 10 ft. for accessory structure with the retaining wall not having a required setback. In this case there is not an in-depth drainage plan so there would be concern with the closer the wall gets to the property line the more likely draining will actually spill into the neighboring property. A full complete drainage plan would be beneficial. In this case more roof surface is going in so where will that water go. Likely scenario is half will go towards that side of the lot and with a pad being built, that is usually sloped from structure, means water running closer to property line. An in-depth, well drawn plan, would be needed to ensure drainage doesn't become a concern. Teubert – would that be part of the future garage project? Rhineberger – once the pad is built it is harder to address the alterations. So, if not done as part of this when is it going to be done? There are a number of ways to deal with runoff just right now we don't have anything showing how runoff will be handled. Teubert – asked to have the topographic drawing displayed. Reviewed the topography map and explained the property curves on the southeast side. There is a natural rise in that area that will not be messed with. Rhineberger – went on to review the map and explain the direction water would flow when looking at the elevation lines. Gutters or a substantial rainfall will cause some of the water to deflect one direction. Mol – retaining wall will only give 5 ft. not 10 ft. from the property line. That would only be 5 ft. to get around and to the lake. Rhineberger – referencing the site plan waterflow related to the topography and retaining wall were further discussed with Rhineberger pointing out the increase volume and rate of the waterflow. Teubert indicated he understood the concern and what was discussed.
- D. Mahlberg – this same lake was discussed in the past regarding to drainage. Rhineberger stated there are two issues currently being addressed by Planning & Zoning. Mahlberg – there is an option to continue this discussion until a plan is presented for review or to approve contingent on submission of a plan that staff approves. What is the performance standard that would be looked at when a plan is received? Rhineberger – one way to address this would be to gutter the building with a tile system that outlets. That outlet would be past the retaining wall and run towards center of property. Another

option would maybe be a little more land alteration with adequate swales built to direct water. There are several options but ideally, he would see water directed to area other than the property line or fill used to direct water. Mahlberg questioned the applicant on the estimated timeline. Teubert – retaining wall portion would be before winter and the garage would be sometime next summer. Part of the garage plan would be additional driveway space and that includes trench drains at the front of garages and some other related water management items. Rhineberger – that would have to be done at time of alteration and in place before the garage is built. Seeing the plan prior to the alterations occurring would ensure water management is acceptable prior to the alterations taking place and possibly causing an issue for the neighbors.

- E. Thompson – seems that this is a doable project and not planning to complete until next summer. Teubert – this part of the project is to get the fill in and the retaining walls installed. Part of that is to see the feasibility of putting up a garage. If the garage doesn't work this will just be more grass space. That area, as it sits, is not usable due to the slope. If the garage doesn't get built this work will still add to the usability of the lot. Thompson – a lot hinges on the drainage system. Questioned if there is a way to provide a plan to staff for review. Teubert confirmed he could provide a drainage plan.
- F. Bravinder moved to approve a conditional use permit for a land alteration in accord with the plans and narrative submitted and the discussion at the hearing, with the following conditions: 1) A detailed stormwater management plan be submitted and approved by the Planning and Zoning Office prior to alterations taking place. This plan must include the proposed surface drainage patterns post-completion of the project and take into account run-off from the proposed structure; 2) Stormwater and erosion control measures must be installed prior to any land alteration occurring and remain in place until vegetative cover has been established. Motion seconded by Holland.

DISCUSSION: Felger – feels best route would be to continue until November and in the meantime, Staff could receive this plan and the Commission could review at the next meeting. He feels a little uncomfortable approving without the Commission having all of the details, specifically the drainage plan.

VOTE: IN FAVOR: Greninger, Mol, Bravinder, Mahlberg, Thompson & Holland NAY: Felger

3. **DANIEL RASSET** – New

LOCATION: 13953 Grover Ave NW – NE1/4OF NW1/4LY WLY OF CTR LN OF TWP RD in Section 25, Township 122, Range 27, Wright County, Minnesota. (Sheldon - Clearwater Twp.) Tax # 204-100-252103 Property Owners: Daniel Rasset

Petitions for a Conditional Use Permit for a two-lot unplatted subdivision as regulated in Sections 155.029, 155.047 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Dan Rasset

- A. Rhineberger reviewed the request with proposal on display. The property was before the Commission for the rezoning during the August 31, 2023, meeting and approved by the County Board in September. The request is for a two-lot subdivision. With one lot being the existing homestead on approximately 16 acres with the existing dwelling and outbuildings, the other lot would be a vacant building site on just over 10 acres. Both of the proposed lots would meet the minimum width and depth requirement of 300 ft. The Township reviewed the request at their April 12, 2023, meeting and approved of both the rezoning and the division into two lots.
- B. No comment from Rasset or public.
- C. Mol stated he drove by the property and it appears the driveway is already being installed. Questioned if the Township approved. Rasset – yes, spoke with Township and they approved.
- D. Mahlberg moved to approve a Conditional Use Permit for a two-lot unplatted subdivision in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Access permits from Clearwater Township and location approval from the Wright SWCD, if required, must be obtained before any construction activity commences; 2) Per Feedlot regulations, the A/R parcels will be allowed 1/2 animal unit per acre and will not be allowed to reach 10 animal units. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **ESTATE DEVELOPMENT CORPORATION** c/o Tom Gonyea – New

LOCATION: 11126 Eastwood Avenue SE – The NW 1/4 as well as part of the NE 1/4 lying westerly of Rice Lake in Section 35, Township 118, Range 25, Wright County, MN. (Rice - Franklin Twp.) Tax #208-200-352102, -352100, -352101. Owner: David Lubben Trust

Petitions to rezoning from rezoning from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agriculture/Residential (A/R) with a Residential-Recreational Shorelands District Overlay (S-2) and establishment of a Rural Planned Unit Development overlay district as regulated in Section 155.028, 155.047, 155.048, 155.057 & 155.059, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Tom Gonyea and Paul Otto with Otto Associates

- A. Rhineberger reviewed property details and request with property maps on display. The property is roughly 102 acres in size with road frontage along Eastwood Ave. SE and 110th Street SE in Franklin Township, with the eastern boundary of the property being lakeshore on Rice Lake. This request is to rezone the entire property from General Agriculture (AG) to Agriculture/Residential (A/R). The area of the property within 1,000 feet of Sheldon Lake would keep the Shoreland Overlay (S2) designation, as well as those areas designated as Floodplain (FP) would also remain. The proposal also includes the establishment of a Rural Planned Unit Development (PUD) district. Concept plan was displayed. If approved, an application for a 17-lot platted subdivision, which would include 15 buildable lots and two outlots, would follow. The Township did approve of the request. This request needs to establish both the rezoning and the PUD district. Looking over historical files PUDs have been completed a few different ways. This process is trying to do one shot and avoid duplicative hearings for relatively the same request.
- B. Otto – wanted to comment on the extension of the road from the south. That road is an extension of an existing cul-de-sac. Plan is to preserve the horse farm facility, which is the 18 acre lot on the concept plan. There are 3 lots that access the township road. The property to the west and southwest is proposed as common open space and this open space butts up to common open space to the west.
- C. Public comment opened.
 - Mary Sullivan – 4386 115th St – stated she did not receive the proposed plan in the mail and that is a concern. When talking with a neighbor they had no idea that there was an intention to extend the cul-de-sac. Questioned if it is normal that a proposed plan would not be included with the notice, so the neighbors can see the plan. Mol – notified there is something and that would be the residents responsibility to get information. That could be going to the Township because the applicant is required to go before the Township. There is also opportunity to go to the County. Rhineberger – yes, it is customary to only include the notification. Sullivan – second concern is this proposed development is appearing to be part of another development. She feels this should be a separate development from the current development. The existing development was developed with a cul-de-sac with no plan included for future development, which is a concern. The people living on the cul-de-sac houses are no longer on a cul-de-sac and there is an addition of 11 homes to a dead-end street. A concern is the traffic doubling on the current road. There are small roads filled with potholes in the area and she feels it needs to be brought up as a concern with 11 more homes being added to the area. Would assume that is something Franklin Township would address but it is a concern. Currently there are a

total of 14 homes that are on 3.5 – 4 acres or larger. These 7 lots will be less than 3 acres and one lot less than 2 acres. Looking at the surrounding area the lots developed farther down the road are 4 acres or more. Now we are going to add into that area smaller lots. Not against the development but concerned with the decrease property value because now the people that had a cul-de-sac no longer have a cul-de-sac. Also, concerned with the increase traffic and amount of small kids in the area.

- William Erickson – 4308 115th St – Rhineberger made a statement to his wife that this project has been being worked on for 10 years and the owner was a holdout. Rhineberger – no he had not. Erickson – how long has this change been worked on? Rhineberger – they applied in September. Erickson – based on Section 155.059 states if any standards contained within the MN Rules Part 6120.2500 and 6120.3800 are more restrictive than the chapter or stricter standards shall apply. In this situation at least 50 % of the total project must be preserved as open space, which this plan does not do. Current plan is at 33%, so how did we get past the 50%. Section C2 references protective waters and wetlands and that they should be preserved. Referencing the proposed plan Mr. Erickson pointed out the area along the westside and if it would be recommended the trees along the wetlands should not be removed. In a conversation with Rhineberger, it was stated once land is owned, they can put the home in any location and if they wanted to remove trees that would be up to the homeowner and covered in this request. Rhineberger – there are shoreland rules and ordinances regarding the shore impact zone. Erickson questioned the trees and if the owner has a right to cut them down with Rhineberger confirming. Erickson – another concern is the open space. The last one put in was supposed to be maintained by the property owners and it is overgrown and not maintained. The area in some parts is a dirt bike path. In this request the common use space, which includes the wetlands, would be allowed to be used by owners to ride motorcycles or ATVs in that area. There was mention regarding traffic on the current road. It was a road installed by the residents and is maintained by Franklin Township. That road right now is zoned at 55 mph, on a dead-end road with residences. Now adding in 11 homes you believe 25-26 additional cars coming though at 55 mph is a good idea. That is a scary for all of us. Questioned what this benefits for those that live in the area. Nothing, we moved out of the cities and bought land to try and get into a community that was built around large lots with open spaces. Feels infrastructure of Delano can't support the rapid growth that is occurring.
- D. Otto – development to the south is the same exact zoning. They did not have common open space but the horse facility was the preserved portion of the land. Essentially this request is asking for the same thing as that development. Understands people moved into the area to enjoy the land but the precedence is set by the comprehensive Land Use Plan and where development should happen. The cul-de-sac that is existing might be on a temporary easement. If the right-of-way doesn't show a cul-de-sac it was intended for the road to go through, which is what this board tends to do when these properties are developed. Connecting the road or accessing another way, the intent is to preserve the horse facility. If the road is brought from north to the south, it would disrupt the horse farm facility. Idea is to keep that facility in place and allow to stay together as a large parcel.
- E. Gonyea – this will be about 1,300 ft. of road that will not even have homes in that area. Mol questioned if the Township will agree to take over and built to their specifications and maintained by the Township. Gonyea confirmed that is the intention.
- F. Felger questioned who would have use of the common space. Otto – typically how it works is if there are 15 lots each lot would have 1/15 ownership and tax commitment in that outlot.

- G. Mol questioned how the outlot is maintained. Otto – personally lives in a PUD where there is 17 acres owned by 13 people that is policed by the owners. There is a (Homeowners Association) HOA with no funds contributed but when there is a need to address something they come together and come up with the needed funds. It is self-policed and nothing the county deals with or can enforce beyond the typical zoning items, such as noxious weeds. Generally, it is up to the owners to decide what to do with the area and maintenance. The area can also be restricted as his HOA does not allow the use of ATVs or snowmobiles. Gonyea – the county does require an HOA with the common outlot.
- H. Thompson questioned where the HOA requirement is located in the ordinance. Rhineberger – usually it is set as a condition that it be considered common open space. Not sure it is actually required in ordinance. Thompson – it was stated that there would be a HOA per county requirement. Gonyea – correct. Thompson – what is that and what should it be? Otto – typically the HOA is to establish and make sure the parcel doesn't go into tax forfeiture. What can be done is typically up to the HOA, unless specific conditions are set by this Commission. Thompson stated she belongs to an HOA in another state and if there are not real good rules there can be a lot of disagreeing and arguments within the HOA. She encouraged any plans approved include an HOA agreement to ensure all property owners would have access or be required to meet the standards.
- I. Bravinder – biggest concern is the outlot and that it is taken care of and covenances are a good way to prevent issues. When it comes to the type of vegetation, he could care less as long as there aren't noxious weeds, which the county will take care of. Mol – agrees, there are weed ordinances that address noxious weeds. Otto – in this case the areas are already established and is a little different than a farm field being left to grow. This open space is contained within mostly wetlands and woods.
- J. Thompson stated she would like a site inspection.
- K. Bravinder – would like to see how the existing road is platted, is it a platted cul-de-sac or through road. That does have some bearing on how things are done. Kryzer – directed the Commission to view the displayed GIS map and pointed out the map was drafted based on the plat and shows a straight line. Therefore, it is dedicated in fee as a straight line and not a cul-de-sac.
- L. Felger questioned if map of the plat to the south could be displayed. Rhineberger displayed the preliminary plat map and noted the final plat would have followed the preliminary plan. Kryzer – note that it does state temporary cul-de-sac on the north end of Eckert Ave.
- M. Thompson moved to continue the item to November 16th to allow time for a site inspection. Motion seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

5. **ABDILLAHI MOHAMUD** – New

LOCATION: 15007 County Road 27 NW – Part of N 1/2 of NW 1/4 Section 21, Township 122, Range 26, Wright County, Minnesota. (Silver Creek Twp.) Tax #216-100-212202 & -163303 Property Owner: Schany Marital Trust

Petitions for an Interim Use Permit (IUP) for an over-the road trucking operation to include office space, repairs, and storage for trucks and trailers as regulated in Sections 155.031 & 155.053(B)(2), Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances and Subdivision Regulations.

Present: Abdillahi Mohamud & Steve Hirsch as relator

- A. Rhineberger displayed the proposed site plan and reviewed the request. The property is a 10.09-acre parcel just east of the junction of County Roads 8 and 75. The property was before this Commission in early 2022 for an over-the-road trucking company. This request is similar to and would include an over-the-road trucking operation with office space, repairs, and truck and trailer storage. A business plan is included in the staff report. Silver Creek Township has yet to provide a response, as they have yet had opportunity to meet. The Wright County Highway Department has responded that they are okay with the request as submitted, but noted any expansion of the operation will likely require right turn lanes on County Road 75.
- B. Hirsch – they are a small long haul company that is hoping to grow. The location will be for the maintenance of their trucks. They know that in the future, if they were to expand, they would need to come back to this Commission. They are very conservative with regards to respecting the environment and he feels that was made clear in the narrative. Basically, they would use the property very similarly to how it had been used by the previous company.
- C. No public comment.
- D. Mol questioned how the Commission would like to proceed. They have not been heard by the Township but the site is being used relatively in the same way as what was approved in 2022. This is in his neighborhood and it is an area of existing truck traffic. Holland – did the Township approve the last request. Mol – confirmed. Holland – if very similar she feels we might know the direction they will go. Bravinder asked if there is a current shop. Mol – yes, there is a building being used. The last company was planning basic oil changes with no big engine overhauls. Bravinder – similar to this request.
- E. Thompson stated she would like to hear what the Township has to say.
- F. Greninger questioned if a condition could be contingent on Township approval. Kryzer – once approved that is the final word. A township really does not get veto power over what this Commission approves. Preference is a final motion not to include contingent on what may or may not happen. Mol asked if they are on the agenda with the Township. Hirsch – yes, believes November 7th. Mol questioned if there is anything with the purchase agreement that could conflict. Hirsch – purchase agreement is subject to approval of the Township and County. They are trying to close November 30th.
- G. Bravinder moved to continue the item to the November 16th meeting to allow time for the applicant to meet with the Township. Seconded by Greninger. VOTE: CARRIED UNANIMOUSLY

6. **CASSANDRA LIBBY** – New

LOCATION: 8025 State Hwy 25 NE – Part of E 1/2 of SW1/4, lying west of the westerly right of way line of Highway 25 and south of..., Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax # 213-100-223402 Property Owners: Double H Properties, LLP

Petitions for an Interim Use Permit (IUP) to operate a non-commercial contractor's yard to include services for lawn care, landscaping, tree maintenance, and snow removal as regulated in Sections 155.003(30), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Cassandra Libby

- A. Rhineberger displayed the property maps and proposed site plan as he reviewed the request. This property is 25.45 acres that sits along State Highway 25 NE in Monticello Township. The Commission will be familiar with this property as Elsenpeter Auctions. There was a site inspection earlier this year as it was subject to a rezoning request. This is the first of two requests by the applicant for the same property. This request is to operate a non-commercial contractor's yard, which carries with it different requirements than the 2nd portion, which is wholesale and landscape nursery with seasonal retail sales. Separate requests will allow for better management of the operations and related conditions. In this case the house does not yet exist and the request would need to be approved with a condition that addresses the home. There must be a house on the property in order for the contractor's yard to exist. The site plan and business plan were provided to the Commission in the staff report. Monticello Township has approved, noting that the applicant is actively working on bringing the use into compliance with IUP standards, including construction of a residence, and is requesting annual review to verify compliance. One neighbor commented support of the request.
- B. C. Libby – has been working with Planning & Zoning for several weeks. Essentially, they do not want to change or redeveloped. Hope is that the auction company stays and continues to operate. Plan is to use current building as indoor storage and run companies out of the building. When originally looking at the property they did not realize the requirement of the home but they do intend to relocate to this property and be fully present.
- C. No public comment.
- D. Felger questioned the house requirement. Rhineberger read the noncommercial contractor's yard definition as *"buildings and structures, including limited outdoor storage, located on the homestead of a contractor in the building trades or other similar business, for the purpose of storing machinery and equipment related to the business which is primarily conducted off-site. All storage and screening requirements in §§ 155.076 through 155.079 of this chapter must be met, all building size requirements must be met and the use must be clearly incidental to the primary use of the property as a homestead."* Based on the definition a contractor's yard cannot exist without being operated on the homestead of the business operator. If the business operator does not live there then the use is not allowed. Felger questioned the applicant on her vision of a home. Libby – sourced a modular home that meets county requirements but are having issues with timing. From the day the modular is ordered it can take 10-12 weeks to manufacture and deliver. She would like clarity on this as she needs to be into this property and out of her existing property by November 1st. Getting a modular home and permits closed would not be feasible. The septic system did fail and they still need to work out that issue. Hope is if they need to continue with the house there is some grace with the timeline.

She does not want to rush the process and make mistakes. She would like to operate while working through the home portion and have everything finished and finalized by the end of spring. Felger questioned Libby if she owns the property. Libby – it is being purchased contract for deed with anticipation of closing November 1st but are contingent on an IUP being executed. Mol asked if the landowner is aware of the process of putting a home on the site. Libby – yes, they are supportive and have been kept up-to-date. Mol questioned if Libby plans to live in the home and homestead. Libby – current home is homesteaded and they may rent that out or un-homestead. She does have a business partner but likely it will be her and her children. Felger – currently in this sort of business? Libby – yes, since roughly 2014. They want to shift and do things differently as they are running out of space at their current location and just don't have space to grow the wholesale side of the business. Felger – currently there is an auction business on site. Libby – they are present tonight. The business is currently operating but they are tenants. Property owner did give an end date to that lease but she has been working closely with them and is hopeful a lease will be signed with her.

- E. Kryzer questioned if November 1st will be when property is purchased or contract for deed will be executed. Libby – the contract for deed will be executed on November 1st. Kryzer – Is there a plan to own the property outright before a house goes up? Libby – three year term and then they will buy outright. If an extension is needed, current owners have offered to provide that. If all goes as plan it would be 3 years and they would be able to buy. Kryzer – can buy anytime in the 3 years. Libby – correct. Rhineberger – the contract does complicate building permit applications because only the fee title owner, unless specified in the contract, can sign for a building permit. Libby stated she will double check the contract but does not anticipate it being a problem. Kryzer – if the Commission is going to approve, he would suggest a condition that if the property is not homesteaded within one year or the homestead is terminated by the applicant then the IUP would terminate immediately.
- F. Mahlberg – contract for deeds are hard. Questioned if a lawyer has helped with the process and Libby confirmed. Mahlberg – addressing staff, questioned if this is okay to grant approval with the fundamental requirement not existing. Kryzer – given the fact this is an IUP and with the added proposed condition termination would occur immediately if not homestead in one year or she does not live there. Mahlberg – at this point nothing taking place on the property particularly permeant, at this point.
- G. Felger questioned if the fee owner is fully aware the structure will be built. Libby – confirmed they are involved in everything that has been done.
- H. Rhineberger – looking at the plan there is a wholesale products space to be talked about with the next request. There is equipment parking located on the northern end as well as the west side. As part of the non-commercial contractor's yard there is a screening requirement. Where equipment is parked would be required to be screened, in some fashion. Nothing in the proposed plan shows what that screening would be and is something the Commission should discuss. Bravinder stated he does not see a need for screening in the west area. What is exactly required for screening? Rhineberger – Wright County Code of Ordinances section 155.078 Screening and Fences was read for the Commission. Mahlberg – hearing it can be anything. The Highway 25 right-of-way looks as it goes right to gravel with the existing shrubs appearing to be adequate. Mol – there is a field behind the trees that would be owned and it would be his suggestion the equipment be kept behind the trees, as natural screening. Libby – there is the same amount of equipment that that is currently present with the auction as there would be with her equipment. If needed, they do have the resources to plant trees in the spring. Rhineberger – displayed Beacon pictometry and reviewed the areas being discussed. Mahlberg – the adequacy of screening is up to the Commission. Felger – there is a tenant there now

that requires visibility. If this Commission is looking at any screening and the auction facility remains, he does not want to impede the auction site.

- I. Holland – the pictures that have been displayed show quite a few vehicles. Will more vehicles be added? Libby – important to take into consideration these vehicles are not there all the time and they cycle through lots of equipment and trucks. She drove by a few weeks ago and there were no vehicles on the property. She would bring in her equipment but feels there is definitely plenty of space.
- J. Thompson asked where the house will be located. Libby – addressing the displayed site plan pointed out the location. Thompson questioned how the homestead requirement came about. Mahlberg explained that specific requirement is tied to the use. The definition of a non-commercial contractor's yard includes that a house is on the same property as the business, otherwise it would be more of a commercial operation. A commercial operation needs to be in the commercial zoning district.
- K. Mahlberg moved to approve an interim use permit for a non-commercial contractor's yard in accord with the plans and narrative submitted and the discussion at the hearing, with the following conditions: 1) all work must be conducted off-site; 2) exterior storage is limited to the locations noted on the site plan; 3) any change in use or expansion would require an amended IUP; 4) dwelling must be completed, and property homesteaded within one-year of this approval; 5) outdoor screening requirements must meet the requirements of section 155.078 of the Wright County Code of Ordinances, where applicable; 6) township to review in one year, with subsequent reviews at an interval established by the Township; 7) this permit shall expire if property is not homesteaded or homestead is terminated by the applicant the IUP will terminate immediately and automatically without further action the IUP will also terminate upon transfer, termination of any lease agreement, change in business operations or ownership, or change in homestead classification. Motion seconded by Greninger.

DISCUSSION: Felger – screening would be applicable according to what? Mahlberg – I expect that it will be unlikely that there will be a complaint related to screening, regardless of what will occur out there. The applicant has stated that equipment will be parked in back and behind natural screening. Ordinance says they shall have adequate screening. Rhineberger – if the equipment is stored near Highway 25, he would require some additional screening. Mahlberg was in agreement.

VOTE: CARRIED UNANIMOUSLY

7. **CASSANDRA LIBBY** – New

LOCATION: 8025 State Hwy 25 NE – Part of E 1/2 of SW1/4, lying west of the westerly right of way line of Highway 25 and south of..., Section 22, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax # 213-100-223402 Property Owners: Double H Properties, LLP

Petitions for an Interim Use Permit to operate a wholesale landscaping and garden nursery to include seasonal retail sales as regulated in Sections 155.003(99), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Cassandra Libby

- A. Rhineberger stated this request is for the wholesale nursery. The business plan was provided in the staff report and the same sight plan used with the contractor's yard can be referenced. It should be noted there is a reference to a community garden that is not part of this request and is something that might occur in the future. The outdoor recreation activities are also not part of the business operation at this time. This request is strictly a nursery, wholesale products and seasonal retail sales. Monticello Township has approved, noting that the applicant is actively working on bringing the use into compliance with IUP standards, including construction of a residence, and is requesting annual review to verify compliance. One neighbor supports the request.
- B. No comment from Libby or public.
- C. Rhineberger mentioned that the Building Official has had discussions with the applicant regarding the current building. Unsure, at this point, if the building was inspected based on proposed business use and public entering. This building may or may not meet those specific building code requirements and is something the applicant should address.
- D. Mahlberg questioned if the previous IUP, that was granted, is terminated would this IUP be independent and treated separately. Rhineberger – yes, that is one of the reasons why the uses are sperate requests and will be considered separate permits.
- E. Mahlberg moved to approve an interim use permit for a wholesale landscaping and nursery to include seasonal retail sales in accord with the plans and narrative submitted and the discussion at the hearing, with the following conditions: 1) the public may not be allowed inside the building, and no retail sales may take place inside the building unless it has been approved by the Building Official that those areas meet all required codes; 2) Exterior storage is limited to the locations noted on the site plan; 3) Any change in use or expansion would require an amended IUP; 4) Township to review in one year, with subsequent reviews at an interval established by the Township. Motion seconded by Bravinder.

DISCUSSION: Rhineberger asked to add a condition that this permit shall terminate upon transfer, termination of any lease agreement, change in business operations or ownership, or change in homestead classification.

Mahlberg amended his motion Condition #5, to read *“this permit sale terminate upon transfer, termination of any lease agreement, change in business operations or ownership, or change in homestead classification.”* Bravinder amended his second.

VOTE: CARRIED UNANIMOUSLY

FINAL PLAT

On a motion by Bravinder, seconded by Mahlberg, all voted to approve the final plat of Betzler Addition and authorize the Chairman's signature.

SITE INSPECTION

Commission scheduled site inspection for November 8th at 9:00 a.m.

Greninger moved, Holland seconded a motion to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barry J. Rhineberger".

Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks