

Carver County Planning Commission

Regular Meeting - **Tuesday, July 20, 2021**

Commissioners' Meeting Room

2nd Floor Social Services Wing

Government Center - Chaska

AGENDA

7:00 P.M.

- 1.) Approve minutes of June 15, 2021, regular meeting
Pages 1-1 through 1-14
- 2.) **File #20210042** – Public hearing on application by Adam Glander for a
Conditional Use Permit. (Accessory Structure)
Benton Township Pages 2-1 through 2-11
- 3.) **File #20210044** – Public hearing on application by Cally & Stacy Trimbo
for a Conditional Use Permit. (Adaptive Re-Use of RSD Building)
Dahlgren Township Pages 3-1 through 3-11

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – June 15, 2021
Minutes

Members Present: Scott Smith, Greg Grazzini, Mark Willems, Scott Wakefield, Roger Storms, Frank Mendez, John P Fahey

Members Late: None

Members Absent: None

Staff Present: Jason Mielke, Aaron Stubbs, Christina Neel, Adriana Atcheson, Paul Moline, Laura Jaunich, Nancy Buckentine

Pursuant to due call and published notice thereof, the June 15, 2021, regular meeting of the Carver County Planning Commission was called to order by Chairman Smith at 6:00 p.m.

Chairman Smith conducted a roll call which indicated all members present.

Due to the recent resignation of former Chairwoman Theis, an election must be held for a new Vice Chairman. Newly appointed Chairman Smith called for nominations for the office of Vice Chairman. Fahey made a nomination for Scott Wakefield as Vice-Chairman. Storms seconded the nomination. Calling for any other nominations and hearing none, a motion was made by Smith and seconded by Willems to elect Scott Wakefield as the Vice Chairman. Smith, Storms, Mendez, Fahey, Willems, and Grazzini voted aye. Wakefield abstained from the vote. Motion carried. Scott Wakefield was elected as Vice-Chairman of the Planning Commission.

Minutes – A motion was made by Smith and seconded by Willems to approve the minutes from the May 18, 2021 regular meeting. Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210033 – Anthony Hoen – Chairman Smith called the public hearing to order at 6:00 p.m. to consider a request by Anthony Hoen. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 19 of San Francisco Township.

The following were present: Anthony Hoen, Larry Schmidt, Kellen Schmidt, Scott Selken

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F - Letter to the Planning Commission and San Francisco Township dated June 7, 2021, and attachments

Stubbs stated the applicant owns a 10-acre parcel improved with a house, a sawmill and grainery building, a detached storage shed and a barn. The applicant is proposing to remove the 91' x 30' sawmill and 21' x 17' grainery building and would like to replace it with a 56' x 40' structure for personal storage. The total personal storage area on the property with the proposed new structure would be approximately 8,846 square feet, or approximately 4,846 square feet more than allowed by the Zoning Code without a Conditional Use Permit on a property of this size. The applicant's letter describes the use of the building will be for storage of his personal items (i.e. collector cars, recreational vehicle and race trailer). There would be no business activity conducted from the structure. The proposed structure would meet all setbacks. On May 28, 2021, this request was reviewed by Joe Enfield, Carver County Senior Environmentalist, who stated there are no SSTs concerns for this accessory structure at this time. The San Francisco Town Board reviewed the request and recommended approval during their May 17, 2021 Town Board meeting. They did not request any conditions along with their recommendation. Stubbs read the proposed conditions for consideration if the request is approved.

Anthony Hoen, 9380 188th St, clarified he owns all of the items to be stored in the structure as his personal property.

Grazzini asked about the structure dimensions referenced in the staff report and the site plan.

Stubbs explained the site plan illustrated an overlay of the proposed building over the existing buildings which made it difficult to see clearly.

Larry Schmidt, San Francisco Township supervisor, confirmed the Township recommendation for approval, noting that the applicant is trying to improve the property by removing some of the older buildings and replacing them with a new structure. They are in full support of the request.

Mr. Schmidt asked if this request would have been necessary with the proposed changes to the Zoning Code.

Stubbs stated he did not have the exact proposed figures readily available but recalled a property of this size would be allowed up to 7,000 square feet of personal storage space, so this request would still have needed a CUP.

No one from the public made any comments on this request.

A motion was made by Wakefield and seconded by Willems to close the public hearing. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was concluded at 6:12 p.m.

A motion was made by Fahey and to **approve and issue Order PZ20210033** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Mendez seconded the motion for approval. Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210036 – Jeff & Shonna Caswell – Chairman Smith called the public hearing to order at 6:13 p.m. to consider a request by Jeffrey & Shonna Caswell. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 27 of Camden Township.

The following were present: Jeffrey Caswell

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 14, 2021

Exhibit F - Letter to the Planning Commission and Camden Township dated June 7, 2021, and attachments

Exhibit G – Telephone call from neighbor, Virgil Stender, received June 15, 2021, stating his support of the request

Neel stated the applicant owns an approximate 10-acre parcel improved with a house, tuck-under attached garage, a detached pole shed and small wood shed. The applicants are requesting to construct an approximate 52' x 72' detached accessory structure for personal storage on the property. This would increase the total amount of personal storage space on the parcel to 6,026 square feet, or approximately 2,026 square feet more than allowed by the Zoning Code for a parcel of this size without a CUP. The applicant's letter describes the intended use of the proposed structure would be for personal storage of items such as a motorhome, automobile, trailer, sailboat, and other miscellaneous property. On May 28, 2021, Joe Enfield, Carver County Senior Environmentalist, reviewed the request and stated there are no SSTS concerns for this accessory structure at this time. The Camden Town Board reviewed the request and recommended approval at their May 13, 2021 Town Board meeting. Neel read the proposed conditions for consideration if the request is approved. She also added a 3rd condition which reads: The existing storage containers on site shall be removed within thirty (30) days of receiving the certificate of occupancy for the new building.

Jeff Caswell, 10175 Vega Av, stated the information in the staff report was correct and had no information to add.

No one was present from the Camden Township Board for comments.

No one from the public made any comments on this request.

A motion was made by Wakefield and seconded by Grazzini to close the public hearing. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing concluded at 6:18 p.m.

Fahey commented that with the proposed Zoning Code changes, a parcel of greater than 10 acres would be allowed 10,000 square feet of personal storage space.

A parcel greater than 10 acres would be allowed 5,000 square feet, and Mielke clarified this request would still have needed a CUP.

A motion was made by Willems to **approve and issue Order PZ20210036** incorporating the findings of fact and staff recommendations in approving the Conditional Use Permit for an accessory structure. Storms seconded the motion for approval. Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

File #20210039 – Michael & Kristi Fritz – Chairman Smith called the public hearing to order at 6:21 p.m. to consider a request by Michael & Kristi Fritz. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 21 of Laketown Township.

The following were present: Michael Fritz, Mike Klingelhutz

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 21, 2021

Exhibit F - Letter to the Planning Commission and Laketown Township dated June 7, 2021, and attachments

Neel explained the applicants have recently purchased an approximate 15.9-acre parcel for which permits were recently issued for a single-family dwelling with attached garage and a pool house. The applicants are requesting to construct a detached garage, approximately 38' x 64' for personal storage, which would exceed the total personal storage space allowed on a parcel of this size by approximately 642 square feet. The applicants' letter describes the intended use of the structure would be for personal items such as pontoon boat, lawnmower, and other miscellaneous property. There would be not business activity conducted from this structure. The proposed structure would meet all setback requirements. Carver County Senior Environmentalist, Joe Enfield, reviewed the request on June 4, 2021, and stated that the primary and alternate drain fields should be protected from disturbance with fencing before any construction begins. The Laketown Town Board reviewed the request and recommended approval during their May 24, 2021 Town Board meeting. The Town Board did not request any conditions along with their recommendation. Neel read the proposed conditions for consideration if the request is approved.

Michael Fritz, 1577 Sparrow Rd, had no additional comments.

Mike Klingelhutz, Laketown Town Board Supervisor, stated there were no special considerations for this request. He stated it is a larger acreage parcel and confirmed the Town Board's recommendation for approval.

No one from the public made any comments on this request.

A motion was made by Wakefield and seconded by Smith to close the public hearing. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing concluded at 6:26 p.m.

A motion was made by Fahey to **approve and issue Order PZ20210039** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Mendez seconded the motion for approval of the request. Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210035 – Curtis & Kelli Hansen – Chairman Smith called the public hearing to order at 6:27 p.m. to consider a request by Curtis & Kelli Hansen. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 21 of Laketown Township.

The following were present: Curtis Hansen, Mike Klingelhutz

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated May 13, 2021

Exhibit F - Letter to the Planning Commission and Laketown Township dated June 8, 2021, and attachments

Mielke stated the applicants own three independent parcel which total an approximate 3.52 acres of land when combined. The three parcels are all lots in the subdivision of Laketown Shores, which was platted in 1967. In May, the applicant requested the combination of the three parcels into one taxing parcel. On June 7, Land Management staff was informed that the proposed combination was rejected by the County Recorder's Office pursuant to MN Statute 272.46, which only allows for combinations of contiguous parcels. These lots are part of a plat and are considered to be not contiguous parcels as they are physically separated by Pierson Lake Drive. It was determined that since the parcels cannot be combined into one taxing parcel, the applicant must sign an affidavit stating the three parcels are considered one for zoning purposes and cannot be sold separately from each other, unless one of the lots is to be combined with a similar parcel which is contiguous. The affidavit will be a recorded document identifying each of the three parcels. The applicant is requesting a conditional use permit which would allow them to apply for a building permit for a detached accessory structure on Lot 1, Block 1. This lot has a residential building eligibility, but due to the topography and the layout, has not been developed. The detached structure would be approximately 48' x 72' which would exceed the total personal storage allowed by the Zoning Code on the property (combined parcel total acreage) by approximately 1,228 square feet. The applicants' letter describes the intended use of the structure is for personal items, such as a boat, personal water craft, lawn equipment, automobile, RV, and

other miscellaneous property. There would be no commercial business activity conducted from this structure. The location of the proposed structure meets all required setbacks. On May 28, 2021, Joe Enfield, Carver County Senior Environmentalist, stated there are no SSTS concerns for the accessory structure with this request. A possible site was identified for a septic system however, it is not necessary for this request. The Laketown Town Board reviewed the request at their April 26, 2021, meeting and recommended approval with a 2-1 vote and the following contingencies:

- a. Signature of support of affected neighbors
- b. MCWD approval of shed placement
- c. Applicant's obligation to repair the roadway, if damaged, during construction or hauling fill
- d. Applicant must obtain Township approval for driveway placement

Mielke stated the three lots owned by the applicant are part of a platted subdivision created prior to 1974 and the adoption of the Zoning Code. Even though the parcels are small acreage lots, they are in the Agriculture zoning district and follow the guidelines of that zoning district. This use and the affidavit to recognize the parcels as one for zoning purposes is similar to other requests which have been done in the past. Mielke stated the taxing classification and valuation, which is determined by the Assessor's Office, may not necessarily be Agricultural, based on the use of the land. Mielke read the proposed conditions for consideration if the request is approved. He noted there are proposed Zoning Code changes which, if adopted in the future, will change the accessory structure requests to variance requests instead of conditional uses.

Curtis Hansen, 9235 Pierson Lake Dr, stated the information was presented correctly and had no additional comments.

Mike Klingelhutz, Laketown Town Board Supervisor, stated he had three comments to make concerning this request:

1. It is a major policy decision to ignore the County Recorder and allow a way around the State Statute for the combination of the three non-contiguous parcels to be considered one parcel for zoning purposes. He stated the County Recorder has indicated that the parcels are unable to be legally combined and he asked the Planning Commission to further discuss this issue.
2. He noted in the applicant's letter the statement was made that the subject parcel was combined with two other contiguous parcels for a total of 3.52 acres. He stated this was false, since the parcels are not allowed to be combined into one taxing parcel according to the County Recorder's Office.
3. He stated that at the Town Board meeting of April 26, 2021, it was stated that it would be alright at the County level for the three parcels to be combined into one taxing parcel. Since this statement turned out to be untrue, the Town Board had incorrect information on which to base their decision.

Mr Klingelhutz stated he was and is opposed to this request because he feels the size of the structure is of commercial size and height on a residential lot in a residential neighborhood of 39 homes. He stated the proposed 48' x 72' building is on a very small lot, of which a large portion is wetland.

No one from the public made any comments on this request.

Mielke did acknowledge that he and another Land Management staff member were present on the call for the April 26, 2021, Town Board meeting to discuss proposed Zoning Code changes and were asked to comment about this request. At that time, based on discussions with the County Recorder's Office, it was the understanding that the parcels would be combined into one taxing parcel as had been done many times previously. He noted that it was on June 7, 2021, it was learned that the parcels would not be combined into one taxing parcel and that an affidavit would need to be filed to consider the parcels one for zoning purposes. An affidavit has also been done for parcels in the past.

Mr. Hansen clarified that his proposed structure height is 24 feet and is not a commercial height building. He also indicated another situation where parcels were combined to accommodate an accessory structure.

A motion was made by Storms and seconded by Willems to close the public hearing. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was concluded at 6:44 p.m.

Fahey asked for clarification on recording of the affidavit and how it will be recognized with the County Recorder's Office. Does the affidavit meet all of the internal requirements and follow policy?

Mielke responded stating that the recorded affidavit for land use standards is recorded on each of the three lots, which will be in the tract history on each parcel and alerts anyone conducting research on the properties to be aware of the zoning policy of the combination recognition. Mielke stated a recorded affidavit is more reliable than simply having the information retained with the parcels as a note on the taxing system. It is an actual recorded document which has been signed by the property owners stating the intent to recognize the parcels as considered one for zoning purposes.

Fahey recognized the staff report indicated the decision of not being able to combine the three parcels into one taxing parcel was made after the Laketown Town Board meeting and asked if that information was a material factor or immaterial in their decision or if the Planning Commission should refer the applicants back to the Township for further discussion.

Mielke explained that the Township provides a recommendation to a request. The application indicated the applicant's request to construct an accessory structure on the property. At the time of the application, it was assumed that the three parcels would be able to be combined into one taxing parcel. It was discovered that the parcels need to remain separate, however, the affidavit will explain the parcels are viewed as one for zoning purposes and will be recorded on all three parcels. The affidavit also states the parcels are not to be sold separately, unless they are being sold to an adjacent landowner. It was also noted that there is a conservation easement on one of the parcels and Mielke contacted the Army Corp of Engineers who replied that they would prefer the parcel descriptions remain separate so as not to lose the easement information in a chain of title

and would support recording the affidavit providing the necessary information for viewing the three parcels as one for zoning purposes. He stated the Planning Commission can continue the request if they feel the combination issue is substantial information and noted the Township made a recommendation to approve the request with a 2 to 1 vote.

Fahey asked the applicant for an explanation of the statement in his letter stating the parcels were combined.

Mr. Hansen stated that purchasing the lot was predicated upon doing the combination and constructing the accessory structure. He stated that the application for combination was completed and at the closing, a deed was drafted which requested the combination of the three parcels into one taxing parcel. It was discovered at the time of recording the deeds that the combination was not going to occur. The statute which was referenced is from 1957, and since then, the precedent has been set that allowed for other parcel combinations of non-contiguous parcels. He stated they are in full agreement with signing and recording the affidavit on their parcels to recognize them as one for zoning purposes and retaining the parcel information in the chain of title. Mr. Hansen stated the neighbors have also been supportive of his request and have seen the plans for the structure.

Grazzini asked for clarification on the height of the structure. The drawing in the packet suggests the structure to be 30 feet high and the applicant stated it was 24 feet.

Mr. Hansen stated the slope was drawn incorrectly by the engineering firm. The plans were submitted with 16-foot sidewalls and a 4/12 roof pitch, which calculates to a building height of 24 feet.

A motion was made by Willems to **approve and issue Order PZ20210035** incorporating the findings of fact and staff recommendations in approving a Conditional Use Permit for an accessory structure. Smith seconded the motion for approval of the request. Chairman Smith conducted a roll call vote. All voted aye. Motion carried.

File #20210038 – Steven Zeller – Chairman Smith called the public hearing to order at 6:58 p.m. to consider a request by Steven Zeller. The purpose of the public hearing was to consider a request for an Agri-tourism business (apple orchard and winery) pursuant to Chapter 152 of the County Code. The property is located in Section 8 of Laketown Township.

The following were present: Steven Zeller, Lindley Deardorff, Mike Klingelhutz

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated April 26, 2021

Exhibit F - Letter to the Planning Commission and Laketown Township dated June 7, 2021, and attachments

Stubbs explained there are four contiguous, platted parcels, totaling approximately 124 acres, which is a mixture of wooded land, wetlands and agricultural lands being used for vineyards and orchards to support the Parley Lake Winery and Deardorff's Apple Orchard. In January 2009, a Conditional Use Permit (CUP) was issued and authorized the owners/applicant to operate a Farm-Related/Large Scale Business developed as Parley Lake Winery & Deardorff's Apple Orchard. The 2009 the CUP was approved under Section 152.079 of the Carver County Zoning Code which allows for some business type activities centered around a house or home/farm combination. The applicant, Steve Zeller, is proposing to subdivide approximately 21.85 acres of land, which includes the winery operations, two vineyards, and one apple orchard, from the existing farmhouse on the property. The house and approximately 1.97 acres would be retained by Lindley & Bonnie Deardorff as part of their estate planning process. The existing winery and apple orchard business would continue to operate in the same manner as previously approved, but without the single-family dwelling associated with it. Therefore, a new CUP is being requested pursuant to Section 152.080 of the Carver County Zoning Code, which allows for Large Scale Activities with unique land or location needs without the single-family dwelling component. The updated Master Plan consists of the Business Plan and Site Plan and describes the current land use request as specifically limited to the on-going orchard operations, wine production and retail sales, art events, as well as outdoor music, weddings, ticketed music events, and corporate events. The proposed land use would be allowed to continue without a single-family dwelling on the property. Any changes to the use of the existing barn would require an application for a CUP amendment, if applicable. The hours of operation vary according to the seasonal activities and stages of production. Apple operations occur August through December, seven days a week from 9:00 a.m. to 7:00 p.m. Wine operations occur year-round, Monday through Saturday, from 9:00 a.m. to 1:00 a.m., and Sundays from 12:00 p.m. (noon) to 12:00 a.m. (midnight). The operational plan indicates federal approval and permits, as well as licensure from the State of Minnesota, are current for Deardorff Orchards and Parley Lake Winery. The applicant shall maintain the required permits and licensure for the permitted retail, food production and growing operations. The businesses involve a total of thirty-five employees, nine full-time and twenty-seven part-time or independent contractors, of which three are family members. The applicant estimates approximately 53 cars per day. Based on the different uses of the property, the Zoning Code requires a minimum of 114 parking spaces. The applicant stated there are currently 126 parking spaces offered on the property with a plan to create an additional 25 spaces by the end of 2022. On June 1, the request has been reviewed by Joe Enfield, Senior Environmentalist, who indicated an alternate drainfield site for the SSTS of the residence needs to be identified prior to issuance of the CUP. The Minnehaha Creek Watershed (MCWD) reviewed the proposed request and Will Rouch, Permitting Assistant, replied with the following comment, *"the proposed CUP is to allow the existing business to continue operating and a permit from the MCWD would not be needed at this time. A future project at this site may require an MCWD permit."* All signage on the property is required to comply with regulations in Chapter 154-Sign Regulations. The Laketown Town Board reviewed and recommend approval of the request during their April 26, 2021, meeting stating their recommendation was contingent upon the additional parking within the next 2 year to eliminate the parking along Parley Lake Rd. Stubbs read the proposed conditions for consideration if the request is approved.

Steve Zeller, 1762 Woodstone Dr, stated the alternate drainfield site has been identified and submitted to Environmental Services. He also clarified a point relating to the Laketown Town

Board meeting stating that they agreed to add an additional 15 parking spaces this year and another 10 gravel spaces next year and 40 grass parking spaces, which will be used to capacity prior to any parking along Parley Lake Rd. He was specific about the word ‘eliminating’ guest parking along Parley Lake Rd and stated this was clarified and reflected in the minutes of the Laketown Town Board meeting. He referenced the Township Recommendation Form on page 6-32 of this meeting packet. Mr. Zeller gave a brief history of how the business evolved and grew to the present operations and stated he and Mr. Deardorff are still business partners and will continue operating in the same manner. The biggest change is that he will now own a portion of the land on which the operation is located which caused a change in the type of CUP issued for the business.

Lindley Deardorff, 7025 Parley Lake Ln, gave a brief review on his ownership of the property and offered to answer any questions about the business activity.

Mike Klingelhutz, Laketown Town Board supervisor, confirmed Mr. Zeller’s statement about the additional parking space requirement and stated the Township recognizes during peak apple season there may be overflow vehicles that will need to park along Parley Lake Rd, however, the preference is to have guests use all available grass and gravel parking spaces on site prior to parking on the road.

No one from the public made any comments on this request.

A motion was made by Fahey to close the public hearing. Smith seconded the motion. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 7:14 p.m.

Grazzini asked about the note on the Township Recommendation form which said, ‘Update 2008 CUP scope to include weddings and outdoor music’ and if that had been addressed.

Mr. Klingelhutz stated the Township has never received any complaints about this business venture since they have opened, and if they continue to operate as in the past, the Township is very satisfied.

Fahey stated this business is a good example of what Agri-tourism is doing for Carver County. He has visited the site numerous times and supports their well-run operation.

A motion was made by Fahey to **approve and adopt Resolution #21-08** incorporating the findings of fact and staff recommendations, with corrections to items 10 (alternate septic site) and 13 (parking clarification) on page 6-3, in approving a Conditional Use Permit for a Large Scale Activity with Unique Land or Location Needs. Mendez seconded the motion for approval of the request.

Mielke asked for clarification on the language concerning the parking issue.

Mr. Klingelhutz stated the Township would prefer that the on-site parking and the 40 grass parking spaces be used to capacity before any parking is needed on Parley Lake Rd. The intent is not to completely eliminate parking on the road because there can be many guests during peak apple

season, but to use all of the available on-site spaces first. He complimented the owners for directing the guests to park on only one side of the road.

Mielke stated the language would be clarified to direct all of the on-site parking spaces prior to using parking along Parley Lake Rd for any overflow parking as needed.

Mr. Zeller stated they agree with and support language with that intent for the condition.

Chairman Smith conducted a roll call vote on the motion for recommendation of approval of the request. All voted aye. Motion carried.

File OA-PZ#20210037 – Carver County – Ordinance Amendments – Chairman Smith called the public hearing to order at 7:23 p.m. to consider a request by Carver County. The purpose of the public hearing was to consider a request for amendments to the Zoning Code and the Carver County Zoning Map pursuant to Chapter 152 of the County Code. The amendments will pertain to land within the unincorporated areas (Townships) within Carver County.

The following were present: Larry Schmidt, Kellen Schmidt, Scott Selken, Gerry Bruner, Mike Klingelhutz

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D - Letter to the Planning Commission and ALL Townships dated
June 7, 2021, and attachments

Exhibit E – List of all comments received from Townships

Exhibit F – Email received from the City of Waconia dated June 14, 2021

Mielke announced this is a public hearing for the proposed language changes pertaining to the Zoning Code. The proposed changes have been in discussion for months with the Planning & Water Department, Land Management, the County Attorney's Office and all of the Townships at different times over the past 6 or more months. Work sessions have been conducted with all of the townships and the Planning Commission. The changes are necessary for the Zoning Code to be consistent with the updated 2040 Comprehensive Plan which was adopted by the County Board in February 2020. Some language changes and policies are in response to current development and growth trends around the County.

*Mn State Statute outlines specific guidelines for certain shoreland and floodplain regulations and the language in the Zoning Code needs to be consistent with the DNR model ordinance for compliance. The shoreland regulations have been reviewed by the DNR with positive results for approval.

Mielke stated the proposed changes for Chapter 152 pertain to general zoning standards, setbacks, access management, essential services, Ag zoning district standards, additional density – specifically the high amenity lots, Rural Service Districts (RSD), Shoreland Overlay and Transition Overlay Zones, and the Official Zoning Map. The Official Zoning Map is referenced

in the Zoning Code and is a high-level view of the County, identifying road classifications, shoreland, floodplain, and transition areas, and the RSDs.

Mielke explained the public hearing notification process, publications, and local governmental units and other agencies who were notified about the proposed amendments. When the proposed amendments are recommended by the Planning Commission for approval by the County Board of Commissioners, another public hearing will be held at the County level with notification again of the recommended changes. Because this public hearing is being held remotely, publication was made earlier than required, on May 20th & June 3rd, to allow more time for public comments. Notification was also published on the County Facebook page, and the County website offered opportunity for interested parties to submit comments. All of the comments received thus far, have been from Townships and one City (Waconia) and were forwarded to the Planning Commission. There were no comments received from the general public at this time. Mielke identified each proposed change and offered a more detailed explanation and the impacts of the changes. Following is a list of items proposed for change:

General Standards

Front Yard Setbacks
Access Management

Operational Standards

Cargo Containers
Screening Standards & Maintenance

Essential Services

Renewable Energy/Energy Production

Personal Storage/Accessory Space

Increase size
Change from CUP to Variance

Additional Density

High Amenity Lots

Shoreland Overlay District

Changes relate to 2040 Comp Plan

Transition Overlay District

Transfer of Building Eligibilities

Zoning Map

Update to match 2040 Comp Plan

Chairman Smith called for any comments from Township representatives from each Township. No one representing the townships of Benton, Camden, Dahlgren, Hancock, Hollywood, Laketown, Waconia, and Young America was present on the call.

Note: ALL Township clerks were notified on May 24, 2021, of the public hearing.

Larry Schmidt, representing San Francisco Township, stated the township would like some flexibility with the determination of qualifying land for high amenity lots. The Township does not want to make restrictions too stringent making it impossible to have qualifying land. He cited a recent variance request to allow high amenity lots, which the Township supported, and was denied by the Board of Adjustment. He noted a difference in the interpretation of ‘prime ag’ land between the County and the Township.

Chairman Smith called for any other comments from any of the Townships. Hearing no further Township comments, he opened the public hearing to the general public. There was no one present to make any comments on the proposed amendments.

A motion was made by Wakefield to close the public hearing. Mendez seconded the motion to close the public hearing. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The public hearing was closed at 8:14 p.m.

Grazzini noted a typo in the definition section for ‘Dwelling Unit’ which needed to be corrected.

Willems asked how the ‘growth areas’ are determined.

Adriana Atcheson stated the Transition Policy Area and Growth Area are identified in the 2040 Comprehensive Plan. The Growth Areas are identified by each city in their own Comprehensive Plan as the area they feel the city will grow into by the year 2040. The townships also get a chance to review and comment about on the growth areas with the city as a part of the Comprehensive planning process. All of the townships, except Laketown, agreed to identify the Growth Areas and Transition Areas using the same boundaries. Some residents in Laketown Township expressed concerns with the size of the proposed growth area and the more restricted policies that accompany that area. So, the Laketown Township growth area was reduced to the area consistent with the growth area by 2030. The cities will identify the area and the township can review and comment on it as a part of the comprehensive planning process.

Willems stated the restrictions might be more clearly defined if there was an annexation agreement for the growth area so residents would know how they can use the land.

Atcheson stated there is an agreement in place which divides all of Laketown Township between the cities of Victoria and Waconia. The growth areas are a more staged approach to the actual annexation.

Fahey commented about the storage containers and stated he is not in favor of allowing one permanent storage container on a parcel. He would agree to the temporary use until the completion of a specific project and then be removed.

Chairman Smith called for any other comments by the Planning Commission. Hearing none, he asked for the wishes of the Commission.

Mielke offered an explanation of the next steps in adopting the proposed changes, stating notification of another public hearing at the County Board level would be necessary. If the Planning Commission chose to recommend the amendments to the County Board at this meeting, the public hearing would likely be scheduled for Tuesday, July 20, 2021, at 9:00 a.m. Mielke also read the findings of fact that would accompany the recommendation to the County Board for the amendment changes.

Wakefield asked staff to clarify the language concerning the building eligibilities and pending annexation which was referenced in the email from the city of Waconia.

Mielke stated he would work to make the language agree with the request in the email from the city.

Fahey commended Mielke and other staff members for their efforts in attending a meeting of each township to present and explain the proposed Zoning Code amendments. He was somewhat disappointed in the lack of participation by more of the Townships and the public at this meeting.

Willems echoed that opinion and stated the townships should have had sufficient time to respond to the proposed changes and noted that many of the town board members were involved with the earlier work sessions in the process. He was also surprised at the lack of public participation. He felt an in-person meeting might have had better attendance.

Mielke responded stating staff did not receive any telephone calls for information to join the meeting. One email was received confusing this meeting with the County Board public hearing, to which the office replied to clarify. Mielke stated the notification of this public hearing was more than required and still resulted in little response. He stated it was unfortunate that the meetings could not be held in-person since March 2020.

Mendez agreed with these comments and added that many hours were also contributed by the Commission members to give each thoughtful consideration to the many proposed changes and carefully consider them to get to this stage in the process. He also thanked the staff for their hard work.

Larry Schmidt, San Francisco Township, the information for signing into the meetings was not published on the County website which might have been a factor in the lack of public participation. He found it to be user-unfriendly.

Mielke explained the electronic meeting process and stated there was no link to click to join the meeting, but the information was always available by contacting the Land Management office.

A motion was made by Willems and seconded by Mendez to **approve and adopt Resolution 21-09** incorporating the findings of fact and staff recommendations approving the Zoning Code amendments, Ordinance No. 97-2021. Chairman Smith conducted a roll call vote on the motion. All voted aye. Motion carried.

Adjournment

A motion was made by Willems to adjourn the meeting. Wakefield seconded the motion for adjournment. Chairman Smith conducted a roll call vote. All voted aye. Motion carried. The meeting was adjourned at 8:40 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 9, 2021

TO: Carver County Planning Commission & Benton Town Board
FROM: Land Management Department
SUBJECT: Application for a Conditional Use Permit (Accessory Structures)

FILE #: PZ20210042

PROPERTY OWNER: Adam Glander

APPLICANT: Adam Glander

SITE ADDRESS: 13020 122nd St, NYA 55368

PERMIT TYPE: Accessory Structure

PURSUANT TO: County Code, Chapter 152,

Section(s) 152.073 (A)(3) & 152.077 (A)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-008-0220

BACKGROUND:

1. Adam Glander owns an approximate 25.80-acre parcel, located in part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 8, Benton Township. The property is not yet improved, but the owner/applicant plans to build a house with attached 1,500 square foot garage. The property is in the Agricultural Zoning District and the CCWMO (Carver Creek Watershed).
2. The applicant is requesting a Conditional Use Permit (CUP), which would allow them to apply for a building permit to construct a detached accessory structure on the subject property. The proposed structure would be approximately 60' x 114' (6,600 square feet) which would exceed the total allowable square footage on the property. The request is pursuant to Sections 152.073 (A)(3) & 152.077 (A)(1) of the Zoning Code, which read as follows:

§ 152.073 PERMITTED ACCESSORY USES AND STRUCTURES.

Within the agriculture district the following uses shall be permitted uses and/or accessory uses [Note—Certification of zoning compliance is required for any structure subject to the State Building Code and any structure or land use specifically requiring an administrative permit, certificate of zoning compliance, conditional use permit or any other type of certification by the Department. The Department may provide certification of zoning compliance for those structures and/or land uses that do not typically require certification when requested by a landowner for his or her own property.]:

- (A) Accessory storage structures including sheds, attached and detached garages, detached porches, detached recreational buildings and detached hobby structures: These structures shall be used only by the occupants of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this chapter. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale or pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this chapter. The following standards apply unless a conditional use permit has been issued allowing for additional square footage:

- (3) Parcels greater than five acres – a total of 4,000 square feet of area is permitted in a combination of a garage and accessory structures.

§ 152.077 CONDITIONAL USES – RESIDENTIAL RELATED.

- (A) (1) Residential accessory structures (allowed in AG preserve). Provides for accessory structures in excess of the square footage permitted as a permitted accessory use.

STAFF ANALYSIS:

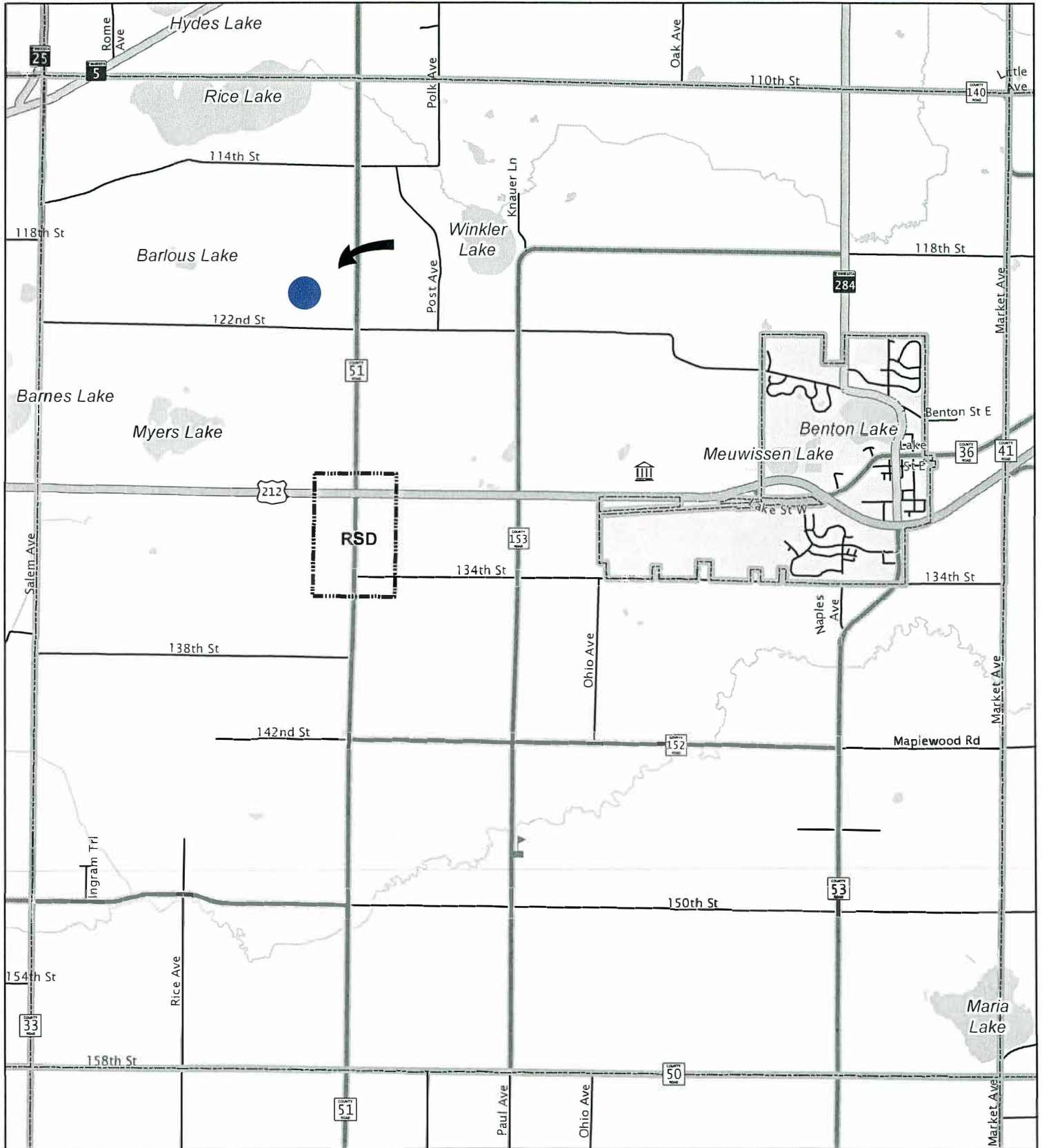
1. The existing 25.8-acre parcel is planned to contain a house with an attached garage for personal storage accessory structure space (approximately 1,500 square feet). If the CUP request were approved, the applicant would apply for a permit to construct a detached personal storage shed. The Zoning Code allows a parcel of this size a total of 4,000 square feet of personal storage area to be permitted in a combination of garage and accessory structure(s). With the proposed 60' x 114' (6,600 square-foot) accessory structure, the total square footage on the property would consist of approximately 8,100 square feet; or approximately 4,100 square feet more than the Zoning Code allows without a Conditional Use Permit on a property of this size. The proposed structure would meet all required setbacks.
2. The applicant's letter (dated: June 9, 2021) describes the intended use of the detached accessory, which would be only for personal use/storage (e.g. vehicles, woodworking supplies, tractor, boat, and miscellaneous personal belongings). There would be no business activities conducted from the structure.
3. On July 9, 2021, this request was reviewed by Joe Enfield, the County's Senior Environmentalist. Mr. Enfield states that there are no SSTS concerns for this accessory structure at this time.
4. The Benton Town Board reviewed and recommended approval of the request during their April 8, 2021, Town Board meeting. The Town Board did not request any conditions along with their recommendation.

PLANNING COMMISSION CONSIDERATION:

If the Planning Commission orders approval of the personal accessory structure application, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. The proposed structure shall be used only by the occupant(s) of the residence for personal storage, hobbies, recreation, entertainment, family uses, private maintenance and repair activities, and as otherwise regulated by this Ordinance. Guest quarters and/or additional dwelling units are strictly prohibited. No products or services shall be offered for sale for pay or similar remuneration except as permitted for a home occupation or as otherwise regulated by this Code.
2. Appropriate building permits shall be obtained. Permits for house, attached garage and detached shed may be issued at the same time, but inspections must occur within six (6) months of completion. No additional personal storage structures shall be allowed, based on the total personal structure square footage currently on the property, without the issuance of a new CUP.

BENTON TOWNSHIP



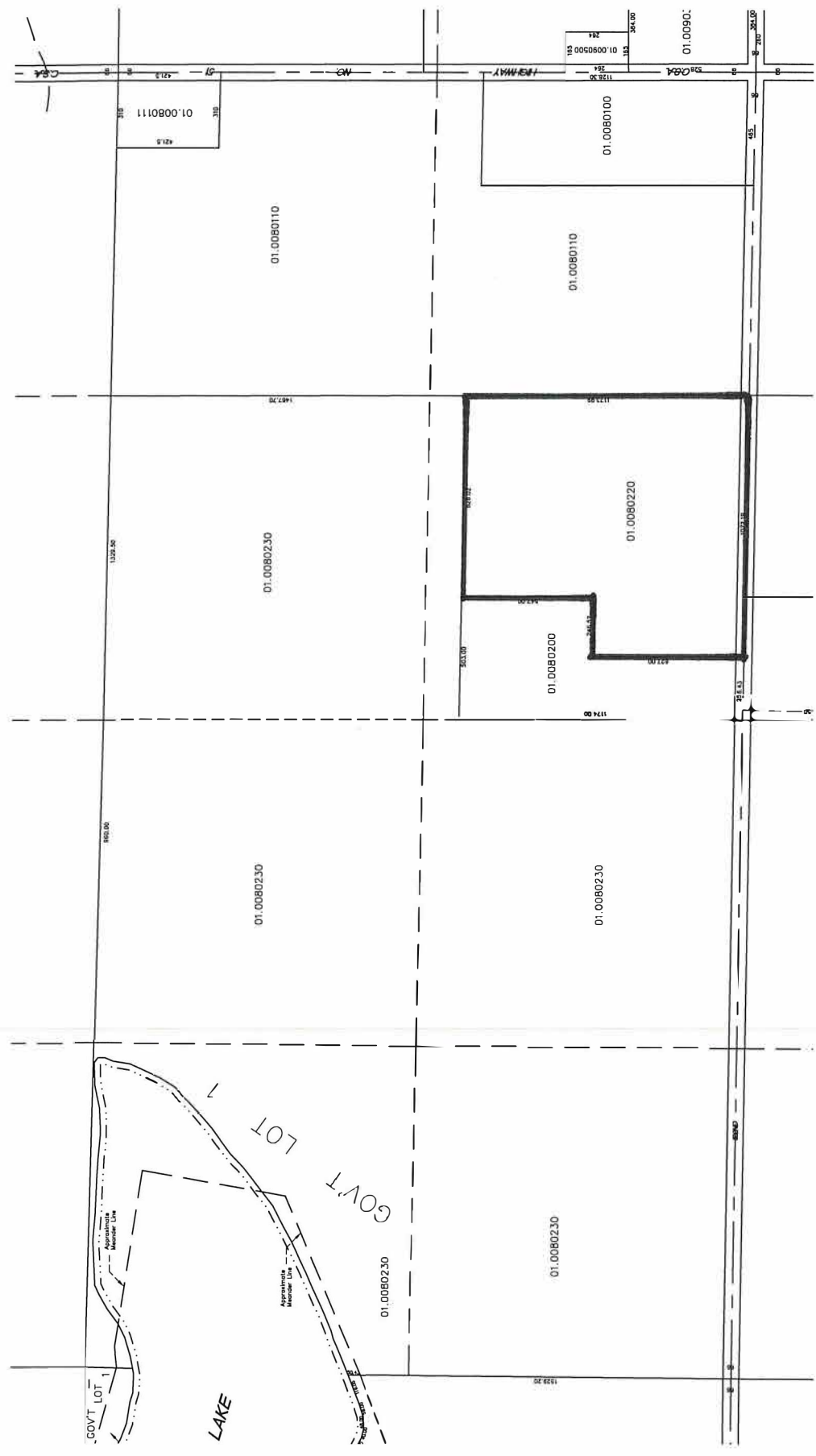
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Map Created by Carver County GIS

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N 1/2 SEC. 8, T.115, R.25



7/7/21

Dear PLANNING Commission members

My name is Adam Glender, and I would like to apply for a conditional use permit at 13020 122nd ST N/A, Bertram township.

THIS SHED/SHOP would be used for personal use and storage. I would also like to use a portion of this shed to store some small hobby farm equipment.

The shed/shop will be approx 6600 sq ft. (plan attached). I am planning on building a house with a garage on it with approx 1500 sq ft of garage space.

Attached is a list of personal items the shed will store and be used for.

Sincerely

Adam Glender

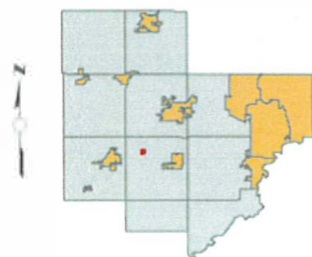
- Store Trucks, Vehicles
- Wood working / Shop area
- store trailers, bobcat, enclosed, aluminum
- Store personal boats
- Store snowmobiles
- Store bobcats + attachments
- Store lawn mowers
- Store Tractor + attachments
- Indoor batting / pitching cage / basketball
netted area
- Misc.

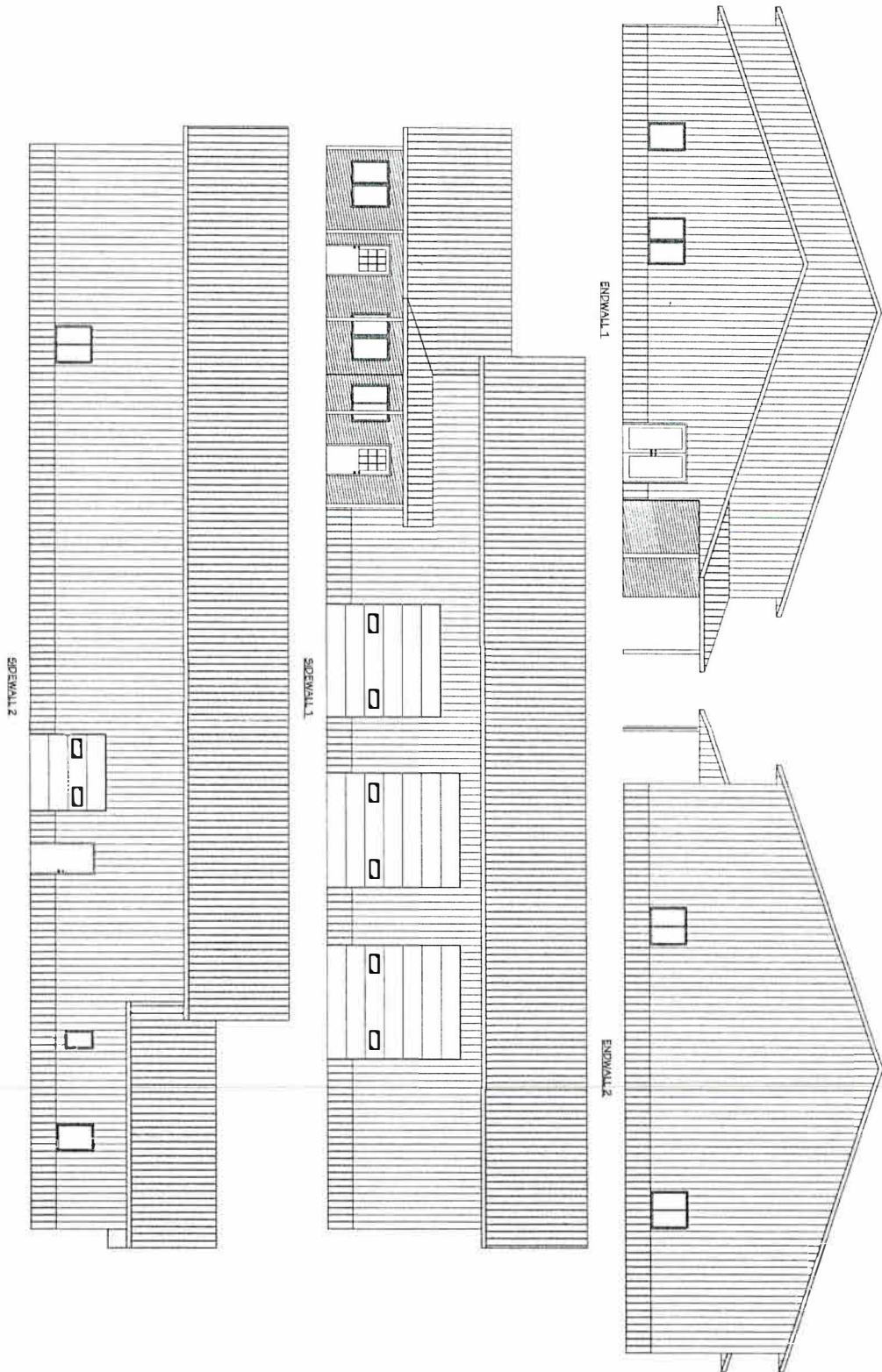
PZ20210042 GLANDER



Date: 7/12/2021

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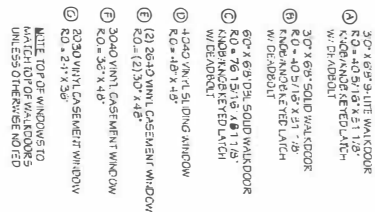
592 Industrial Drive
 P.O. Box 660
 Winnetka, Minnesota 55395
 320-485-2684 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number 20171976

PROJECT NAME:
 PROJECT NUMBER: (21-084)
 BUILDING DESCRIPTION:
 DESIGN NUMBER: P21097

ADAM GLANDER

60'-0" X 90'-0" X 16'-0"
 W/ 50'-0" X 24'-0" X 10'-0"

DRAWN BY: JEREMY B.
 DATE: 6/16/2021
 SHEET 1 OF 6



ATTIC ACCESS

EP ELECTRICAL
PANEL

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Contractor License Number 20171976

PROJECT NAME:
PROJECT NUMBER: (21-084)
BUILDING DESCRIPTION:
DESIGN NUMBER: P21097

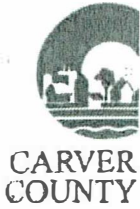
ADAM GLANDER

60'-0" X 90'-0" X 16'-0"
W/ 50'-0" X 24'-0" X 10'-0"

DRAWN BY: JEREMY B.

DATE 6/16/2021

SHEET 2 OF 6



Township Presentation & Recommendation Form

PARCEL #	01.0080220	Permit #	PZ-20210042
Owner's Name:	ADAM GLANDER	Owner's Mailing Address:	14815 Ingram Trail
City:	NYA	Owner State:	MN
		Owner Zip:	55768
Applicant (if other than owner):		Site Address:	13020 122nd St. NYA MN 55368

Type of Request:	☒ CUP	☐ IUP	☐ Preliminary Plat	☐ Final Plat	☐ Variance	☐ Appeal
Description of Request:	I would like to build a House + shed. Total combined storage would be 8000-10,000 sq ft					
Date of County Public Hearing:	4-8-21	Date of Township Meeting:	4-8-21			

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant

Date 4-17-21

Date 6-17-21

Signature of Township Official

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-008-0220

File#PZ20210042

APPLICANT/OWNER: Adam Glander

* * * * *

Part of the West Half of the Northeast Quarter of Section 8, Township 115, Range 25, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Northeast Quarter of Section 8; thence on an assumed bearing of North 00 degrees 13 minutes 37 seconds West along the West line of said Northeast Quarter, 1,174.00 feet; thence South 88 degrees 54 minutes 46 seconds East, 503.00 feet to the point of beginning of the tract to be described; thence South 00 degrees 13 minutes 37 seconds East, 547.00 feet; thence North 88 degrees 54 minutes 46 seconds West, 246.57 feet; thence South 00 degrees 13 minutes 37 seconds East, 627.00 feet to the South line of said Northeast Quarter thence South 88 degrees 54 minutes 46 seconds East along said South line, 1,072.19 feet to the southeast corner of said West Half of the Northeast Quarter; thence North 00 degrees 12 minutes 28 seconds West along the East line of said West Half of the Northeast Quarter, 1,173.99 feet; thence North 88 degrees 54 minutes 46 seconds West, 826.02 feet to the point of beginning.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

July 12, 2021

TO: Carver County Planning Commission & Dahlgren Town Board
FROM: The Land Management Department
SUBJECT: Application for a Conditional Use Permit (Trailer & Equipment Service/Rentals in an RSD)

FILE #: PZ20210044

PROPERTY OWNER: Load 'Em Up Trailer Rental & Sales LLC

APPLICANTS: Cally & Stacy Trimbo

SITE ADDRESS: 6240 County Road 50, Carver, MN 55315

PERMIT TYPE: Adaptive Re-Use of an Existing Building in an RSD

PURSUANT TO: County Code, Chapter 152, Section 152.097 (B)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 04-035-2500

BACKGROUND:

1. Cally & Stacy Trimbo (owners/operators of Load 'Em Up Trailer Rental & Sales LLC) own an approximate 1.52-acre parcel located in part of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 35, Dahlgren Township. The parcel is improved with three (3) commercial structures, ranging from 480 square feet to 4,320 square feet each. The property has a total of 13,850 square feet of commercial space. The property has been utilized for light manufacturing. The property is located in a Rural Service Overlay District (East Union), Shoreland Overlay District (unnamed Natural Environment Lake) and the CCWMO (Bevens Creek Watershed).
2. Cally & Stacy Trimbo are requesting a Conditional Use Permit (CUP) to operate a trailer and equipment service and rental facility from the existing building and outdoor area on the subject parcel. The CUP for an adaptive re-use of an existing structure would be allowed pursuant to Section 152.097 of the Carver County Zoning Code, which reads as follows:

RURAL SERVICE OVERLAY DISTRICT

§ 152.097 CONDITIONAL USE PERMITS.

Within the Rural Service Districts, conditional use permits may be issued for the following:

- (B) *Adaptive re-use of existing structures and buildings.* Conditional use permits for commercial, industrial, or institutional purposes may be issued for the adaptive re-use of buildings or facilities existing prior to July 1, 2001. Permits pursuant to this section may provide for expansion of the operation. The following criteria must be met in order to qualify for this provision:
- (1) The building or facility was designed and constructed for a commercial, industrial, or institutional purpose;
 - (2) The structural condition of the building or facility is determined to be sound and not in need of major repair or rehabilitation;
 - (3) The building or facility is of a size, type of construction, or configuration that it is not reasonable to expect that it can be efficiently or economically used as a newly proposed use as described above; and
 - (4) The operation utilizing the building or facility substantially conforms to newly proposed use provisions of the Rural Service District.

§ 152.098 SERVICE LEVEL.

Uses permitted pursuant to this subchapter must be able to operate within the context of the level of services available in the Rural Service District.

(Ord. 47, passed 7-23-02)

STAFF ANALYSIS:

1. The subject property has received multiple CUP approvals over the years. The current Klos Manufacturing CUP (#10278) originated in 1996 and has operated as a cabinet manufacturing and woodworking facility. Prior to the Klos family owning the property, previous owners had used the property for the storage of boats, per a conditional use in 1978 (#2611), then renewed in 1987 (#7418). The applicants believe their proposed use (i.e. trailer and equipment service and rental) would utilize the buildings in a way that would benefit the community and surrounding area. The proposed business activity would consist of renting a variety of trailers including snowmobile, enclosed, dump trailers and car trailers. The applicants would also compete repairs and maintenance on the trailers along with maintenance and repairs of other private party trailers. As a secondary use of the property, repair of skid steers, air compressors and other small engine type equipment would be services from the site.
2. The subject property is within the East Union Rural Service District and is located on the north side of County Road 50. The applicants have submitted an operational plan and site plan (dated: June 5, 2021) outlining the details of the operation. In addition to the existing structures, the applicant is proposing an outside storage area for up to 35 trailers that will not conflict with the parking area for customers and employees. Parking areas on the north sides of the existing building would be utilized for staff vehicles and customer parking. There are an additional 4 parking spaces south of the main office to be used for customers.
3. According to the applicants, the business would operate from the existing structures. The office space would be located in building #3 (24' x 20' or 480 square feet), per their site map. Supplies will be stored in building #1 (30' x 25' or 750 square feet), and maintenance/storage would occur in building #2 (54' x 20' or 2,700 square feet) and building #4 (54' x 80' or 4,320 square feet). The additional two storage buildings #5 (40' x 60' or 2,400 square feet) and #6 (40' x 80' or 3,200 square feet), per the site map and will remain as tenant personal storage.
4. The primary hours of operation have been identified by the applicant as 7:00AM – 7:00PM Monday through Friday and 7:00AM – 4:00PM on Saturday. The operation would include two full-time employees (the owners/operators) and two additional part time mechanics. The applicants expect an average of 24 daily trips (12 in, 12 out) per day, including employees. According to the operational plan narrative, there would be up to 35 trailers that would need to be stored outside. The entire parking area cannot act as outdoor storage for trailers. As a result, the applicant must identify a specific area dedicated to outdoor storage, preferably on the west side behind buildings #2 and #3. This area would need to meet all required setbacks and would be required to be secured with fencing and screened from the road. Staff feels the outdoor storage area needs to be confined to the west of the property and should be referenced as a condition of the permit.
5. Currently, the applicants are proposing screening of the outside storage area in the form of a privacy fence along the back portion of the site. The fenced off area should be no less than 50' from the centerline of the road, and meet all required structure setbacks, to prevent any accidental encroachment onto the neighboring property or visual impairments to drivers on County Road 51. The applicants have stated that they would need to remove bushes and approximately 5 trees from the west side of the property to make room for the fence. The east side vegetation will remain as-is while the fence is installed.
6. On July 2, 2021, this request was reviewed by Mike Mrotz, an Environmentalist II with Carver County. Mr. Mrotz stated the applicant may have used oil, parts washer waste, and other automotive related fluids. Because of this, the applicant will need to obtain a hazardous waste generator license.

7. On July 9, 2021, Kristen Larson, Water Resources Program Specialist with the Carver County Water Management Organization (CCWMO), reviewed the request. Ms. Larson stated that if the total disturbed area is greater than one (1) acre, an erosion and sediment control permit would be needed. Additionally, if the new impervious area added to the site is greater than one (1) acre, a stormwater permit would be needed. If required, all CCWMO related permits and conditions shall be met prior to the issuance of any future building permits or future excavation activity.
8. On July 9, 2021, Joe Enfield, a Senior Environmentalist with Carver County, stated a signed pumping agreement with a licensed maintainer to pump the septic tank, as well as upgrading the tank by installing a high-level alarm would be needed.
9. This request was reviewed by Angie Stenson, Senior Transportation Planner with the Public Works Department on July 12, 2021. Ms. Stenson stated that the right of way extends 33' from centerline of the highway. Prior to any work affecting County highways or rights-of-way, the applicant shall coordinate plans with the County Engineer and obtain a Utility of Excavating/Filling/Grading Permit(s) from Carver County Public Works. Additionally, the property will be limited to one access to/from County Road 50.
10. The applicant has proposed one (1) 4'x6' sign to be installed on the front of the main building, facing County Road 50. All signage would be required to meet the Carver County Sign Regulations of Chapter 154 of the Code of Ordinances.
11. The neighborhood is comprised of residential, agricultural, and commercial land uses within the East Union Rural Service District. The request would not cause a substantial change in the character of the neighborhood nor would it result in a detriment to neighboring properties.
12. The proposed use appears to meet the general requirements for a conditional use in the Rural Service District (i.e. adaptive re-use of existing structures).
13. The Dahlgren Town Board reviewed the request during the June 14, 2021, Town Board meeting. The Township recommended approval of the request and did not request any conditions along with their recommendation.

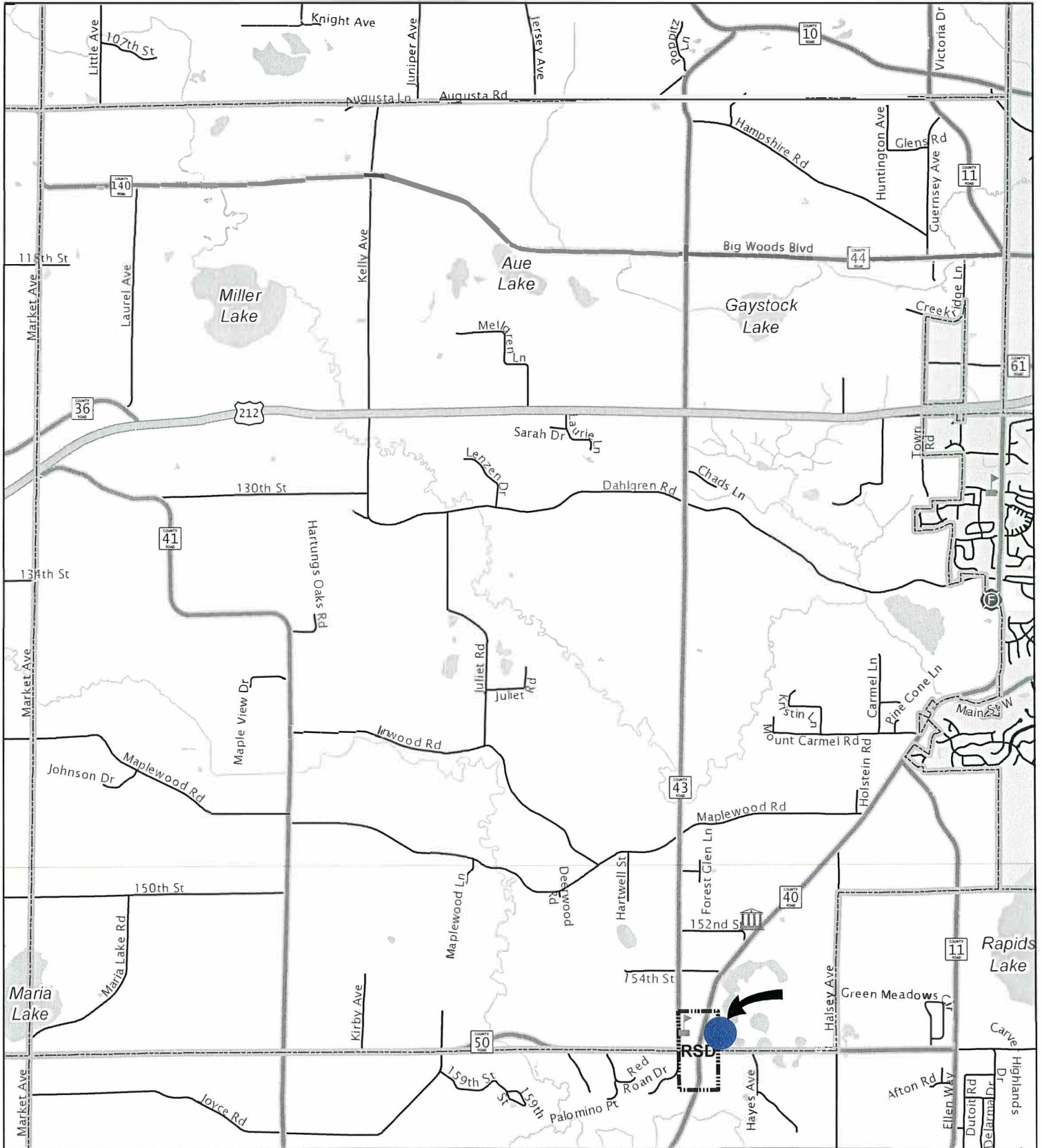
PLANNING COMMISSION CONSIDERATION:

If the Planning Commission recommends approval of the permit application, the previous CUPs (#10278, #7418, and #2611) and any other permits or amendments for a Rural Service District (Manufacturing Facility) shall be terminated, the following conditions should be considered part of the permit:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early in the timeline of the proposed change as possible.
2. The operation shall be substantially in accordance with the submitted operational plan and site plan (dated: 06/05/2021). These plans shall be attached to and become part of this permit. The hours of the operation shall typically conform to the hours of 7:00AM – 7:00PM Monday through Friday and 7:00AM – 4:00PM on Saturday.
3. Any grading and/or filling activity on the property shall be completed in accordance with the CCWMO Water Resource Management standards and the Wetland Conservation Act (WCA), if applicable. All site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
4. The permittee shall comply with the road access requirements as determined by the applicable road authority. Parking along County Road 50, within the road right-of-way shall be prohibited. Any damages, modifications, or changes incurred within the right-of-way shall be remedied at the applicant's expense.

5. All business-related trucks, equipment and supplies shall be stored within the approved operational area. No display or staging permitted in front, along County Road 50. Any expansion of the approved operational area shall constitute an expansion of the use and may require a review by Land Management for determination as to an amended Conditional Use Permit will be required.
6. The applicant shall enclose the outdoor storage area with a 6-foot fence as proposed (either wood or vinyl), to provide screening along the sides of the fenced area. This area shall be at least 50 feet from the centerline of County Road 50.
7. The fenced-in outdoor storage area shall also meet all required side and rear yard structure setbacks.
8. All buildings/structures utilized in conjunction with the proposed operation shall be inspected by Building Inspector to ensure they meet the requirements of the Minnesota State Building Code.
9. No commercial activity shall occur in buildings #5 and #6, as those would continue to be utilized by tenants as personal storage only. Any cars and personal items currently stored by tenants shall be removed from outdoor storage areas.
10. The permittee shall maintain a conforming Subsurface Sewage Treatment System pursuant to Chapter 52 of the Carver County Code to accommodate any restroom(s) and/or wastewater produced within the structure of the business operation. A signed SSTS pumping agreement with a licensed SSTS maintainer shall be required. The SSTS tank shall be upgraded with the installation of a high-level alarm.
11. The Permittee must follow all hazardous waste generator regulations. The operator must contact Mike Mrotz, 952-361-1809, with Carver County Environmental Services to determine if a Hazardous Waste Generator License is required. If required, the Permittee shall submit a Hazardous Waste Generator's License to the Environmental Services Department within 30 days of the issuance of this conditional use permit. The acknowledgment or license shall be maintained for the duration of the CUP.
12. The permittee shall always comply with the County standards as detailed in Chapter 152 – Zoning Code and Chapter 154 – Sign Regulations. The permittee shall not exceed the allowed square footage of signage per property. No signage shall be allowed within the public road right-of-way.
13. Permittee shall submit a Certificate of Workers' Compensation Insurance and/or proper affidavit (stating that they do not have any employees) to the Land Management Department. The insurance or affidavit shall be maintained for the duration of the CUP.

DAHLGREN TOWNSHIP



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Map Created by Carver County GIS

S 1/2 SEC. 35, T.115, R.24



Carver County Planning Commission:

My name is Cally Trimbo and I am the owner of Loadem'Up Trailer Rental and Sales LLC. I started this business in 2008 as a small side business of renting out trailers. I am looking to retire from my 28-year restaurant career with P&J foods and continue my personal business. Loadem'Up Trailer Rentals and Sales LLC consists of renting a variety of trailers including snowmobile, enclosed, dump trailers and car trailers. We also complete repairs and maintenance on our trailers along with maintenance and repairs for other private party trailers. We also complete repairs on skid steers, air compressors and other small engine type equipment.

Recently, we purchased property within the Rural Service District consisting of 3 existing structures at 6240 County Rd 50 in Dahlgren Township. This buildings current CUP (10278) operates as through Klos Manufacturing as a cabinet manufacturing company. With new ownership, we would like to change the CUP to operate with the type of business we are. We are requesting an adaptive reuse of the current building to tailor to the type of business operated by Loadem'Up Trailer Rental and Sales LLC.

As for the property itself, we will continue to lease inside only storage space to tenants for 2 of the existing structures. All cars and items currently stored outdoors by tenants will be asked to be removed.

We will have occupancy in the main structure building (7,767 sq ft) and outdoor space. We plan to install a larger garage door replacing the existing 8X10 to a 16X12 and will apply for a permit for this item. We plan on installing a privacy fence on the back portion of property to provide a visual barrier to the neighbors. We will be using the fenced in area to store trailers and equipment being repaired.

For conditional use permit:

- A.) Detailed letter to planning commission (enclosed)
- B.) A description of activity/operation (enclosed)
- C.) Hours of operation – No consistent hours but shall typically conform to the hours of 7:00am-7:00pm during the week and 7:00am-4:00pm on Saturdays.
- D.) Number of employees (Owner-Cally Trimbo, Owner-Stacy Trimbo 2-Part time mechanics averaging 30 hrs/month each)
- E.) Number of trips guaranteed in and out of sight – This will be variable. Average daily estimate is 26 (12 in/12 out) including employees.

F.) Number of types of business-related vehicles and personal vehicles - Up to 3 Owner and employee vehicles, estimated 35 variety of trailers and equipment depending on rental and maintenance flow.

G.) Number of parking spaces -Four in front of building

H.) Use of new and existing structures -Existing 3 structures. 1 for repairs/maintenance, 2 for storage.

I.) Storage needed as part of operation – Main building itself will be utilized for maintenance repairs. Other two buildings to be leased out for storage space. Fenced in outdoor area to be used for trailer and equipment storage.

J.) Material stored on site – Mechanic tools, tires, vehicle lifts, part washer, air compressor, tire machine.

K.) Water services, sewer disposal and water management used -Main building has current bathroom and sinks with 1,000 gallon holding tank. Water is provided by a well.

L.) Area and capacity of parking spaces -Four identified areas.

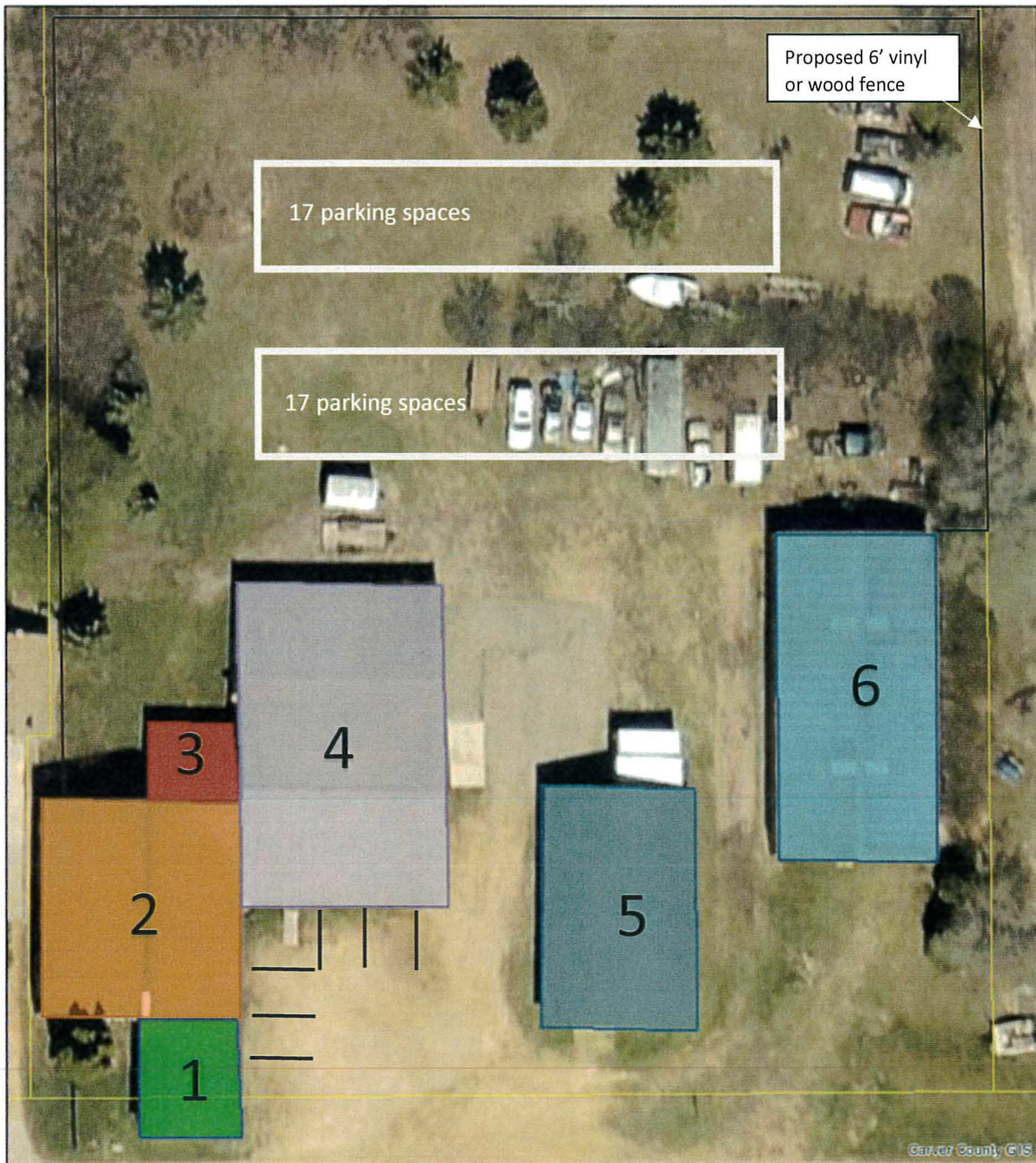
M.) Screening proposed – Future 6ft tall privacy fence either wood or vinyl for visual barrier of outdoor stored items around back half of property.

N.) Signage being used – 4X6 sign on front of building.

O.) Describe person utilizing site – Owner, mechanic employees, customers pick up or dropping off equipment for rent or maintenance.

*Completed application and check (\$500.00) has been submitted.

ADAPTIVE RE-USE: 6240 CO RD 50



Date: 7/7/2021

This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

1: 30'x25' (750sf) Supplies

2: 54' x 50' (2,700 sf) Maintenance

3: 24' x 20' (480 sf) Office

4: 54' x 80' (4,320 sf) Maintenance & Storage

5: 60' x 40' (2,400 sf) Tenant Storage

6: 40' x 80' (3,200 sf) Tenant Storage





Township Presentation & Recommendation Form

PARCEL # 04.035.2500	Permit # PZ20210044	
Owner's Name: Cally & Stacy Trimbo	Owner's Mailing Address: 5030 Afton Road	
City: Carver	Owner State: MN	Owner Zip: 55315
Applicant (if other than owner): 	Site Address: 6240 County Road 50, 55315	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Request a Conditional Use Permit for the Adaptive Re-Use of an existing building in a Rural Service District (East Union). The request would facilitate a trailer & equipment service / rental business.	
Date of County Public Hearing: July 20, 2021	Date of Township Meeting: 6/14/2021

Actions:

Township Action Taken:

- ☒ Recommends approval and use of the Township Road (if applicable) with the following comments:
- ☐ Recommends denial for the following reasons:
- ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Signature of Applicant

Date 6/9/21

Signature of Township Official

Date 6-14-21

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 04-035-2500

File# PZ20210044

APPLICANTS: Cally & Stacy Trimbo

OWNER: Load'em up Trailer Rental & Sales, LLC

* * * * *

Beginning at a point on the South line of Section 35, Township 115, Range 24, which lies 973.50 feet east of the southwest corner of said Section 35; thence on an assumed bearing of East along said South line, 353.28 feet to the Southeast corner of the Southwest quarter of the Southwest Quarter of said Section 35; thence North 00 degrees 04 minutes 25 seconds East along the East line of said Southwest Quarter, 308.40 feet; thence on a bearing of West 370.50 feet; thence on a bearing of South 166.40 feet; thence South 45 degrees 00 minutes 00 seconds West, 14.14 feet to an intersection with a line 132.00 feet north of and parallel to said South line; thence on a bearing of East along said parallel line 26.82 feet to a intersection with a line which bears North from the point of beginning; thence on a bearing of South 132.00 feet of the point of beginning, Carver County, Minnesota.

EXCEPT the South 33.00 feet thereof for County Road No. 50.

AND ALSO EXCEPTING that part of the above described property which lies North and West of the following described line: Commencing at the southwest corner of said Section 35; thence on an assumed bearing of East along the south line of said Section 35, a distance of 1,081.35 feet to the point of beginning of the line to be described; thence on a bearing of North, a distance of 124.44 feet; thence on a bearing of East, a distance of 6.00 feet; thence on a bearing of North, a distance of 183.96 feet and said line there terminating.