

# Planning Advisory Commission

## September 24, 2020

### CUP#20198

# POPE MINNESOTA COUNTY

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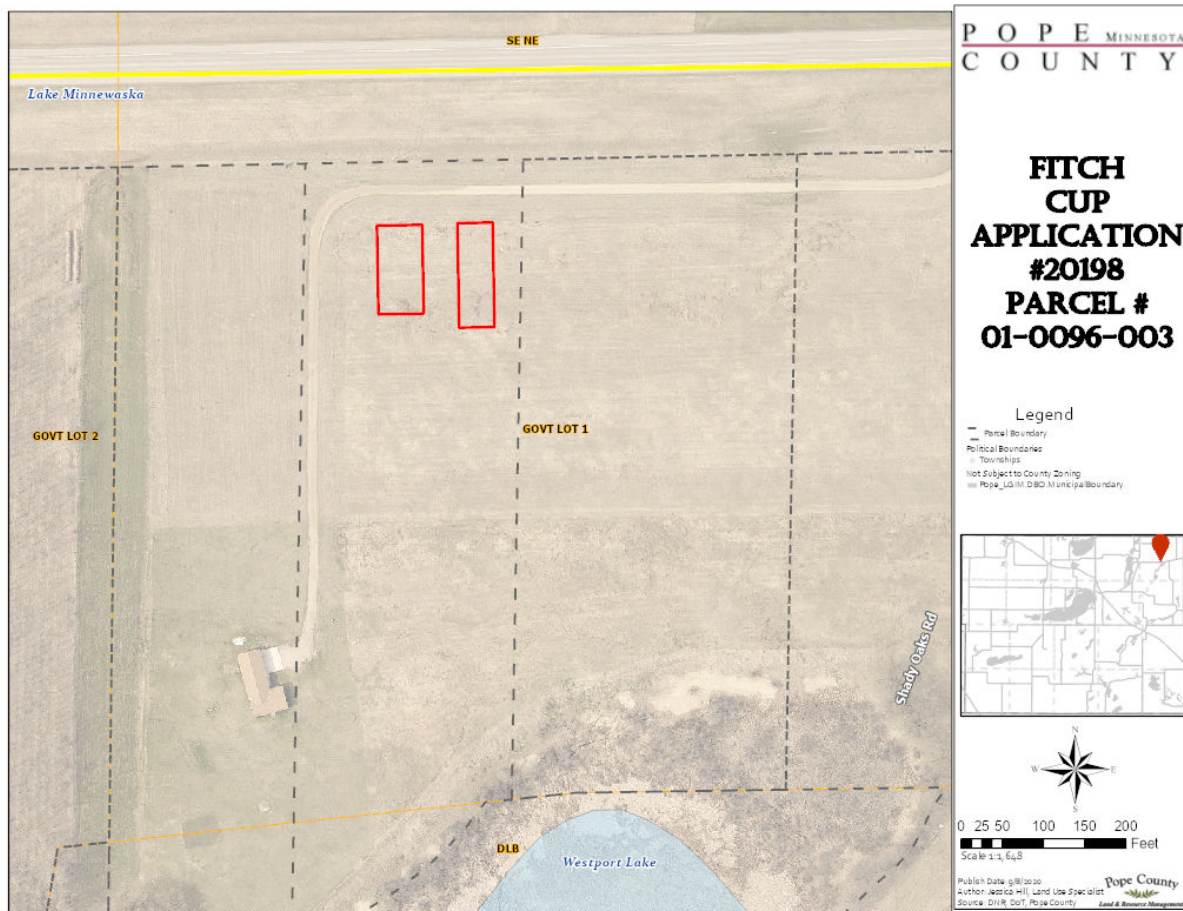
## STAFF REPORT

### Applicant Information

**Applicant:** Steven Fitch, Trillium Systems, Inc.

**Application:** Conditional use permit to use property for commercial storage. Property is located in a Shoreland-Natural Environment (S-NE) zoning district.

**Location:** Part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), Section 35, Township 125 (Glenwood), Range 37, Pope County, Minnesota.



## Background

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The applicant has indicated that he is seeking to use his riparian parcel to for commercial storage space including constructing several storage buildings. One is for commercial rental and the other is for person use. In addition, the applicant has indicated that he would like to fence an area and offer open space storage on the parcel.

## Applicable Statutes

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- This application is subject to the criteria and procedures as prescribed in Section 11.5 Conditional Use Permit of the Pope County Land Use Controls Ordinance.
- Pope County Land Use Controls Ordinance
  - Section 4.4.2.F. Conditional Uses: Commercial
  - Section 10.6 Exterior Storage
- Mn Administrative Rules 6120

## Staff Comments

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Based on the review of the application, Staff offers the following comments: According to Eldevik survey 2618, there is a fifty (50) foot wide access easement burdened on the northern boundary of this property. The submitted sketch plan indicates an approximate location of two larger storage facilities as well as some gravel surfacing that may be installed. In addition, the owner has indicated a desire to offer non-enclosed storage and the potential to add another storage building. The Land Use Controls Ordinance does allow for such use as a conditional use as per section 4.4.2 F (commercial). However, conditions should be considered to mitigate any potential impact on neighboring properties, the lake and the traveling public. In addition to those conditions, the issuance of any land use/construction activity permits will be considered only upon proof of compliance with all aspects of the Pope County Land Use Controls Ordinance and any relevant State Rules or Statutes. The size of the storage buildings and the amount of gravel surfacing will be limited by the impervious surface coverage limit of 20% (section 10.24. B 1). Also, as the structure(s) are for commercial use, they are subject to Mn Rules 1800.5200 which requires the plans/designs for the building(s) to be prepared by a licensed architect or engineer. Regarding exterior storage: we have no examples of permitted outdoor storage areas in a Shoreland Natural Environment zoning district. We do have examples of non-permitted salvage vehicles and materials being stored/accumulated in the Shoreland zoning districts (02-0246-000 and 19-0117-000). We are actively engaged with the property owners and are pursuing compliance in these situations. If the Planning Commission considers approving of the outdoor storage, then staff recommends that there be a designate parking area and that it should be designed to take

advantage of any available natural vegetation and topography to achieve maximum screening from view from the public water, public roadway and neighboring properties as is specified in MN Administrative Rules 6120.3300 Subp. 5. If there is no such natural vegetation or topography then the Planning Commission should consider conditioning the land use on adequate screening to include fencing and planting of vegetation. Also, all stored items must meet minimum setback standards and the sum total area for both indoor and outdoor storage should not exceed the 20% impervious surface threshold (~46,316 sq. ft.).

## Staff Recommendation

### *Approve with Conditions*

Based on the findings of fact presented in this report, the Staff recommends that an approval of this application that allows for a commercial indoor storage facility be conditioned upon:

1. That a Land Use/Construction Activities Permit be obtained prior to beginning construction.
2. Owner to maintain compliance with all shoreland zoning standards.
3. All outside lighting must be hooded and directed straight down.
4. That any deviations from the submitted development plans must be approved by the Director.
5. Any sign advertising the business must be located outside of the right-of-way, may be no larger than 48 sq. ft. on each side, and may be no more than 15 ft. in total height. The sign may not be lighted except for ground-level, flagpole-type lighting.
6. That grounds are to be maintained so as to minimize the impact of unsightly nuisances and the intrusion of invasive weeds.
7. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit) or expansion of the business (including construction of additional buildings not identified) shall require a conditional use permit.
8. County staff may enter onto the property at reasonable times and in a reasonable manner to ensure the Conditional Use Permit holder is in compliance with the conditions and all other applicable statutes, rules and ordinances.
9. All other state and local permits and approvals shall be obtained for the operation of the business.
10. **If** outdoor storage is permitted, vehicles must be placed in organized rows and remain neat in appearance.
11. **If** outdoor storage is permitted, a fence is to be installed and maintained so as to minimize the visual





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impact of outdoor storage to the traveling public, boating public and neighboring property owners.

## Staff Findings

Staff offers the following findings for consideration:

- 1. The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:** Any proposed structure and/or use will necessarily be in compliance with the provisions of the Pope County Land Use Controls Ordinance as a condition of the permitting unless a variance has been granted.
- 2. The use is not in conflict with the County Comprehensive Land Use Plan:** The current Comprehensive Plan includes goals that state a recognition of diverse and existing land uses throughout the county. It is noted that not all uses are compatible and that there should be consideration as to separation, siting, development requirements and operating standards. The Comprehensive Plan also states that the ground and surface water resources should be protected for future use and enjoyment and that there should be ample overview, regulation and standards to prevent activities that are not sound from an environmental perspective. Based on the location of the commercial operation including distance from sensitive environmental features, roadway and neighboring properties, the proposed use is not in conflict with the County Comprehensive Plan.
- 3. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole:** The proposed land use on the property should not create an interference with future development on adjacent properties, nor is it expected to diminish or impair neighboring property values. Conditions for adequate screening have been attached to the permitting of the and use.
- 4. The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:** This land use is not expected to have a significant negative impact on public infrastructure.
- 5. The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:** The site is expected to remain neat and orderly in appearance. Conditions for adequate screening have been attached to the permitting of the and use.
- 6. The road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion:** The



road network is adequate to handle traffic associated with the small storage facility.

7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:** There are no other nearby commercial business.
8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:** The predominant neighboring land use is agriculture and rural residential. The proposed business will not interfere with those uses.
9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:** There is a limited amount of utilities necessary for this type of land use.
10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:** The site is expected to remain neat and orderly in appearance. As such, the site should not have a negative impact on neighboring properties with noise, dust, appearance, and other nuisances or impacts.

## REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Amended Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Conditional Use Permit Application (Steven Fitch, 05 August 2020)*
  - **Attachment 2:** *Sketch Plan (Steven Fitch, 04 September 2020)*
  - **Attachment 3:** *Sketch Plan w/impervious (Fitch-Staff, 10 September 2020)*



## Routing Sheet

### *Comments, Concerns and Conditions*

Agency

- MN DNR      No comment received.
- MN DOT      No comment received.
- SWCD-Pope      No comment received.

County Department

Ag Inspector      *COMMENTS: In review of the site there is adequate room on this parcel to place two storage sheds at setbacks that will not create increased snow drifting issues for the at grade driveway that services the lots. After construction is complete weed growth needs to be monitored. This area has a high level of plumeless thistle seedbank in the soil and rapidly germinates when soil is disturbed.*

*CONDITION: Site will be mowed and groomed for aesthetics and sprayed when necessary to control noxious weeds.*

Assessor      *COMMENTS: Building will be classified commercial and separate building used for personal storage and assessor verified could be classed as residential*

*PROPOSED CONDITIONS: None*

Attorney      No comment received.

E911/IT      *COMMENTS: Addressing: Would need to apply for address for this property.*

Engineer      *COMMENTS: No comment received.*

Recorder      *COMMENTS: Please see MN Statute 507.093 Standards for documents to be recorded or filed for recording of documents in the Recorder's office. Our office shows that the current property owner of the above parcel is Steven A. Fitch Revocable Living Trust per document #280682; in which can be found in our Laredo program.*

Township

Westport      No comment received.

Other Comments Received

No comment received.



## Public Notice

**POPE COUNTY LAND & RESOURCE MANAGEMENT  
POPE COUNTY COURTHOUSE  
130 E. MINNESOTA AVENUE, SUITE 113  
GLENWOOD, MINNESOTA 56334  
(320) 634-7791**

### **POPE COUNTY PLANNING ADVISORY COMMISSION NOTICE OF PUBLIC HEARING FOR CONDITIONAL USE REQUEST**

**Notice is hereby given** that access and participation relating to the Planning Advisory Commission meeting and Public Hearing (see below) to be held at 6:00 pm or shortly thereafter on Thursday, September 24<sup>th</sup>, 2020 in the County Courthouse Community Room to consider the following agenda items.

As of the drafting of this public notice, a declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN is still in effect. In an effort to comply with MDH recommendations issued with the declared Peacetime Emergency and established social distancing guidelines, the Planning Advisory Commission will conduct this meeting by use of telephone and video conferencing technology. Citizens will be able to participate via **telephone or video technology as posted on the Pope County Land & Resource Management website calendar**. In addition, a limited number of citizens including the individual applicants, will be afforded in person access via the Community Room located in the Pope County Courthouse, provided that social distancing guidelines and etiquette can be maintained.

Public participation will include:

- 1) an opportunity to submit written concerns and comment prior to the scheduled meeting. All such communications were shared with the Planning Advisory Commission prior to or during the meeting;
- 2) an opportunity to observe and/or participate in the proceedings of the Planning Advisory Commission meeting;
- 3) an opportunity to review the staff prepared report via Pope County website.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. Thank you for your patience and consideration in this matter.

**Description of Request:** Conditional Use hearing on the application by Steven Fitch, if granted would allow for the construction of metal clad storage building(s) for both personal and commercial use, which will be located in a Shoreland Natural Environment Lake (S-NE) zoning district. This use is permissible as per section 4.4.2 B and 4.4.2 F of the Pope County Land Use Controls Ordinance.

**Legal Description/Site Location:** Pt of GL 1 as rec on Doc#230652 AKA Parcel D on Eldevik survey 2618. Section 21, Township 126 Range 36, Westport township, Pope County, Minnesota.

**Dated:** September 2, 2020

**By:** David Green, Director, Land & Resource Management



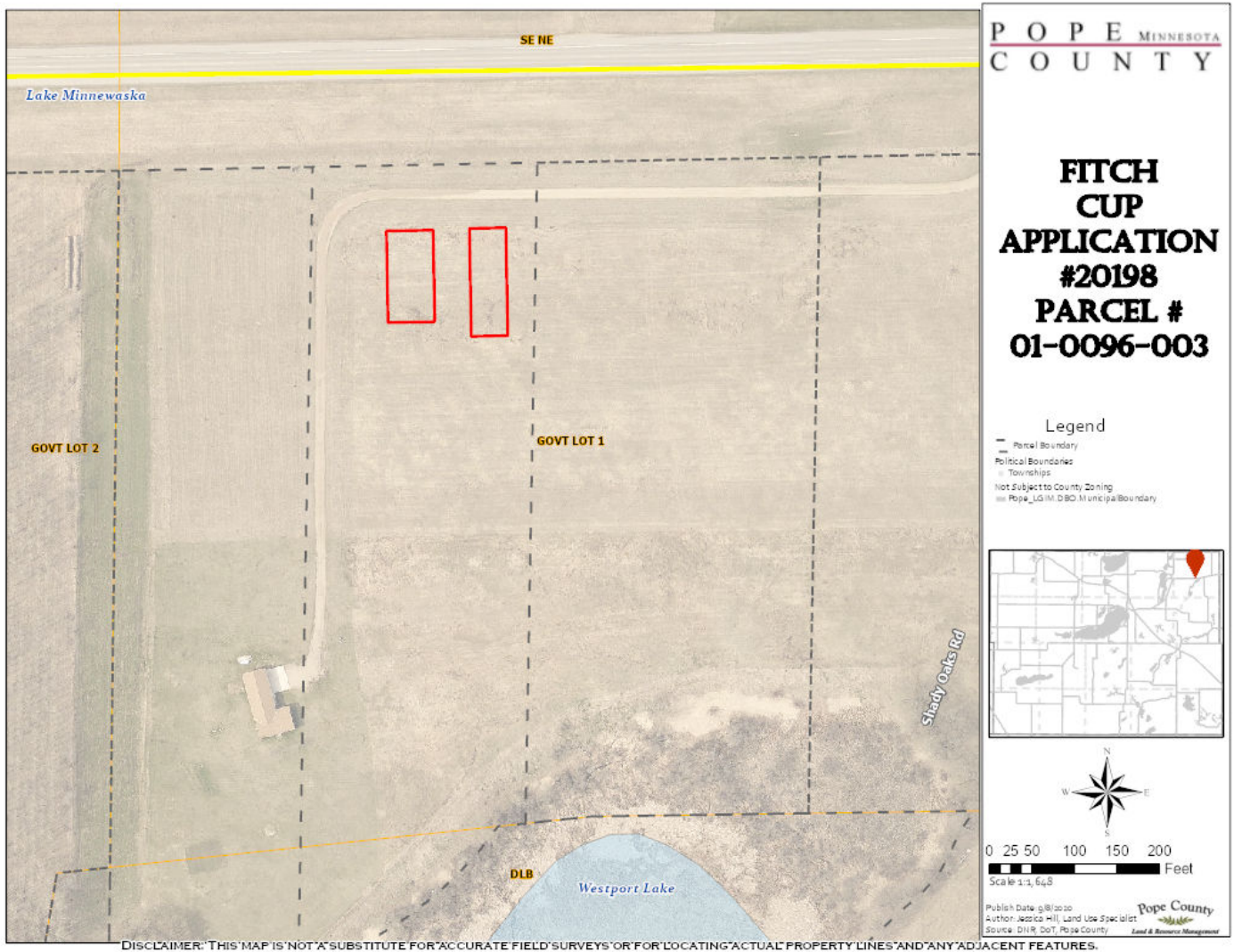


## Supplemental Information

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**Supplemental Information Attachment 1:**  
***Conditional Use Permit Application ((Steven Fitch, 05 August 2020)***

**Supplemental Information Attachment 2:**  
*Site Plan (Land & Resource Management Staff, 08 September 2020)*



**Supplemental Information Attachment 3:**  
**Sketch Plan (Steven Fitch, 04 September 2020)**

