

# WRIGHT COUNTY PLANNING COMMISSION

Meeting of: July 21, 2016

## MINUTES – (Informational)

The Wright County Planning Commission met on July 21, 2016 in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Dan Mol, Chairman, called the meeting to order at 7:30 p.m. Board members present were: Mol, David Pederson, Jan Thompson, Ken Felger, Dave Thompson and Dan Bravinder. Absent was Charlie Borrell. Sean Riley, Zoning Administrator, represented the Planning & Zoning office, Greg Kryzer, Assistant County Attorney, was legal counsel present.

On a motion by J. Thompson, seconded by Bravinder, Commission approved the minutes for the June 30, 2016 meeting as printed. Pederson abstained because he was not at that meeting.

1. **KEVIN E. BUTCHER** – Cont. from 6/30/16

LOCATION: 10006 Fenner Avenue SE – North 26 acres of the N ½ of the NE ¼, lying east of the town road, Section 25, Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-200-251102 & -251100 Property owner: Morrow

Petitions to rezone from AG General Agricultural to A/R Agricultural-Residential and a Conditional Use Permit for an unplatted two-lot residential subdivision (north lot to include existing house) as regulated in Section 603 of the Wright County Zoning Ordinance and Subdivision Regulations.

Present: Applicant not present

- A. Riley explained the applicant asked for another continuation. They are still waiting on the wetland determination and driveway location. This division may not work out.
- B. Felger moved to continue the hearing to August 18, 2016 at the applicant's request. D. Thompson seconded the motion.

VOTE: CARRIED UNANIMOUSLY

2. **PATRICK CHARLES HEDGLIN** – Cont. from 6/30/16

LOCATION: 12712 County Road 37 NW – 7.24 acres in the E ½ of SW ¼, Section 13, Township 120, Range 28, Wright County, Minnesota. (French Lake Twp.) Tax #209-000-133100

Petitions for a Conditional Use Permit to allow a home extended business called “Barrel Country” to clean, store and sell barrels which are to be enclosed in a future shed as regulated in Section 505, 604.4 & 741 of the Wright County Zoning Ordinance.

Present: Patrick C. Hedglin; son, Nathan and daughter-in-law Sindi

- A. Riley reviewed the property location in French Lake Township on County Road 37. The zoning and land use maps have the property designated AG General Agricultural. The air photo displayed shows the property and the business the applicant wants to continue running as a “Home Extended Business”. The applicant will described the business and barrels. The regulations require the barrels be stored inside a 2,000 sq. ft. building and meet a 500’ separation from neighbor. Town Board recommendation received.
- B. P. Hedglin stated he would like a variance of the building size limit. He explained his inventory of barrels varies. He has paired down the number considerably. He presented a photo of what the site looks like today. Each barrel measures 2’ x 3’ and he also has totes. There is no hazardous materials. The size of his inventory prevents him from getting them in a building. He would like a variance to operate without a building. The site was summarized. The barrels are stored 75’ back from the house and 394’ from the roadway. He does not believe there have been any complaints that this has been a nuisance or eyesore. He keeps the site neat. He is trying to comply with the regulations, but the building is the problem. He does not want to invest in a permanent building until he knows this is a viable business. He submitted a Petition for the record, signed by eight landowners in the area that are the majority of his neighbors, who do not have any problem with what he is doing. He estimated his sales this past year were \$43,000. The barrels leave on a trailer when he delivers them to a customer or individuals stop to pick them up. No large semi-trailers coming and leaving the site.
- C. Bravinder asked how long the business has been operating. P. Hedglin answered, four years this fall is when he filed for an LLC.
- D. Mol opened the hearing for public comment, hearing none the discussion returned to the Commission.
- E. Felger – indicated he drives by the site and is familiar with the property. The applicant keeps the property neat and clean. He felt this is a non-intrusive business and asked for an explanation on the need for a building. Riley stated it one of 18 conditions for a Home Extended Business. This was reviewed in length with the applicant along with the other limits on the business and it was explained the Commission cannot vary the condition. Felger noted where the home and barrels are as shown on the air photo. Because of the size of the item, the applicant would not get these barrels in a 2,000 sq. ft. building.

- F. P. Hedglin agreed, he would need a tall building and look at storing them differently. He explained he needs an inventory in order to fill an order of 300. Most customers will request 15 at a time, but needs to keep enough on hand. These are primarily used for food storage, but explained other purposes the barrels are used for. He took pictures earlier in the day to show how he has tried to consolidate the barrels. He was unaware some were encroaching on a property line.
- G. Riley reviewed the property further, noting a town road runs north and south in addition to the frontage on the County road. The question is not the number of barrels, but material and storage of them. The air photo speaks for itself, the barrels have been consolidated now, but they are hearing the applicant needs hundreds of these barrels.
- H. Mol – noted the concern is if the Commission deviates here, what they will do with the next one. He assumes the applicant wants to grow his business. The Commission has to stay within the realm of the CUP. He asked if the building has to be enclosed. Riley – it will have to meet building code. A recent granite business was before the Commission was required to put up a 10’ fence to shield outdoor material; however that was in a Commercial zone. The applicant has talked about putting up a hoop building, something more temporary, for storage. This business is not like a mechanic shop or other business.
- I. D. Thompson noted it is clear that work and related material must be included in the structure. A fence might work here, but it would set a precedent for other businesses where they require a permanent building.
- J. J. Thompson a shed means something different than an open storage. The business is good, but they need to stick to the Ordinance. It is clear that he needs a CUP and would have to require the storage to be in a shed. Does not see a way around it.
- K. Pederson – questioned open end barrels, felt it would be best to keep them in side to avoid filling with water. P. Hedglin -they have a coating inside and because he has a good turnover, it has not been a problem. If he could afford a 2,400 building he would put it up. The way the Ordinance is written it would have to be in the back yard with setbacks on his 7 acres, in addition meet 500’ from his neighbor. Although he has sales, his profit is not that great. A building is a huge investment for something that is just getting started. He provided photos of what he has now showing his inventory has gone down. Trying to be a good neighbor and try to keep the business viable. Mol – the Commission wants to help him get started, but they have to work within the Ordinance. They are trying to find a way to work with the applicant.
- L. Riley – they discussed the Industrial Parks where he could have a larger building or fenced area for storage. Staff sometimes get these business that are caught between.
- M. Felger – Town Board supports the business and a building is not necessary. The terms in the HEB require a building, but with this type of business he finds it unnecessary and puts a burden on a fledging business. He asked Mol, who sits on the Board of Adjustment if they see any requests for variances. Mol – not that he is aware of. Riley – an occasional request for the area variances from a distance to a neighbor or use of a part of an existing building. The conditions are not varied. Mol – agreed a spatial variance, but not on not having a

building. Felger a shed for this business would put an undo hardship, because of the type of product which is big and they come in and out. He could not imagine the applicant could carry on in the confines of a building. His personal opinion is that it is unnecessary and a burden to jump through that hoop.

- N. D. Thompson – do these barrels have water sitting in them and become a place for mosquito breeding? P. Hedglin – there may be some, but he could arrange them or tilt the barrels so they do not hold water. D. Thompson – that would not be an issue in a building.
- O. D. Bravinder – how many people come to the property each day? P. Hedglin – spring is busiest when he makes a delivery a couple times a week with six customers a day. He may leave with a truck and a trailer once a month. Bravinder – he is also struggling with this Ordinance. His personal HEB involves retail sales, he does that out of a building that is to code. On the other hand, they have to look at these unusual situations. He would have a difficult time shutting down this small business. He understands as a member of the Commission they have to uphold the Ordinances. Looking at the community and what the Town Board has said, he would like to see it continue. Mol – agreed they want to help this applicant continue, but they have Ordinances. He noted a structure would not be wasted because if the business does not continue that building can be used for his personal storage. A business has expenses that are long-term and won't be paid off right away, but a cost for 10-15 years. Understand the investment, but other people have had to do it. Bravinder – what is the hoop structure? Riley – we are not even talking about that here. Bravinder – how broad could the perimeters be? Mol – suggested a continuation and have the applicant look into his options, hoop building, pole type structure and other options out there. P. Hedglin – 2,000 or 2,500 would require a variance. He had put the business up for sale and they almost lost it to Wisconsin. He went out and bought a 20' x 20' hoop building for \$4,000 that is still in a box. He is not sure if he will be here in a few years or the next buyer of the property would want a building. The house does not have a garage. The property was not laid out well and would need a variance to put up a building because of setbacks and the well was put in a bad spot. He noted the 400 sq. ft. building will not give him much storage. He wants the business to continue and does not want to be shut down. He noted other businesses that are eyesores in the County. He pointed to a junk yard west of Maple Lake on a State Highway. He has to put up a building for his barrels, not an eyesore, understands there has to be rules. He is asking for a permit to continue operating. Riley – stated those are other issues, the building itself can be done with a building permit for a 20' x 20'.
- P. Felger – felt making this applicant jump through the hoops, in his personal opinion, is not necessary and a fence might work. Even with a 20' x 20' hoop building, that is not large enough for these barrels and allow a forklift in there and move them around. Mol – would agree, but they have required this of other applicants and put a lot of conditions on their businesses. He has driven by the property and is familiar. Felger – they are going to potentially kill the business. J. Thompson – asked Felger if he would agree as Board members sitting on this Commission, their personal opinions should not apply here. Although, she has personal opinions too; they have to be careful their personal opinions don't sway them. They have to follow the Ordinances. Although she may agree with Felger, felt they need to look at what the Ordinance says and apply those across the County. Felger stated he does not disagree, but they have to look at cases that are unique. This is a bulky

product and applying the current Ordinance is going to put him out of business. J. Thompson – the applicant may have chosen the wrong place to have this business. This has been going on for four years. This is another case of coming in the back door and asking for permission after he has been in business. If he had come to the County staff and asked if he could do it, he would have been told under these conditions he could apply. She expects residents should follow the rules of their community. She felt they could issue the permit under the conditions as suggested in the Staff Report which she read. She could agree to the CUP, but the applicant has indicated he cannot work under those conditions.

- Q. Mol – noted a business at the last meeting was told they could not keep their electrical materials outdoors. How do they balance this? D. Thompson – asked how the Commission could say no to other large products that someone might want to store outdoors. Bravinder clarified the Commission allowed the electric contractor six items outdoors. Riley stated those were licensed operable vehicles/trailers and was a contractor's yard. Mechanic shops are another example of a business allowed up to three vehicles outside the shed that are waiting for repair the same day. Bravinder – agreed this needs work, the barrels might be better than trailers sitting outside. There are different kinds of Home Extended Businesses coming up and the Ordinance needs work and would suggest a work session to address some of the issues.
- R. D. Pederson – admired the applicant's business to find a way to re-utilize these barrels, but should have addressed the business with Planning & Zoning. P. Hedglin – registered dba and LLC and specified the property and what he was doing. Questioned why the County did not notify him. He had no idea he needed a CUP. He was only selling and buying a few to start with. Pederson – to continue operating, and applicant will want to increase sales, he does not see a choice but to put a building up. P. Hedglin – he could shut the business down. Kryzer there is a third choice, he can rent commercial property to store them or move to a commercial business area.
- S. P. Hedglin –passed out pictures of properties that are junkyards. Apparently, he could throw his barrels around his property and be okay. Noted one on Highway 55 and another in his Township. He has huge barrels, if he was selling toasters he could get them in a shed. He is asking for some allowances. Kryzer – the Board cannot vary the use and he is stuck with the Ordinance. As far as the junk, he could take that up with the Township. Mol agreed the Town Board has to take the initiative to clean up properties and he could file a complaint with the Town Board. P. Hedglin –the point he is making is he is not one of these properties and will not be. Pederson – they commend him for that, but whether those properties have or need CUP they don't know. P. Hedglin – he can comply with all the conditions except the outdoor storage. He needs enough product to ship. J. Thompson –asked if storing the excess on another site is reasonable. P. Hedglin – that is not something he can afford. He has looked into many options and commercial property is not cheap. J. Thompson – the photos the applicant provided don't appear to be in business but are junk properties and the Township should chose whether they want to clean them up. The applicant's idea is good, but does not fit the Ordinance. The applicant has said he cannot build a shed to store them, cannot move them off site for storage. He has stated he was not aware when he bought the property the well and other setback issues were a problem, but this Commission cannot address those problems. She could not see any other option other than what she read with the conditions.

- T. Felger – noted Bravinder suggested the Ordinance needs some work and he would agree with that. Would like to see the business continue, understand it is time consuming, but a continuation to allow a workshop to consider some changes that would allow for some unique situations. Asked if the application could be continued to see if they can work it out. Possibly, dismiss this without prejudice to see if they reconsider some elements of the Ordinance that might be more favorable to these type of small businesses. Kryzer – there are time limits established in 15.99, it has been continued once from June 30. An Ordinance would take over four months. Asked what the applicant wants to do. An option is to allow the business with a longer period of time to put the building up, suggested one year. Bravinder – if they have a change to the Ordinance he could come back and amend his CUP if the change allows for it. Kryzer – that is right, or he could come back in four months if it is continued. The public should be notified again if there are changes that would allow things outside. P. Hedglin stated he would agree with a condition for one year to put the building up. This would give him the option of working with the PC for rule changes or put up a building. He noted four months would put him in the winter for building. The year would give him time to consider the viability of putting up a building or selling the business.
- U. Bravinder moved to approve a conditional use permit for a home extended business with the following conditions: 1) A shed meeting the home extended business standards must be built within one year of this hearing date and the proper permits must be obtained to continue operation; 2) Signage must conform to the current sign regulations, which would be a sign up to 35 sq. ft. on premise; and 3) No outdoor storage for business related items is allowed. Pederson seconded the motion.

*DISCUSSION: Felger – asked if 2,000 sq. ft. would work. P. Hedglin – he could put up a tall building. Felger – he does not see how that will work for this use. Mol – felt this is a starting point and will keep him in business. The Commission will be looking at the Ordinance. This gives the applicant time to evaluate his business during that time to see if he can build a structure or not. J. Thompson – noted it is not the Commission’s business to run his business. They cannot guarantee the applicant is going to make a profit. The Commission has to address the motion at this time. Felger asked if the conditions on the motion are acceptable. P. Hedglin – answered, yes. Bravinder – stated he made that motion on the applicant’s comments and it gives the Commission time to address the Ordinance. J. Thompson – based on what the applicant has said tonight, he may sell his business. P. Hedglin – if he cannot be granted a CUP he felt compelled to see if he could sell.*

VOTE: CARRIED UNANIMOUSLY

3. **ROBERT L. PERRY** – Cont. from 6/30/16

LOCATION: Part of E ½ of SE ¼, Section 33, and part of W ½ of SW ¼, Section 34, all in Township 118, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #209-200-343201 & -334100 Property owner: Theisen

Petitions to amend the Conditional Use Permit for expansion of the gravel mining operation into approximately 7 acres to the northwest into the adjoining parcel as regulated in Section 505 & 727 of the Wright County Zoning Ordinance.

Present: Bob Perry

- A. Riley reviewed the location of proposed expansion of mining on an additional seven acres. The Commission heard and discussed this and continued for a site inspection.
- B. Bravinder had questioned if the applicant had reserved enough topsoil for cover in the reclamation. Visiting the site he found a large amount and confident he will be able to cover it. Looking at the lay of the land and how it slopes to the county road, it looks like the land could be restored back to farmland. He felt after visiting the site the property could be mined without becoming intrusive to the neighbors.
- C. Chris Schroeder – wanted to re-emphasize they have to look at this operation from their property. Asking for an end date for the Conditional Use Permit (CUP). If they know this, they can make decisions on their investment and plan for the future. Also, would like to see plantings on the dirt berms. Sound has been a problem because it travels and would like the hours the same as the existing CUP.
- D. J. Thompson – noted the Commission drove to the Schroeder home to see that they are looking down into the valley. Questioned the applicant on his time frame for completion.
- E. Perry – addressed Schroeder’s comment and indicated he would be willing to move some dirt over to that side and build the berm higher, slope the backside and put some plantings on it like Schroeder requests. In talking with another neighbor, Barton has stated the recycled material piles have been effective to shield his property. He noted the black dirt berm has a hole after selling some of the black dirt, and he could improve that berm further south and would help. Another backup noise he has heard of is a white noise alarm he could put on the equipment to help. They would start right away and would be screening the rock out of the sand, they will start filling the existing hole and shortly they will be out of the existing mined area. They will start from the south and move north. A layer of clay has to be removed first. He explained they bring material back as they take the sand out and swap out soils. J. Thompson asked if they leave the equipment sitting there. Perry if that is an issue, he pointed to a pre-existing berm and existing trees and they could move equipment behind the trees to keep them out of site.
- F. Felger- the application shows crushing, screening and mining. On the proposed new expansion asked if there would be any crushing in that area. Perry, no crushing in that area. That would stay in the southwest corner. For efficiency, they screen the rock out as they mine the sand. Felger asked about the neighbors at the site inspection, had they expressed any concerns. Perry stated Barton who lives across the river was there, but had not said anything.

- G. Mol stated the completion of the previously approved area should be completed by the end of 2016; and, reclamation be completed by 2020 for the expanded area. If not, he would have to come back and ask for an extension. Perry that should be acceptable. They want to get the material out and reclaim it back to farm field.
- H. Riley – currently there is no bonds on this operation. A \$10,000 bond is suggested, which is about \$1,000 an acre. Perry prefers a bond and has no objection. Kryzer – bonds have been requested for these requests. Letter of Credit is being required for other things.
- I. J. Thompson stated she was pleased to see the efforts made by this applicant and his willingness to work with the neighbors to address their concerns. Perry – try to work with the community, the neighbors to the north, have not had a problem with their operations.
- J. D. Pederson moved to approve a Conditional Use Permit for an expansion of the mining area according to the plans and comments from the applicant on the record with the following conditions: 1) All mining and crushing operations shall be restricted by the hours set forth in the Wright County Zoning Ordinance and the terms of other existing Conditional Use Permits; 2) The mining area that was approved in 1999 shall be fully reclaimed by December 1, 2016; 3) Mining and restoration activities for the 2016 expansion shall be completed by December 1, 2020; 4) The applicant shall provide a performance bond or other financial assurance from a reliable surety institution in the amount of \$10,000. The purpose of the bond shall be to insure that restoration of the property takes place in accord with the Wright County Zoning Ordinance, and in accord with all the specifications of the plans submitted and approved by the Planning Commission. The obligee of the bond shall be Wright County, and it shall be utilized in the event of any significant violation(s) of the above conditions. The County may contract with a third party to have the corrective and remedial actions taken in accord with requirements of this conditional use. Once remediation efforts are begun by the County, only the resources necessary to cover restoration costs shall be utilized from the bond. A copy of this conditional use permit order, including the above conditions, shall be appended to the bond document. The applicant shall be responsible for maintaining the specified bond at all times for the duration of this permit; and 5) The Township shall review the operation in one year for compliance. If any problems are noted, a new hearing may be required. D. Thompson seconded the motion.

*DISCUSSION: J. Thompson asked if the motion could include the applicant's offer to store the equipment out of sight of the neighbors to the west by parking them where there are trees along the west border; and fill in the mined area as he goes. Mol asked if there is an amendment. Another matter raised was repairing the berm and plantings on the berm. Felger also asked if there was discussion of extension of the west berm and plantings. Perry stated they have moved some dirt there and can extend that. Could place grass seed and oats. He agreed could make it higher and offered to give the neighbor his card and look at their view and try to help them. He had been referring to a berm that was there quite a bit of time. The area to the north they will take the black dirt off the top and can move it from the east over to the west side.*

D. Pederson amended his motion and D. Thompson his second, to add conditions: 6) the equipment be stored in the wooded area on the west; and 7) repair the existing west berm.

**VOTE: CARRIED UNANIMOUSLY**

4. **LINDA K. YONAK** – New Item

LOCATION: 1179 County Road 37 NE – Part of the W ½ of the NW ¼, lying south of County Road 37, Section 32, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-322202

Petitions for a Conditional Use Permit as regulated in 155.03(25), 155.029, 155.048 of the Wright County Land Usage and Zoning Ordinance for Commercial Agricultural Tourism to allow seasonal outdoor use with primary focus to be an apiary (bees – honey production). Activities to include education and to introduce the public to the operation and the ag environment and food production with some retail sales. Also, group events (proposed is a maximum of 65 large events a year - up to 250 guests for each event) supported by tents and outdoor biffs with the potential accessory use of barn, if brought up to code.

Present: Linda & Kevin Yonak; their contractor, Bruce Prevost

- A. Riley reviewed the property location on County Road 37, zoned and in the Land Use Plan as AG. This is a large working farm parcel, with house and various outbuildings and the owners have animals and raise crops. The conditional use permit request is under the recently approved Commercial Ag Tourism; although parts of it fit the Commercial Outdoor Recreation with components of outdoor events, educational events, farm setting with temporary biffs. The applicant is also looking at improvements to the barn to have activities moved indoors. If the Planning Commission accepts that can take place, is approved and brought to code the Commercial Agricultural Tourism applies.
- B. L. Yonak – primary business is to have an apiary on the farm. She has teamed up with a third generation bee keeper who is moving his operation from South Dakota to Minnesota. They are starting out small with 30 hives to see how it goes. Her goal is to have limited retail of honey with local pollens. Secondary business is seminars, the bee keeper wants them to join MN Bee Association and educate people about the plight of the bees. Having the natural gardeners out and host events. She plans to start out small with tents. The Master Gardner’s want to have their meetings out here and have bee keepers come out to speak to them. They would like to know if they could expand into the barn and is the reason she applied for this permit. She feels this permit fits them better, they are over ten acres; their home is here. Starting with tents to see if it is worth the investment to move into the barn. She understands that could take years.
- C. Joan Reed – neighbor to the north – talking about apiary but she sees the attendance would be 200+. Are they talking about reunions or weddings with this number? Concern is about potential noise, alcohol being served and who will monitor these guests. She has concerns about their liability if someone should get hurt on her property. Would there be any amplifiers used. The nature of the topography in the area acts as a natural amphitheater. She does not want parties in her backyard all summer long. The applicant did not say anything about a winery, but mentions it. Also host large gatherings outside and indoors and has stated up to 65 events all summer long. The noise and traffic would impact them. She would like to hear more about what is going to happen out here. If a permit is given, what is covered under that permit. Mol – explained a conditional use permit would have

conditions. Reed – if they host weddings, the applicant has to understand the liability to themselves too.

- D. Jeff Young – lives across the road– the 35 events per year with a maximum of 250 people is 8,750 people coming into the neighborhood. This is a fairly quiet neighborhood and they would like to keep it that way. The driveway is fairly dangerous, at the bottom of a hill, quarter mile east of the County Compost Facility and asked if a turn lane would be required. He asked how this operation would impact the neighbor's property values because of the noise and activities. They are not interested in noise or people drinking and leaving the property. He asked how long the CUP would be good for. He has no problem with weddings, but seems excessive. Bee operation, no problem.
- E. L. Yonak – responded to the concerns expressed. They have 60 acres and over a 1,000' from neighbors. Well off the road. Have contacted the County Highway Department, who asked about pulling in with horse trailers and they are not doing that. They used to have a roll-off business and were turning in and out with trailers and never had a problem. She noted the Compost Facility and the park do not have turn lanes. To address the noise, she has looked to position it behind the barn. To the west is the Compost Facility and to the south is all green space; and east is Renee Behrends who does not seem to be concerned. They own the land directly west which is a rental property. They want to be good neighbors and have cleaned up two blighted properties. They have not had any problems with the previous business, tried to be respectful of neighbors. They do not want to be a nuisance and if there is a problem, neighbors can call and she will take care of it. They are looking for events behind their barn and if there is any liquor, it would be served by a licensed caterer with security on site. These would be controlled events. As far as 8,750 people, she has no idea this would be the number, does not know for sure what they would be hosting. She wants to know if they can even do it and start working with her builder and start working on plans for the barn. Also working with their commercial insurance agent and found a company to provide the insurance that will protect them.
- F. J. Thompson – noted the applicant start talking about the bees being the business; but now she is hearing about all kind of activities with weddings, etc. that have nothing to do with bees. She felt there are two things that are very different. The bees, restoration and educational events are separate. L. Yonak stated the primary business is the bees. Under the CUP there has to be a primary agricultural business and that is the business. The weddings and graduation parties, etc. would be ancillary to that.
- G. Mol felt it would be beneficial to see the property and surrounding community before they go any further. L. Yonak agreed to a site inspection.
- H. D. Thompson moved to continue the hearing to August 18, 2016 for a site inspection. Felger seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **MICHAEL A. DEKARSKI** – New Item

LOCATION: 4875 37<sup>TH</sup> St. SE – Part of SE ¼ of NE 1/4 and part of E ½ of SE ¼, Section 23, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-234100 & 214-100-234400 Property owner: Michael Kahler

Petitions to amend and review existing Conditional Use Permit issued in 2004 for Commercial Outdoor Recreation as Commercial Agricultural Tourism to allow the location of a food kiosk on the property north of the County Road as regulated in 155.03(119), 155.03(25), 155.029, 155.048 of the Wright County Land Usage and Zoning Ordinance.

Present: Mike Dekarski, General Manager; Matt & Jill Menard

- A. Riley presented a map showing the Apple Jack property outlined in blue. The property currently is zoned AG and in the Land Use Plan for A/R Agricultural-Residential. The property has been an orchard for many years; and in 2002 there was a Conditional Use Permit (CUP) hearing to allow limited retail and food related to the orchard. There has been a change in ownership which the applicant can describe and also how the operation has evolved. The use is seasonal. The hearing is to review and amend the CUP and offer more food related to the orchard. A kiosk/concession stand is proposed to serve food to people that are on the north side of the road. Riley noted activities on the north side include a bounce house, apple cannon and other activities.
- B. Dekarski – the history goes back to when he started the orchard with his father-in-law in 1983. His father-in-law retired and he bought him out in 2004. He got the CUP at that time for what they had been doing. He sold the business five years later and those owners could not attend the meeting tonight due to vacation plans. He explained they used to have the strawberries and raspberries that extended the season, now the timeframe is more condensed. They operate from August 15–November 15 of which six weekends are very busy. The hours are 10-6 and do not want to do a winery or do weddings. Cater to families in the western suburbs. Shortened the season. The educational tours are Monday – Friday and pick your own apples in the orchard is only on the weekend. Retail store, pumpkin patch and sell pies, turnovers and crisp from their own apples. They are licensed through the MN Dep't of Ag and Jill and he both have food licenses. His wife runs a small gift shop. They have two handi-cap restrooms and bring in portable biffs during the busiest times. Parking provide for 750 parking places. During the week around 150 cars a day; however, weekends the parking lot can turn over a couple times. He contracts with the Sheriff's department for the weekends to monitor and control traffic. Has parking attendants on the week-ends also. The operation has five full-time employees and hire temporary help, 20-30 employees. He explained on the north side of the highway they want to put a small kiosk, similar to a butler building, to sell hot dogs, potato chips, apple products, pop and water. This would be used only 6-8 weekends a year. That is what triggered the request.
- C. Riley noted the Commission is looking at the changes since 2004 and a proposed kiosk and they have a new Ordinance, the Commercial Agricultural Tourism. This business is an orchard with everyone outdoors and it is understandable some people would want some food items. The last two agenda items sum up what the Commission has been addressing.

Want to allow some amenities but has to be related to the orchard and not a stand-alone restaurant. Dekarski – the orchard has been recognized by WCCO and City Pages as the best orchard in Minnesota; and last year, one of ten best orchards in the Country by the Hoffington Report. They set high standards for their orchard. If it rains on a Saturday there is little business. If he gets the CUP he can apply to MN Dep't of Ag for the Butler building. Mol – has operated a fall pumpkin business and understands the need for some food items. This is a well established business. Dekarski – people come from a long distance, it has become a destination. Bravinder – everything needs to start somewhere and AG Tourism is a positive thing for the area. There are more farm tours going on. Dekarski – noted the business has much over-sight, includes the Department of AG, Department of Natural Resources and Weight and Measures. Riley – there is no alcohol involved with this operation. M. Menard added, this is a family operation. Dekarski felt having the kiosk on the north side should cut down on traffic going across the road.

- D. Felger questioned the reference in the Staff Report for an engineer's report for the kiosk and questioned the necessity. Dekarski – County Building Official, Craig Schulz, is looking for the weight load on the roof for snow. Not sure who the manufacturer will be; but if it is Butler that he buys it from, he can probably call and get it from the manufacturer. Dekarski stated he checks with Schulz when he has an idea who has been very helpful.
- E. Felger moved to grant a Conditional Use Permit to amend the existing Conditional Use Permit issued in 2004 for Commercial Outdoor Recreation as Commercial Agricultural Tourism to allow the location of a food kiosk on the property north of the County Road in accord with the narrative dated June 30, 2016 and plans submitted on file as an accessory use to the apple orchard operation to include limited food preparation as described in narrative and may only be in use during the seasonal and part time nature of the orchard. In addition a building permit must be obtained for the food kiosk building and all State requirements must be met. Bravinder seconded the motion.

*DISCUSSION: Thompson noted the Staff has suggested a site inspection; she is not familiar with the property. Felger felt the operation speaks for itself. Because most members are familiar he did not think it would be necessary.*

VOTE: CARRIED UNANIMOUSLY

Public Meeting adjourned at 10:00 p.m. A Workshop followed.

Respectfully submitted,

Sean Riley  
Planning & Zoning Administrator

SR:tp  
cc: Planning Commission  
County Board of Commissioners  
Twp. Clerks/Applicants/owners