

# Crow Wing Township Planning Commission Meeting

## September 13, 2021 6:00 PM

Commission Members Present: Brad Arnold (Chair), Dan Lee, Linda Schuety, Justin Burslie (Former Planning and Zoning Administrator), Amanda Peterson (Planning and Zoning Administrator), Tucker Schuety (Township Supervisor) & Duane Ruona (Township clerk).

Brad called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

There was a public hearing for Storage Zone LLC Variance Application V-01-21 by property owner Storage Zone LLC. The applicant is requesting to construct a 75-foot flagpole where there is a height restriction of 35 feet. The subject property is located at 5905 Sweet Road and is described as Lots 1 & 2 Block 2 of 1st Addition to Woods N Acres, Section 17, Township 44, Range 31. PIN - 56170539. The property is 8.83 acres and zoned Rural Residential 2.5.

### **Staff Findings: Staff provides the following findings of fact for consideration for approval of the variance request:**

1. The subject property is located at 5905 Sweet Road and is in the Rural Residential 2.5 zone.
2. The property contains six (6) commercial storage buildings approved with a conditional use permit in 2020.
3. The applicant proposes to place a 75-foot flagpole in the northeast portion of the parcel.
4. The applicant intends to fly an American Flag on the proposed flagpole.
5. Flagpoles are allowed in the Rural Residential 2.5 zone and would not create a land use that is not allowed.
6. Flagpoles are common for residential and commercial properties.
7. The proposed location for the flagpole is adjacent to Arielle Drive and the Highway 371 Interchange, which is the furthest point away from adjacent residential properties.
8. The applicant did gain approval from Camp Ripley regarding the height restrictions within the ACUB restricted area.
9. Is the variance request in harmony with the purposes and intent of the Land Use Ordinance?
  - a. The purpose and intent of the maximum building height requirement is to prevent exceedingly tall buildings from being constructed which would generally not be consistent with the rural character of the township. A 75-foot tall flag-pole does not have the same characteristics of a building (e.g. bulk and massing) thus would be consistent with purpose and intent of the land use ordinance.
10. Is the variance consistent with the Comprehensive Plan?
  - a. The variance request is consistent with Goal 3 (pg. 21) "Ensure that new subdivisions and developments are designed to maintain privacy for adjacent properties." The subject property maintains vegetative buffers which screens it from adjacent residential properties. A 75' tall flagpole would increase visibility of the subject property while not compromising the vegetative screening/buffering from adjacent residential properties.
11. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
  - a. The property owner is proposing to utilize the property in a reasonable manner. The subject property is adjacent to a State Highway and a 75' tall flagpole (with flag) would be more visible to motorists than a flagpole meeting the maximum height requirement of the land use ordinance.
12. Is the need for a variance due to circumstances unique to the property and not created by the property owner?

*a. What is unique about the property that requires a taller flagpole?*

13. Will the issuance of a variance maintain the essential character of the locality?

a. Although the subject property is zoned, "Rural Residential 2.5" it is adjacent to a State Highway and contains a commercial use. It functions more as a commercial property. A 75' tall flagpole constructed on the subject property, with conditions, will not alter the essential character of the locality.

14. Does the need for a variance involve more than economic considerations?

a. Yes, the request is not being made based on economic considerations.

**Staff provides the following findings of fact for denial of the variance:**

1. The subject property is located at 5905 Sweet Road and is in the Rural Residential 2.5 zone.

2. The property contains six (6) commercial storage buildings approved with a conditional use permit in 2020.

3. The applicant proposes to place a 75-foot flagpole in the northeast portion of the parcel.

4. The applicant intends to fly an American Flag on the proposed flagpole.

5. The proposed flagpole is not in harmony with the purposes and intent of the Land Use Ordinance, as the Rural Residential 2.5 zone allows for a maximum structure height of 35 feet.

6. The proposed flagpole is not consistent with the Comprehensive Plan, which designates the parcel as Rural Residential on the Future Land Use Map. All Rural Residential zones have a maximum height requirement for structures of 35 feet.

7. The property owner does not propose to use the property in a reasonable manner or show any practical difficulties. A 75-foot flagpole is not reasonable given it is over two times the maximum height allowed in the Rural Residential zone, and no other buildings on the property are over the maximum height requirement.

8. The proposed flagpole is not due to circumstances unique to the property and is created by the property owner. The subject property is relatively level. The height and location of existing structures on the subject property and adjacent property do not create a visibility issue for a 35-foot flagpole. The subject property does not have any unique circumstances or features that would justify a 75-foot flagpole.

9. The proposed flagpole would alter the essential character of the locality. The exceedingly tall flagpole would be visible from great distances. No other commercial or residential properties in the township have flagpoles remotely close in height to the proposed flagpole.

10. The variance request has not been made based on economic considerations.

**Board of Adjustment Direction:** The Board of Adjustment can approve the variance request, deny the variance request, or table the request if additional information is needed.

If the motion is for approval or denial, findings of fact should be cited.

**Staff Recommendation:** Staff recommends that the variance request to exceed the maximum height requirement be denied, as it does not appear to be compatible with the surrounding neighborhood (based on the findings listed above).

If the Board of Adjustment chooses to approve the variance request, the following condition(s) may be considered:

1. The size of the American Flag flown be no larger than 12'x18' in accordance with the suggested dimensions for a 75-foot pole ([grandnewflag.com](http://grandnewflag.com)).

2. The type of flag flown be restricted to an American Flag to avoid any signage that may be seen as advertisement in the future.

During discussion it was determined that the public hearing notice was not sent out to all the neighboring properties. Linda made a motion to table Variance Application V-01-21 until property

owners within 1/4 mile can be notified and a new public hearing scheduled. Tucker seconded, motion passed 4-0.

Brad suggested that discussion about the new flag near North Central Speedway be added to the agenda.

Open Forum-nothing.

Linda made a motion to accept the minutes of the August 9, 2021 meeting as written. Dan seconded, motion passed 4-0.

Under New Business the Steinhauser Planned Unit Development Initial Review was discussed. Mr. Steinhauser is presenting the initial review for a planned unit development consisting of 32 pole buildings at 8577 State Highway 371. The pole buildings will be 30' X 48' and will be individually owned with electrical power included. The proposed project would require a conditional use permit for the use of "Storage buildings-commercial" in C-2 zone in addition to the major subdivision process for the PUD. Conditions could restrict sewer and water availability, limit density of buildings, lighting and require neutral tones on the buildings. 50<sup>th</sup> Street at that property is gravel and there would be increased traffic. Dan and Linda were concerned with the density of buildings and Brad stated that getting large units in and out of the buildings should be considered. A buffer zone from residential properties would also need to be considered. No action was taken.

Troy Hansen of 6818 Wels Avenue was present to inform the Planning Commission that his new septic system will be installed within a week or two. He also is putting an RV on the property and it will be hooked up to the septic system.

Adam Overby-Temporary Housing/Campground: Mr. Overby called Amanda about the possibility of a CUP on parcel 56300512 on North Koering Road. He has an interest in creating seasonal housing for seasonal workers in the area. The property is currently zoned Agricultural/Forestry and would require a CUP for a "Retail or commercial business", as this type of seasonal housing is not specifically addressed in the current land-use table. There was a question of whether this is the correct parcel number because the property North of this only has access from TH 371. Justin stated it would probably need an amendment to the ordinance. No action was taken.

The Citizen Complaint about 9204 Estate Circle was discussed. Amanda has been in contact with the property owner and some progress has been made in cleaning up the property.

The citizen Complaint about 6749 Wetherbee Road was discussed. Brad will do an inspection of the property by September 15th to monitor the cleanup of the property.

Enforcement Ordinance/Policy/Letter Template-Brad said that the current process isn't working. In the past there was a \$100 per month fee for property violations. That didn't seem to work because people didn't care about the fee. So the fee was lowered to \$10 per month and things haven't gotten any better. The current Pequot Lakes ordinance amendment and enforcement letters/citations were reviewed. A summary of enforcement for ordinance violations is:

After a complaint is received, visits are completed, and photos are taken for documentation twice. The letters sent out include notice of the violation, dates for compliance, and consequences for noncompliance. Administrative citations are given after 2 letters. Criminal prosecution would be the

final step if applicable. The current property violations that are being charged monthly administrative fees are: Dale Dillon (includes Ruckdaschel property), Martin Copa and Marvin Niesen. Others are Josh Neelan, Chad Jillson and Wade Tomberlin. Because of work being done after the original complaints and no new action being taken they should be taken off the violation list. It was decided that Amanda should send the Town Board a recommendation to remove all current property violations from the list except for Chad Jillson. Brad will talk to the neighbor of Wade Tomberlin about his concerns with the property violation issues.

The Planning and Zoning Administrator's report was reviewed. 24 permits have been received so far this year.

There was no Town Board Correspondence to review.

Tucker made a motion to adjourn, Linda seconded, meeting adjourned at 7:57 PM.