

Crow Wing Township Planning Commission Meeting October 11, 2021 6:00 PM

Commission Members Present: Brad Arnold (Chair), Dan Lee, Linda Schuety , Amanda Peterson (Planning and Zoning Administrator-Virtually present), Tucker Schuety (Township Supervisor) & Sue Kern (Township clerk).

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

There was a continuation of the public hearing from our last meeting 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.

At the last meeting it was determined not all land owners bordering the Storage Zone property were notified. A minimum of 23 land owners have been notified. There has been only one email response.

Mike & TJ have had conversations with some of the property owners and clarified the location of the flag pole would be in the furthest NE corner of the property. There would be a buffer of 40-60 foot tall trees to the East and adjacent to a 60 foot light pole. The gentleman who was not in favor of this last meeting thought the flag pole would be at the entrance to the property, not at the farthest NE corner. Brad also spoke with him and did an onsite inspection himself just to get a better idea of the placement. That gentleman would be the nearest and closest neighbor and it seemed his entire tone changed on the matter once he realized the actual location of the flagpole. The other two nearest land owners have not responded.

Again, of the 23 notifications nearest land owners there were no responses of opposition. However, there was one email that came in late Sunday evening from a resident. He expressed some concerns. It was determined his property was several thousand feet away plus the distance of the lot in a wooded area. Two other concerns were the gravel road and the color of the building. The road was to be an impervious road and the color of the building has been addressed to be more palatable to the neighborhood. The discussion tonight is focused on the flag pole itself. Mike explained the flagpole would have an internal cable in addition to sound deadening materials that wrap around to stop clanging sounds. The internal cable is cleaner, more secure and out of sight. He brought samples to demonstrate as well as an enlarged map showing the location demonstrating it would be at the farthest location possible from neighbors. The drone flight sampling showed the flag to be just above the tree line in terms of visibility. In terms of lighting, there would be a fixture that deflects light away from residents to the flag. The light would have to comply with MN Dot as well. In terms of the size of the flag, the land owner is wanting a 20 X 30 foot flag. Amanda noted they felt the flag size should be 12 X18 according to one suggested guideline. Brad noted the structure meets all criteria short of the height. Brad read through the staff findings out loud again:

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.

In summary, the findings in favor are as listed and the findings opposed to this request basically are the height of the flag pole.

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).
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.

With regard the size of the flag, the applicant said the website he investigated stated 20' X 30' was recommended for a 75' pole. Other businesses were cited as having the same dimensions and it appear appropriate proportions and one business where it was not in proportion. The applicant has volunteered that only an American Flag will be used at this flag pole although the planning commission cannot regulate what type of flag is used. He also noted proper flag etiquette will be followed and internal cable and coverings will be used to help eliminate noise. The location of the flag pole will be in the most further location of neighboring land owners and the one neighbor with the email complaint is in fact quite a distance away and shielded by vegetation. One resident in attendance stated the applicant has done all that is needed with regard to location, size and noise, and he would like to see the flag pole approved. Amanda stated the findings of fact should be stated and limitations of flag size should be stated.

Linda supported to approve the findings and facts listed with a flag size limit up to 20' X 30' condition. Tucker agreed. There was no further discussion. The planning commission showed support 3-1 with Dan being opposed. The town board will make the final decision at tomorrow's regular town meeting. Amanda will send a report to the board prior to the meeting.

There were no additions or deletions to the agenda.

Dan made a motion to approve the September 13th minutes with Linda making a 2nd. With no further discussion the minutes were approved 4-0.

There was no Open Forum.

Under new business, Angie Litchy 56000513 possible CUP and/or rezone regarding 371/N. Koering Property which is zoned agriculture/forestry was discussed. Amanda stated the owners would like to have a type of farm based event center with someday possible retail. There is not a retail allowed in agriculture/forestry but possibility of conditional use permit or rezone, or possibly adding language to the ordinance. Amanda stated that it would possibly be used as a farm first and may not need to rezone. Discussion of access and easement in the SW corner near the fence company.

Angie Litchy presented the desire to create a family-oriented experience leveraging farm-based recreational activities in a rural area to provide healthy entertainment for people in our community. Activities would possibly include u-pick apple orchard with squash, sunflowers, and corn maze. There would be minimal buildings, gravel drives and parking areas, privacy and sound barrier of evergreens for a safe, clean, peaceful environment for all. This would include tractor rides, walking paths, produce sales {jam, cider, pies, wreaths, and wine (?)} and a small green house. Further down the road with phase 2 more retail space for crafty items, or seasonal products or even artisans weekend events. Other possibilities would include food truck, photo sessions, craft trainings, and Christmas tree sales. They would like it to be an educational opportunity and partner with other volunteer organizations.

Brad commented that the desire of the Crow Wing Township residents is to keep things rural, quiet and private and expressed some concerns that events would go late and possible large crowds, however, this plan has potential fitment. He mentioned about there needs to be more discussion with the access and traffic flow. He indicated commercial use could be an uphill climb but CUP with agriculture could be a possibility. There was discussion of approval of neighboring properties but generally the plan is fitment and complimentary. A similar application would be that of St. Mathias Farm with considerations of safety, off street parking, not loud parties after hours and possibly fencing for safety of children with future possibilities of septic for restrooms. They will be meeting with Amanda to discuss moving parts.

Review of ordinance language on violations and enforcement was discussed. Past fines were mentioned with the possibility enforcing a new set of fines and guideline for such fees. There are some properties which the owners are making progress and some that are really out of control. It was decided that more information was needed for a much larger discussion at a future meeting. Amanda said she could check into Morrison and Pequot examples for more information.

Brad shared an article from the paper from September 8th in a reader's opinion regarding zoning, and/or property rights.

In old business regarding the Ream complaint, Brad talked to them and they will be meeting. Brad also met with Tomberlin and Carlson. Brad will follow up further regarding these properties.

The P&Z Administrator's financial report shows an even keel and in the black. The grant for Comp plan worked out and check will be forthcoming.

Amanda said at the next meeting, she would bring forward a mete & bound subdivision for Ron Finlay on Greenwood Street and an application for Eric Stangler north of the North Central Speedway for rezone with Holmes. The storage garage will be discussed in December for England's. Comment was made that the website was good and user friendly.

Dan made motion to adjourn and everyone seconded it, 4-0. Meeting adjourned at 7:30 pm

