

SCAMBLER TOWNSHIP PLANNING & ZONING COMMISSION MEETING MINUTES

WEDNESDAY, APRIL 6, 2016, 7:00 P.M.

Present: Dennis Carlblom (sitting in for Bob Burgess), Jim Lucking, Stuart Restad, Phillip Rotz, Todd Langseth, and Susan Como.

Others present were the members of the public (sign in sheet attached).

The meeting was called to order with the Pledge of Allegiance.

Approval of Agenda: Stuart Restad motioned to approve the agenda as presented, and was 2<sup>nd</sup> by Jim Lucking. All in favor, approved.

Clerk's Minutes of October 29, 2015: After review Stuart Restad motioned to approve minutes as printed. The motion was 2<sup>nd</sup> by Jim Lucking. All in favor, approved.

**CONTINUATION OF BUSINESS MEETING ON "Conditional Use Permit Application", Rolling Hills RV Park:**

On October 29, Cyril Flem (hereinafter referred to as the Applicant) was present at this meeting and presented a site plan generated by Anderson Land Surveying for the proposed Rolling Hills RV Park. After reviewing the site plan, the Commission was in agreement that the proposed Rolling Hills RV Park meets the definition stated in "Purpose" (Scambler Township Zoning Ordinance #3100.010) under the heading "Campgrounds" (Ord. #3100.000). Points considered in reaching this agreement were: (a) the property is in a commercially zoned district, (b) good county highway access, (c) the property is adjacent to an existing campground, and (d) limited intrusion by nearby dwellings.

For the remainder of the meeting, the Commission went over the rest of the requirements listed under "Campgrounds" (Ord. #3100.000) in the Scambler Township Ordinances with the Applicant as follows:

#3100.020: License Required – Applicant is aware he needs a license to operate before opening the RV park to campers.

#3100.030: Condition Use Permit Required (refer to Scambler Township Zoning Ordinance listing the requirements in which the following notations address).

1. Applicant is in compliance.
2. Applicant is in compliance.

**CONTINUATION OF BUSINESS MEETING ROLLING HILLS RV PARK APRIL 6, 2016.**

3. The Commission agreed Applicant is in compliance.
4. The Commission agrees with the proposed method of lighting is designated on the site plan: Mercury vapor light.

5. The Commission agrees with the proposed roads as designated on the site plan: Roads 22 feet wide with access roads 15 feet wide; and topped with Class 5 - 3 to 4 inches.
6. The Commission agrees the site plan adequately addresses this.
7. The Commission agrees to the size of each lot or camping area: 60 feet x 42 feet plus parking area.
8. The Commission agrees to the calendar months of the year which Applicant will operate said recreational camping area: April 1<sup>st</sup> and to close October 31<sup>st</sup>.
9. The Commission agrees with the reasonable timetable of construction as set by town board. No. 5 of Proposed and preliminary conditions to be attached to the Rolling Hills RV Park Conditional Use Permit:
  - A. Building sites in commercial district (150 total) must be completed within 15 years of the date of the issuance of the conditional use permit.
  - B. If construction of all 150 units is not completed within 15 years then site permits must be obtained for each additional unit up to a total of 150.
  - C. After 15 years from the date of the conditional use permit a new conditional use permit will be needed to continue.

After discussion Jim Lucking motioned to add 5 (D) Any phase of construction must be completed within one calendar year; to the proposed and preliminary conditions to be attached to the Rolling Hills RV Park Conditional Use Permit. The motion was 2<sup>nd</sup> by Stuart Restad. All in favor, approved.

10. Commission agrees (except for Phillip Rotz who indicated Applicant does not comply) Applicant is in compliance at this time and stage. Applicant indicated that there are two existing wells, one 4 inch and one six inch. Minnesota Pollution Control dictates. Applicant has to comply with State and County regulations. County specification unknown until construction will be completed.
- #3100.040: Camping Area Spacing Requirements: The Commission reviewed items 1, 2, and 3 listed here and agrees Applicant is in compliance.
- #3100.050 Utilities: Commission agrees Applicant is in compliance.
- #3100.060 Water Supply: Required in Proposed and Preliminary Conditions, item #3, the Commission agrees Applicant is in compliance.
- #3100.070 Sewage Treatment: Required in Proposed and Preliminary Conditions, item #3, Applicant shall comply with Minnesota Pollution Control, State and County regulations. The Commission agrees Applicant is in compliance.

- #3100.080 Toilet, Bathing, and Laundry Facilities: The Commission agrees Applicant is in compliance.
- #3100.090 Plumbing: Applicant must comply with all state regulation; the Commission agrees Applicant is in compliance.
- #3100.100 Lighting: Indicated on site plan. The Commission agrees Applicant is in compliance.
- #3100.110 Garbage and Refuse/ Handling and Disposal: The Commission agrees Applicant is in compliance. Also attached is Rolling Hills RV Park Rules & Regulations for Seasonal Tenants.
- #3100.120 Caretaker/Operator Duties: The Commission agrees Applicant is in compliance.

Stuart Restad motioned for Exhibit 4, Rolling Hills RV Park Rules & Regulations for Seasonal Tenants be attached as No. 8 to the proposed and preliminary conditions to the Rolling Hills RV Park Conditional Use Permit, and was 2<sup>nd</sup> by Jim Lucking. All in favor, approved.

Stuart Restad motioned that the Applicant has met the requirements under the heading "Campgrounds" (Ord. #3100.000) in his application for a conditional use permit. Phillip Rotz requested a roll call vote with Dennis Carlblom, Jim Lucking, Stuart Restad and Todd Langseth voting yes and Phillip Rotz voting no, motion passes.

*Stuart Restad motioned that Applicant meets requirements of Ordinance 2020.000 and Ordinance 2050.000, Prohibited Uses commercial and agriculture. Phillip Rotz requested a roll call vote with Dennis Carlblom, Jim Lucking, Stuart Restad and Todd Langseth voting yes and Phillip Rotz voting no, motion passes. (Check on this)*

Phillip Rotz motioned for the Applicant to obtain one soil sample of a Rolling Hills Golf Course green to see if the soil sample meets guidelines for mercury levels and was 2<sup>nd</sup> by Stuart Restad. Phillip Rotz and Stuart Restad rescinded their motion and this issue will be brought up before the Town Board for their recommendation.

Phillip Rotz motioned and was 2<sup>nd</sup> by Stuart Restad that the Applicant must obtain one soil sample of a Rolling Hills Golf Course green to see if the soil sample meets guidelines for mercury levels be included as No. 9 of the Proposed and preliminary conditions to be attached to the Rolling Hills RV Park Conditional Use Permit. Phillip Rotz requested a roll call vote with Phillip Rotz, Dennis Carlblom, Jim Lucking, Stuart Restad and Todd Langseth voting yes, motion passes.

Todd Langseth motioned that the Planning and Zoning Committee of the Township of Scambler recommends to the Township Board of Supervisors for their approval of the application for a Conditional Use Permit of Rolling Hills RV Park as set forth in conditions 1 through 9 of the Proposed and preliminary conditions to be attached to the Rolling Hills RV Park Conditional Use Permit as stipulated be attached to the recommendation. Jim Lucking 2<sup>nd</sup> the motion. Phillip Rotz requested a roll call vote with Dennis

Carlblom, Jim Lucking, Stuart Restad and Todd Langseth voting yes and Phillip Rotz voting no, motion passes.

Arnie Cox addressed the Board regarding the number of members of the Planning and Zoning Commission and two members being on the Township Board. Dennis Carlblom was sitting in for Bob Burgess (this situation was not addressed in the Bylaws). Mr. Cox does not agree with a five member committee. He stated it should be a three member committee.

Jim Lucking motioned the recommendation for approval of the application for a Conditional Use Permit of Rolling Hills RV Park as set forth in conditions 1 through 9 as stipulated be attached to the Recommendation and forwarded to the Town Board Supervisors for their approval. Stuart Restad 2<sup>nd</sup> the motion. All in favor, approved.

Set Next Meeting Date: No future planning and zoning meeting date was set at this time.

Meeting adjourned.

Submitted by Susan Como, Scambler Township Clerk

## SCAMBLER TOWNSHIP PLANNING & ZONING COMMISSION MEETING MINUTES

WEDNESDAY, May 4, 2016, 8:00:00 P.M.

Present: Jim Lucking, Stuart Restad, Phillip Rotz, Todd Langseth, and Susan Como.

Others present were the members of the public (sign in sheet attached).

The meeting was called to order with the Pledge of Allegiance.

Approval of Agenda: Jim Lucking motioned to approve the agenda as presented, and was 2<sup>nd</sup> by Stuart Rested. All in favor, approved.

Clerk's Minutes of April 6, 2016: After review Stuart Restad motioned to approve minutes as printed. The motion was 2<sup>nd</sup> by Jim Lucking. All in favor, approved.

### **Unfinished Business:**

Signing of the Application for Conditional Use Permit for Cyril Flem by Philip Rotz, Chairman.

Philip Rotz, Chairman wanted to wait to sign the Conditional Use Permit for Cyril Flem until after the meeting (Philip Rotz took the Application for Conditional Use Permit for Cyril Flem home to obtain a date for the signature – brought the application back at the Scambler Township Board Meeting of April 14, 2016).

## **New Business:**

Bruce Quammen , Pelican Toy Boxes, LLC – Hobby shop storage condos.

Bruce Quammen had submitted information (see attached) to Jim Lucking prior to the meeting and the information was provided to Scambler Township Planning and Zoning for review before the meeting of June 1, 2016. The hobby shop storage condos are not for residential use at all. Covenant package attached to the Articles. These buildings will all be in line north and south except for the 2 buildings facing east and west. After reviewing the information provided, Philip Rotz asked if Mr. Quammen would need to obtain site permits or a conditional use permit. Jim Lucking indicated that is what they were here to consider. An area of concern that this project is something new and it is not a permitted use or prohibited use. Stuart Restad agreed and indicated that by fault becomes a conditional use and indicated further discussion was needed on this matter. Stuart Restad also indicated that no matter what the board does, each site should obtain its own site permit. Mr. Quammen indicated that he has completed similar projects in Otter Tail County and Becker County, and is in the process of two, one in Cass County in the City of Fargo and West Fargo with full service. Lots are 60 feet wide. Stuart Restad addresses concerns with set backs and that they meet the requirements and also requested Mr. Quammen's overall plan to work on this part. Set backs will be indicated on the master plan. After Mr. Quammen's further discussion explaining set backs, Stuart Restad indicated that Mr. Quammen would only need a conditional use permit or does Mr. Quammen need a conditional use permit and site permits as buildings go up. Jim Lucking questioned if Mr. Quammen will be charged \$100.00 for each site permit that comes in and after further discussion Stuart Restad indicated that it was not much of an issue right now and we could decide that later. 4020.010 was cited – if Mr. Quammen is issued a conditional use permit he does not have to obtain separate site permit. The Board is in agreement that Mr. Quammen needs to obtain a conditional use permit. Stuart Restad moved that that the Board finds that the applicant does not meet the criteria for approved use in a commercial zone; therefore, by default he will need a conditional use permit. Jim Lucking seconded the motion. All in favor, motion passes. Provide Mr. Quammen with an application for a conditional use permit.

Mr. Quammen asked that if this was an inappropriate time to ask about future use of land adjacent to the campground regarding a conditional use permit in an agriculture zone. Jim Lucking indicated with that piece of property it might be too early yet. Stuart Restad indicated that that piece of land is not eligible to be zoned commercial. Jim Lucking indicated that Mr. Quammen could apply for a fee of approximately \$2,000 to have a piece of land rezoned to another type. Stuart Restad indicated there are extraordinary strict rules for rezoning agriculture property.

Mr. Quammen asked for a construction start date: Philip Rotz indicated possibly July 15<sup>th</sup>.

Stuart Restad indicated he was not happy with Philip Rotz indicating that this is a done deal. Stuart Restad is not in favor of granting a conditional use permit regarding this matter. This is a non- commercial venture in a commercial district. Mr. Quammen is already talking about expanding. Jim Lucking indicated that this is a new venture and this issue is up for debate. Stuart Restad indicated this is Scambler Township and he has to abide by our rules. Philip Rotz said he understood and did not mean to overstep his bounds.

Set Next Meeting Date: June 1, 2016 – regarding Conditional Use Permit – Pelican Toy Boxes, LLC.

Meeting adjourned.

Submitted by Susan Como, Clerk

Scambler Township

## SCAMBLER TOWNSHIP PLANNING & ZONING COMMISSION MEETING MINUTES

WEDNESDAY, JUNE 1, 2016, 8:00 P.M.

Present: Jim Lucking, Dennis Carlblom, Philip Rotz, Todd Langseth, and Susan Como.

Others present were the members of the public (sign in sheet attached).

The meeting was called to order with the Pledge of Allegiance.

Approval of Agenda: Dennis Carlblom motioned to approve the agenda as presented, and was 2<sup>nd</sup> by Todd Langseth. All in favor, approved.

Clerk's Minutes of May 4th. 2016: After review Jim Lucking motioned to approve minutes as printed, and was 2<sup>nd</sup> by Todd Langseth. All in favor, approved.

### **Unfinished Business:**

Conditions:

1. Bylaws as written or published in Members Agreement are enforced and have not changed without the approval of the Township Board.
2. A site permit is needed to get buildings put on. Built as people buy into agreement.
3. Time set: Turn key to Buyer.
4. Done correct to specifications.

Todd Langseth motioned to make Members Agreement part of the conditions, and was 2<sup>nd</sup> by Dennis Carlblom. All in favor, approved.

Philip Rotz motioned to approve Public Hearing date for Conditional Use Permit on June 20, 2016, at 7:00 PM., and was 2<sup>nd</sup> by Todd Langseth. All in favor approved.

**New Business:** None.

Philip Rotz motioned to adjourn meeting, and was 2<sup>nd</sup> by Dennis Carlblom. All in favor, approved.

Set Next Meeting Date: June 20, 2016, at 7:00 PM – Public Hearing and July 11, 2016, at 8:00 PM.

Submitted by Susan Como, Clerk

Scambler Township

## SCAMBLER TOWNSHIP PLANNING & ZONING COMMISSION MEETING MINUTES

MONDAY, JULY 11TH, 2016, 8:00PM

Present: Dennis Carlblom, Jim Lucking, Stuart Restad, Phillip Rotz, Todd Langseth, and Susan Como

Others present were the members of the public (sign in sheet attached)

The meeting was called to order with the Pledge of Allegiance.

Approval of Agenda: Dennis Carlblom motioned to approve the agenda as presented, and was 2<sup>nd</sup> by Jim Lucking. All in favor, approved.

Clerk's Minutes of June 1, 2016: Jim Lucking indicated that the first paragraph of the minutes had only detailed "bit and pieces" of that portion of the meeting and found that paragraph to be an inaccurate assessment. Jim Lucking motioned to line out and initial first paragraph of the minutes. The motion was 2<sup>nd</sup> by Dennis Carlblom. All in favor, approved. After further review of the minutes, Jim Lucking motioned to approve the minutes as amended. The motion was 2<sup>nd</sup> by Dennis Carlblom. All in favor, approved.

Clerk's Minutes of June 20, 2016: After review, Dennis motioned to approve the minutes as printed. The motion was 2<sup>nd</sup> by Phillip Rotz. All in favor, approved.

Unfinished Business: None.

New Business:

Bruce Quammen, Pelican Toy Boxes, LLC – Findings of Fact.

On May 4th, 2016, Bruce Quammen submitted information regarding Pelican Toy Boxes, LLC to Scambler Township Planning and Zoning Commission for review. On June 1, 2016, the Planning and Zoning Commission agreed that this project required a Conditional Use Permit and a Public Hearing to discuss the Conditional Use Permit was scheduled for June 20, 2016. At the June 20th, 2016 meeting, Les Rotz and David Kerr addressed the Planning and Zoning Commission regarding sewer and bathroom

issues for the proposed storage condominiums and a meeting to have further discussion on those issues was scheduled for July 11th, 2016.

At the July 11th, 2016 meeting, the concerns of the June 20th Public Hearing regarding the Conditional Use Permit for Pelican Toy Boxes, LLC were discussed. The following CUP Findings of Fact and Recommendations:

1. Bylaws as written or published in Members Agreement are enforced and cannot be changed without the approval of the Township Board.
2. A site permit is needed for every building before construction begins.
3. All buildings will be built according to the master plan specifications.
4. No holding tanks larger than 500 gallons.

Todd Langseth motioned to approve the conditions as written to be attached to the Conditional Use Permit. The motion was 2nd by Dennis Carlblom. After further discussion, Todd Langseth recinded his motion to approve conditions as written to be attached to the Conditional Use Permit. The motion was 2nd by Dennis Carlblom. All in favor, motion passes.

The following CUP Recommendations for Condominium Type Storage Units in a Commercial District were agreed up by the Scambler Township Planning and Zoning Commission and attached as Attachment "A" to the CUP:

1. Recommend Pelican Toy Boxes, LLC a Trial Project over a 5 (five) year period.
2. Recommend an immediate 5 (five) year moratorium on projects/developments of this type allowing the township time to:
  - a. Gather feedback from constituents;
  - b. Observe any positive or negative visual impact on the area; and
  - c. Observe the implementation/enforcement of Bylaws, especially by the "Owner's" Association".
3. At the end of the 5(five) year trial period, based on constituent input and observation, if there are no overwhelming objections, recommend the Board consider amending the Planning and Zoning ordinance to include this type of project as an approved use in the existing commercial zone along County Road 9, and only in that zone.

For the remainder of the meeting, the Commission went over the Findings of Fact and Recommendation regarding the request of the Conditional Use Permit for Pelican Toy Boxes, LLC. The following was discussed and recommended:

#### FINDINGS OF FACT

1. The applicant is requesting a CUP for the following described property Pelican Toy Boxes, LLC.
2. The legal description of the property is as follows:

NW ¼ of Section 14, Township 137, Range 43, Otter Tail County, Minnesota (Approximately 18.4 acres)

3. 660 feet of this property from Highway 9 is currently zoned commercial. The remainder of the property is zoned agricultural.

4. The nature of the CUP is to develop storage condominiums.

5. The Planning and Zoning Committee has considered seven (7) possible adverse effects of the requested CUP. The seven effects and the findings regarding them are as follows:

- a. Is the proposed action consistent with the specific policies and provisions of the Scambler Township Comprehensive Plan?

Yes. It does not encroach on an agriculture area that already has development designated commercial. This proposed action does not present any hazards to adjacent property owners.

- b. What is the proposed use's compatibility with present and future land use in the area?

Proposed use is compatible with existing commercial property with adjacent property owners. This proposed use serves as a buffer between a proposed RV Park and a residence. There is currently storage units on the property.

- c. Does the proposed use conform to all performance standards contained in the zoning code?

Since the proposed use is not specifically addressed in the Township Ordinances, the Conditional Use Permit is appropriate with conditions to reach township standards. See Attachment A.

d. What are the proposed use's effect on the area in which it is proposed?

No negligible effect is anticipated.

e. What are the proposed use's impacts on property values of the area in which it is proposed?

No impact on property values.

f. What traffic generation effects will the proposed use generate in relation to the capabilities of the streets serving the property?

No minimal effect on Township. Minimal effect on County Road 9.

g. What if the proposed use's impact on existing public services and facilities?

None.

#### RECOMMENDATION

The Planning and Zoning Committee of Scambler Township recommends to the Township Board of Supervisors that the application of Pelican Toy Boxes, LLC for CUP be approved.

The Planning and Zoning Board recommends to the Township Board to issue a Conditional Use Permit to Pelican Toy Boxes, LLC with the following 4 (four) conditions and Attachment A:

1. Bylaws as written or published in Members Agreement are enforced and cannot be changed without the approval of the Township Board.
2. A site permit is needed for every building before construction begins.
3. All buildings will be build according to the Masterplan Specifications.
4. No holding tanks larger than 500 gallons.

Dennis Carlblom motioned that the Planning and Zoning Commission of the Township of Scambler recommend to the Scambler Township Board of Supervisors their approval of the Application for a Conditional Use Permit of Pelican Toy Boxes, LLC as set forth in the Findings of Fact and the four

recommendations attached as Attachment "A". The motion was 2nd by Todd Langseth. All in favor, motion passes.

Set Next Meeting Date: No meeting set at this time.

Meeting adjourned.

Submitted by Susan Como, Clerk

Scambler Township