1. Call Meeting to Order

2. Consider 5/10/2017 Agenda

3. Approval of Minutes –
   a. April 12th Regular Meeting

4. Public Hearing
   a. Hot House, LLC; Jon Suedbeck and James Halbur – Conditional Use Permit
   b.

5. Discussion Items
   a. HAM Radio Antenna Proposal, Don Burgess (CUP)
   b. Mobile Food Unit (Food Truck)
   c. Handicap Parking
   d. Consider Rezoning R-2 East of Melro Street to B-3
   e. Junk Yard Ownership

b. Open Forum - Comments from citizens in attendance

c. Adjournment
Planning and Zoning Commission Meeting  
Wednesday, April 12, 2017  
5:30 pm, City Hall  

MEMBERS PRESENT: Chairperson, Orlin Grack; Commissioners, Marilyn Bratsch, Jerry Gasow, Steve Boerner, Bill Shulte  
COUNCIL PRESENT: Tom Homme, Jim Landaas  
STAFF PRESENT: Kim Moore Sykes, City Administrator  

1. **Call Meeting To Order**  
Pursuant to due call and notice, thereof, the Planning and Zoning Commission was called to order in the City Hall Chambers by Chairperson Grack at 5:30 pm.

2. **Consider 4/12/17 Agenda**  
Revised 4/12/17 P&Z Agenda adding information on “follow up” from 3/8/17 P&Z Meeting under Other. Motion made by Commissioner Schulte, seconded by Commissioner Boerner to approve 4/12/17 P&Z Agenda with revision. Motion passed 7-0.

3. **Approval of 3/8/17 P&Z Meeting Minutes**  
Motion made by Council Homme, seconded by Commissioner Gasow to approve 3/8/17 P&Z Minutes as presented. Motion passed 7-0.

4. **Public Hearing 5:34 pm – Also see presented information - Innovative Power Systems, Evan Carlson; for Conditional Use Permit**  
Evan Carlson, representative for Innovative Power Systems, requesting a Conditional Use Permit (CUP) in a currently zoned “A” Agricultural/Residence District, with the intent to construct a COMMUNITY SOLAR GARDEN for property owner Georgia A. PINSKE located at 47522 280th Street, Gaylord, MN. The CUP is requested for a period of 35 years to a one megawatt A photovoltaic community solar gardens approximately eight (8) acres of land owned by Donovan PINSKE. SUMMARY OF DISCUSSION: The site was selected due to its physical characteristics, proximity to existing Xcel Energy electrical infrastructure and distribution lines, zoning and permitting requirements, and landowner participation. The garden would consist of approximately 3,888 solar panels; panels arranged in rows. Each row of solar panels will connect to an inverter. The inverters will be connected by directionally bored and underground conduit that is housed inside of biodegradable PVC housing which will be installed two (2) feet below the surface. The solar array will be contained within an area protected by a seven-foot (7) chain link fence with barbed wire on top of it.

IPS or its successors agree to be responsible for all decommissioning costs, and agree that any future buyer or successor of the project will assume the same decommissioning responsibilities.

IPS is still looking for subscribers within Sibley County and adjoining counties. Five (5) subscribers are needed for each panel and no one subscriber can have 40% ownership. Discussion held regarding Letter of Credit’s length of need being 35 years. If IPA defaults, cleanup goes to property owner; then City. Motion made by Council Homme to recommend Innovative Power Systems a Conditional Use Permit for 35 years stating it “will not impede the normal and orderly development and improvement of
surrounding vacant property,” for predominant uses in the area”, “there are adequate utilities, access roads, drainage and other necessary facilities have been or are being provided”, “soil conditions are adequate to accommodate the proposed use”, “that there is a demonstrated need for the proposed use”; with condition that vegetation be planted completely surrounding the area and the P&Z Commission will revisit the CUP after the first year; seconded by Commissioner Schulte. Motion passed 7-0.

5. **Discussion Items:**
   a. **Hot house, LLC Proposal – Jon Suedbeck and James Halbur**
      Jon Suedbeck is proposing to construct an industrial building at Nicollet Avenue East, the road between Melro St and the gravel Township road to house a Bio-Dri automated heat/dry system for livestock trailers to prevent the spread of various viruses. Concept in Review is that there would need to be a Request for Variance to Chapter 12 SUBDIVISION REGULATIONS, 152.069 Minimum Pavement Widths and surfaces Types. After much discussion, it was decided the property does not meet the requirements of a subdivision, therefore, a variance is not needed. It was recommended that Jon also check into the possibility of pursuing the Jim Peterson property south of Hwy 5/19 as an alternative site. It was recommended that City Administrator Sykes put this as an agenda item for the next City Council Meeting.

   b. **HAM Radio Antenna Proposal – Don Burgess**
      Jon Burgess purchased a house at 611-9th St Gaylord MN. He currently is a volunteer for the Sibley County Emergency Management System. The structure would be on a 5x5x5 cement pad on the edge of garage, tower made of aluminum, would be higher than a house antenna to avoid interference, all cables would go thru garage or basement or under soffit, at this location – no power lines or trees to interfere.

6. **Open Forum – Comments from Citizens in attendance – N/A**

7. **Other:**
   a. **Mobile Food Unit – documentation from Minnesota Department of Health – tabled**
   b. **Handicap parking follow up – tabled**
   c. **Survey of property for building permit**
   d. **Consider rezoning east side of Melro St from R2 – B3**
   e. **Junk yard property ownership**
   f. **Adjournment**

Motion made by Council Landaas; seconded by Council Homme to adjourn at 7:25 pm. Motion passed 7-0.
DATE: May 10, 2017

TO: Gaylord Planning and Zoning Commission

FROM: Kim Moore-Sykes, City Administrator

RE: Request to obtain a Conditional Use Permit (CUP) to construct an industrial building that will house a Bio-Dri automated heat/dry system for livestock semi-trailers at Nicollet Avenue East.

INTRODUCTION: The petitioner, Jon Suedbeck is proposing to construct an industrial building at Nicollet Avenue East to house a Bio-Dri automated heat/dry system for livestock trailers to prevent the spread of various viruses. Mr. Suedbeck is currently in negotiations with the owner to purchase lots 13, 14, 15, 16, and 17 Nicollet Avenue East. Sibley County will combine these lots into one parcel upon written request of the new owner once the purchase has been transacted and no outstanding tax liability exists. Nicollet Avenue East exists as a platted, unpaved gravel road, just south and adjacent to the lots Mr. Suedbeck is proposing to buy. Currently, Nicollet Avenue East has only occasional and cut-through traffic. Locating an industrial use on this road will increase the volume and weight of the vehicles that will need to use it.

BACKGROUND:

Existing Zoning: B-3

Property Location: Lots 13, 14, 15, 16, & 17 Nicollet Avenue East
Lot Size: Approx. 140'x.500'
Surrounding Land Use: B-3

Zoning History: Unimproved lots; to be combined into one Parcel

Applicable Regulations:
§153.115 – Purpose: B-3 (Section 12 of Ordinance 209.5)
§153.117 – Conditional Uses (Sec. 12 of Ordinance 209.5)
§153.120 – General Requirements (Ord. 209.5)
§153.119 – Height, Yard, Lot Size, Coverage (Ord. 209.5)

ANALYSIS AND RECOMMENDATION

The relevant zoning ordinance language is as follows:

**B-3 HIGHWAY COMMERCIAL DISTRICT**

§ 153.115 PURPOSE.
The B-3 Highway Commercial District is intended to provide a district allowing for the development of highway oriented businesses and uses which require concentrations of automobile traffic closely related to existing urban areas or major transportation routes. The
district is also intended to accommodate those commercial uses which may be incompatible with predominantly retail uses permitted in other business districts and whose service is not confined to any one neighborhood or community.
(Ord. 209.5, passed 12-14-1994)

§ 153.119 HEIGHT, YARD, LOT SIZE AND COVERAGE REGULATIONS.
(A) Height regulations. No structure shall exceed two stories or 30 feet in height.
(B) Yard regulations.
   (1) Front. 
      (a) Any lot of land abutting a federal, state, county or county state-aid highway, shall include in the front yard setback, a 36-foot wide service road right-of-way dedication to the city.
      (b) There shall be a front yard setback of not less than 50 feet from the service road right-of-way line.
      (c) In areas of infill development, where adjacent structures have front yard setbacks less than those required, the front yard setback shall be the average of the building line of the adjacent structure and the required setback. All efforts shall be made to ensure at least a 36-foot setback.
   (2) Side. There shall be a minimum side yard setback of not less than 30 feet.
   (3) Rear. There shall be a rear yard setback of not less than 30 feet.
(C) Lot size regulations.
   (1) Lot area. The minimum lot area shall be the area necessary to meet the required setbacks, parking, loading, buffering and other requirements set forth in this chapter.
   (2) Lot width and depth. Every lot or tract of land shall have a width of not less than 150 feet abutting a public right-of-way and shall have a depth of not less than 200 feet.
   (D) Lot coverage regulations. Not more than 35% of the lot shall be covered by buildings.
(Ord. 209.5, passed 12-14-1994)

§ 153.117 CONDITIONAL USES.
(A) Professional, governmental offices and buildings;
(B) Planned unit developments, as regulated in §§ 153.195 through 153.205;
(C) Shopping centers, including retail and service establishments, as a commercial planned unit development only; and
(D) Other uses as determined by the Planning and Zoning Commission to be of the same general character.
(Ord. 209.5, passed 12-14-1994)

In reviewing the CUP, the Commission shall consider if the request meets the following criteria: Staff has determined the following findings, but is subject to the Commission’s formal approval before a resolution can be prepared for final council approval.

Criteria #1 That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the immediate vicinity.

Finding #1 This has been found to be true based on the City Attorney’s Legal Opinion.
Criteria #2  That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
Finding #2  This has been found to be true.

Criteria #3  That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided for.
Finding #3  This has been found to be true based on the City Attorney’s Legal Opinion.

Criteria #4  That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
Finding #4  According to the Petitioner, there is and will be available off-street parking.

Criteria #5  That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will occur.
Finding #5  Given the general nature of the area, this has been found to be true.

Criteria #6  That soil conditions are adequate to accommodate the proposed use.
Finding #6  N/A

Criteria #7  That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
Finding #7  N/A

Criteria #8  That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.
Finding #8  N/A

Criteria #9  That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding area or not greater than the intensity characteristic of the applicable Zoning District.
Finding #9  Given the general nature of the area, this has been found to be true.

Criteria #10  That the proposed use is compatible with the City Land Use Plan.
Finding #10  This has been determined to be an acceptable land use according to the City’s Zoning plan.
 Criteria #11  That there is a demonstrated need for the proposed use.
Finding #11  The Petitioner has determined that there is a need for the proposed use and presented information supporting his information.

§ 153.120 GENERAL REQUIREMENTS.
Additional requirements for signs, parking and other regulations are set forth in §§ 153.195 through 153.205 of the City’s Zoning Ordinance.
(Ord. 209.5, passed 12-14-1994)

Staff is recommending approval of the CUP with the following conditions:
   1. Petitioner seeks a lot combination from Sibley County Recorder.
   2. Petitioner follows Zoning Requirements for B-3 Zoning District:

Attached you will find the CUP application for P&Z’s review and consideration.
MEMORANDUM

TO: Gaylord City Council and City Staff
FROM: Donald E. Lannoye
DATE: April 15, 2017
RE: Hot House LLC

Hot House LLC is currently in negotiations with a property owner to purchase lots 13, 14, 15, 16 and 17 on Nicollet Avenue East within the City of Gaylord. Once purchased, these lots will be combined into one parcel. Nicollet Avenue East exists as a platted, unpaved gravel road. Hot House LLC intends to improve the current condition of the gravel road. The question has arisen whether Hot House LLC needs a variance from current city code in order to improve the gravel road.

The City’s subdivision regulations, specifically 152.069 (G), requires a subdivider to install paved streets, along with curb and gutter. Therefore, on its face, it would be contrary to City Code to construct a gravel road rather than a paved road. The City’s subdivision regulations, however, are not applicable.

The subdivision regulations exist to detail procedures that must be followed when land is initially developed and platted. The land and street at issue are already platted. Therefore, under the City’s regulations, the street should have been paved at the time the area was platted. However, it is very likely that the City’s current subdivision regulations did not exist at the time the area was platted (the regulation at issue appears to have been passed in 2000 and the area was platted decades before that).

Because the area is already platted, Hot House LLC is not subject to the requirement to install a paved street. Hot House LLC is not creating the development. The development already exists. In my opinion, a variance is not needed.
CITY OF GAYLORD ZONING PERMIT NO. ZP 2017-07

Street Address of Property: 1060 Nicollet Ave E.

Legal Description (Attach a separate sheet if necessary and indicate here by writing "See Attached" on the following line):
See Attached

OWNER ▶ Name: ▶ Phone Number: 507 237 2025
Address: PO Box 794 Gaylord MN 55734

Brief Description of proposed project:
Construct a Hot House - a bio-dry facility to sanitize semi-trailers, hauling livestock.

Zoning District Within Which the Property is Located:
B-3

Sketch the proposed property and all fixed structures TO SCALE using the grid paper on the back of this form, showing the information listed below. If the lot is 174'x134' or less one square should equal two feet. If a other scale is used, indicate that scale.
1. North directional arrow.
2. Location of proposed and existing structures on the lot, with the uses clearly labeled (house, garage, driveways, utility sheds, deck, carport, septic systems, wells, etc.).
3. Dimensions of lot.
4. Dimensions of front, side and rear yard setbacks of proposed and existing structures.
5. Dimensions of proposed and existing structures.
6. Names and locations of streets which adjoin the property, alleys must also be identified.
7. Other information as may be requested.

Signature of Applicant: ▶ Date: 4-25-17

NOTE: This Zoning Permit is approved contingent upon the structure meeting conditions recited on this application and all applicable conditions contained in the Zoning Ordinance for the City of Gaylord. The Property Owner shall be responsible for any misinformation they've provided and any deviation from the information related to this application under the penalty provisions of the Zoning Ordinance of the City of Gaylord and other applicable law.

Signature of Zoning Administrator: ▶ Date: ▶

Zoning Administrator Notes:

Pd CR#: 45659
CITY OF GAYLORD
APPLICATION FOR CONDITIONAL USE PERMIT

Street Location of Property: Nicollet Ave East

Legal Description of Property: Sec-28 Top-113 Range-028
Lots 13-17

Owner: Hot Haus, LLC
Name: Jon Swedegaard
Address: PO Box 794
Telephone: 612 516 0640 cell
City: Gaylord
State: MN
Zip: 55334

Application for Conditional Use: Other uses as determined by the Planning and Zoning Commission to be of the same general character as the permitted uses are allowed as a conditional use.

Reason for Request: As per Dan Lavoie's opinion

I further state that if this request is granted, I will proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within 1 year(s) from said date; and that I am able from a financial, legal, and physical basis to do so.

NOTE: Site plan showing property lines and location of buildings attached.

Date: 4-25-17
Signature of Applicant
Dear Property Owner:

An application for a conditional use permit to the Zoning Ordinance has been filed with the Board of Adjustment by Jon Suedbeck, Hot House LLC; The property at issue is currently situated in a (B-3) Highway Commercial District, with the intent to construct a bio-dry facility to sanitize semi-trailers, hauling livestock. and is located along Nicollet Ave East. See map below.

If the conditional use permit is approved as requested the applicant will be allowed to construct a bio-dry facility to sanitize semi-trailers, hauling livestock.

A public hearing will be held by the Board of Adjustment on Wednesday, May 10th, 2017 at 5:30 p.m. in the Gaylord City Hall, at which time you may submit your views on the matter in person, by writing or by representative.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing. If you have any questions, please contact city hall at (507) 237-2338

Posted: Apr 27th, 2017
Published: Apr 26th, 2017

Kim Moore-Sykes
City Administrator
CITY OF GAYLORD
BOARD OF ADJUSTMENT AND APPEALS
PUBLIC NOTICE
CONDITIONAL USE PERMIT

Notice is hereby given that on Wednesday, the 10th day of May, 2017, at the hour of 5:30 P.M. in the Gaylord City Hall the Board of Adjustment will hold a public hearing on the application of Jon Suedbeck, Hot House LLC; for a Conditional Use Permit for the property located along Nicollet Ave East. The property is legally described as:

PID 32.0723.190, PID 32.0723.200, PID 32.0723.210, PID 32.0723.220, PID 32.0723.230
See attached descriptions.

The applicant is requesting a conditional use permit in the currently zoned (B-3) Highway Commercial District, with the intent to construct a bio-dry facility to sanitize semi-trailers, hauling livestock.

All persons wishing to be heard regarding this conditional use permit shall be allowed an opportunity at said public hearing at the time and place set forth. Written comments may be submitted to the City Administrator prior to and at the public hearing.

Kimi Moore-Sykes
City Administrator

PUBLISHED: Apr 27th, 2017
POSTED: Apr 26th, 2017
R32.0723.190  Sect-28 Twp-113 Range-028, Messner First Addition, Lot-013 Block-002, .32 AC
R32.0723.200  Sect-28 Twp-113 Range-028, Messner First Addition, Lot-014 Block-002, .32 AC
R32.0723.210  Sect-28 Twp-113 Range-028, Messner First Addition, Lot-015 Block-002, .32 AC
R32.0723.220  Sect-28 Twp-113 Range-028, Messner First Addition, Lot-016 Block-002, .32 AC
R32.0723.230  Sect-28 Twp-113 Range-028, Messner First Addition, Lot-017 Block-002, .32 AC
May 4, 2017

Kim Moore-Sykes
City Administrator
P.O. Box 987
Gaylord, MN. 55334-0124

Since I am not sure that I will be able to attend the May 10th meeting regard the Jon Suedbeck, Hot House LLC I am sending in my concern. I am Robert Skorczewski and I own the building at 188 Melroe St. I have no problem with Jon being able to put up his building, but when the road is finished, I want to make sure that it is at a height where I can back up from the road into my building.

If you have any questions regarding this letter, please feel free to give me a call at 952-414-3319.

Yours truly,

Robert Skorczewski