

**CITY OF GAYLORD**  
**Planning and Zoning Commission Agenda**  
Wednesday, May 10, 2017  
5:30 p.m., City Hall

1. Call Meeting to Order
  2. Consider 5/10/2017 Agenda
  3. Approval of Minutes –
    - a. April 12<sup>th</sup> 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 280<sup>th</sup> 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 611-9<sup>th</sup> 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.

8. Adjournment

Motion made by Council Landaas; seconded by Council Homme to adjourn at 7:25 pm.  
Motion passed 7-0.

---

**CITY OF GAYLORD  
MEMORANDUM**

---

**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:**

<b>Existing Zoning:</b>	B-3
<b>Property Location:</b>	Lots 13, 14, 15, 16, & 17 Nicollet Avenue East
<b>Lot Size:</b>	Approx. 140'x.500'
<b>Surrounding Land Use:</b>	B-3
<b>Zoning History:</b>	Unimproved lots; to be combined into one Parcel
<b>Applicable Regulations:</b>	§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.

## Schauer Law Office

Attorneys at Law

David E. Schauer  
Associates:  
Donald E. Lannoye  
Roxann M Beranek

307 Pleasant Avenue, P.O. Box H  
Winthrop, MN 55396  
PH. (507) 647-5377  
Fax (507) 647-5376

### MEMORANDUM

TO: Gaylord City Council and City Staff

FROM: Donald E. Lannoye

DATE: April 25, 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. ZP2017-07

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 55334

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: [Signature] 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

Application Fee \$250.00

# CITY OF GAYLORD

## APPLICATION FOR CONDITIONAL USE PERMIT

Street Location of Property <sup>1060</sup> Nicollet Ave East

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

Owner Hot Haus, LLC PO Box 794 507 237 2025 Office  
Name Address Telephone

Applicant Jon Suedbeck PO Box 794 507 237 5958 Home  
Name Address Telephone

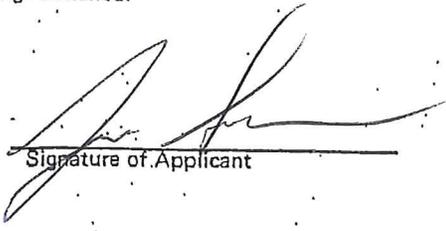
Description of Request: Other uses as determined by  
the Planning and Zoning Commission to be of  
the same general character as the permitted  
uses are allowed as a conditional use.

Reason for Request: as per Don Lannoye'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.

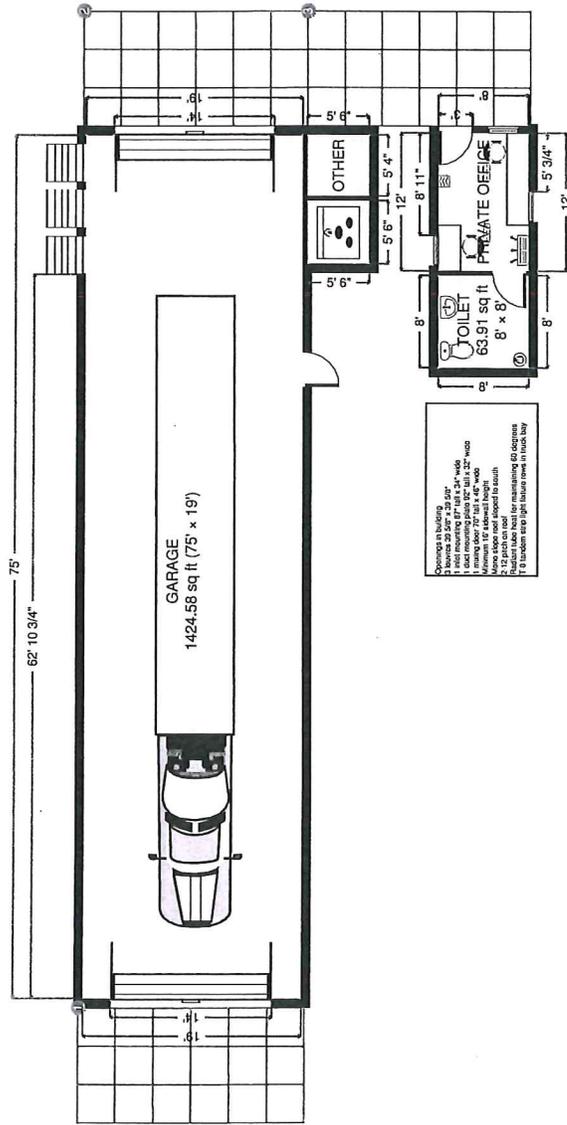
NOTE: Site plan showing property lines and location of buildings attached.

Date: 4-25-17

  
Signature of Applicant

# Plan 2

## 1st Floor



Openings in building:  
 1. Minimum 20 sq ft for 24" x 24" x 8" wide  
 2. 1' x 1' door opening  
 3. 1' x 1' door opening  
 4. 1' x 1' door opening  
 5. 1' x 1' door opening  
 6. 1' x 1' door opening  
 7. 1' x 1' door opening  
 8. 1' x 1' door opening  
 9. 1' x 1' door opening  
 10. 1' x 1' door opening  
 11. 1' x 1' door opening  
 12. 1' x 1' door opening  
 13. 1' x 1' door opening  
 14. 1' x 1' door opening  
 15. 1' x 1' door opening  
 16. 1' x 1' door opening  
 17. 1' x 1' door opening  
 18. 1' x 1' door opening  
 19. 1' x 1' door opening  
 20. 1' x 1' door opening  
 21. 1' x 1' door opening  
 22. 1' x 1' door opening  
 23. 1' x 1' door opening  
 24. 1' x 1' door opening  
 25. 1' x 1' door opening  
 26. 1' x 1' door opening  
 27. 1' x 1' door opening  
 28. 1' x 1' door opening  
 29. 1' x 1' door opening  
 30. 1' x 1' door opening  
 31. 1' x 1' door opening  
 32. 1' x 1' door opening  
 33. 1' x 1' door opening  
 34. 1' x 1' door opening  
 35. 1' x 1' door opening  
 36. 1' x 1' door opening  
 37. 1' x 1' door opening  
 38. 1' x 1' door opening  
 39. 1' x 1' door opening  
 40. 1' x 1' door opening  
 41. 1' x 1' door opening  
 42. 1' x 1' door opening  
 43. 1' x 1' door opening  
 44. 1' x 1' door opening  
 45. 1' x 1' door opening  
 46. 1' x 1' door opening  
 47. 1' x 1' door opening  
 48. 1' x 1' door opening  
 49. 1' x 1' door opening  
 50. 1' x 1' door opening  
 51. 1' x 1' door opening  
 52. 1' x 1' door opening  
 53. 1' x 1' door opening  
 54. 1' x 1' door opening  
 55. 1' x 1' door opening  
 56. 1' x 1' door opening  
 57. 1' x 1' door opening  
 58. 1' x 1' door opening  
 59. 1' x 1' door opening  
 60. 1' x 1' door opening  
 61. 1' x 1' door opening  
 62. 1' x 1' door opening  
 63. 1' x 1' door opening  
 64. 1' x 1' door opening  
 65. 1' x 1' door opening  
 66. 1' x 1' door opening  
 67. 1' x 1' door opening  
 68. 1' x 1' door opening  
 69. 1' x 1' door opening  
 70. 1' x 1' door opening  
 71. 1' x 1' door opening  
 72. 1' x 1' door opening  
 73. 1' x 1' door opening  
 74. 1' x 1' door opening  
 75. 1' x 1' door opening  
 76. 1' x 1' door opening  
 77. 1' x 1' door opening  
 78. 1' x 1' door opening  
 79. 1' x 1' door opening  
 80. 1' x 1' door opening  
 81. 1' x 1' door opening  
 82. 1' x 1' door opening  
 83. 1' x 1' door opening  
 84. 1' x 1' door opening  
 85. 1' x 1' door opening  
 86. 1' x 1' door opening  
 87. 1' x 1' door opening  
 88. 1' x 1' door opening  
 89. 1' x 1' door opening  
 90. 1' x 1' door opening  
 91. 1' x 1' door opening  
 92. 1' x 1' door opening  
 93. 1' x 1' door opening  
 94. 1' x 1' door opening  
 95. 1' x 1' door opening  
 96. 1' x 1' door opening  
 97. 1' x 1' door opening  
 98. 1' x 1' door opening  
 99. 1' x 1' door opening  
 100. 1' x 1' door opening

2017-01-08

219 sq ft

1 Floor

1 Office

0 Conf. room

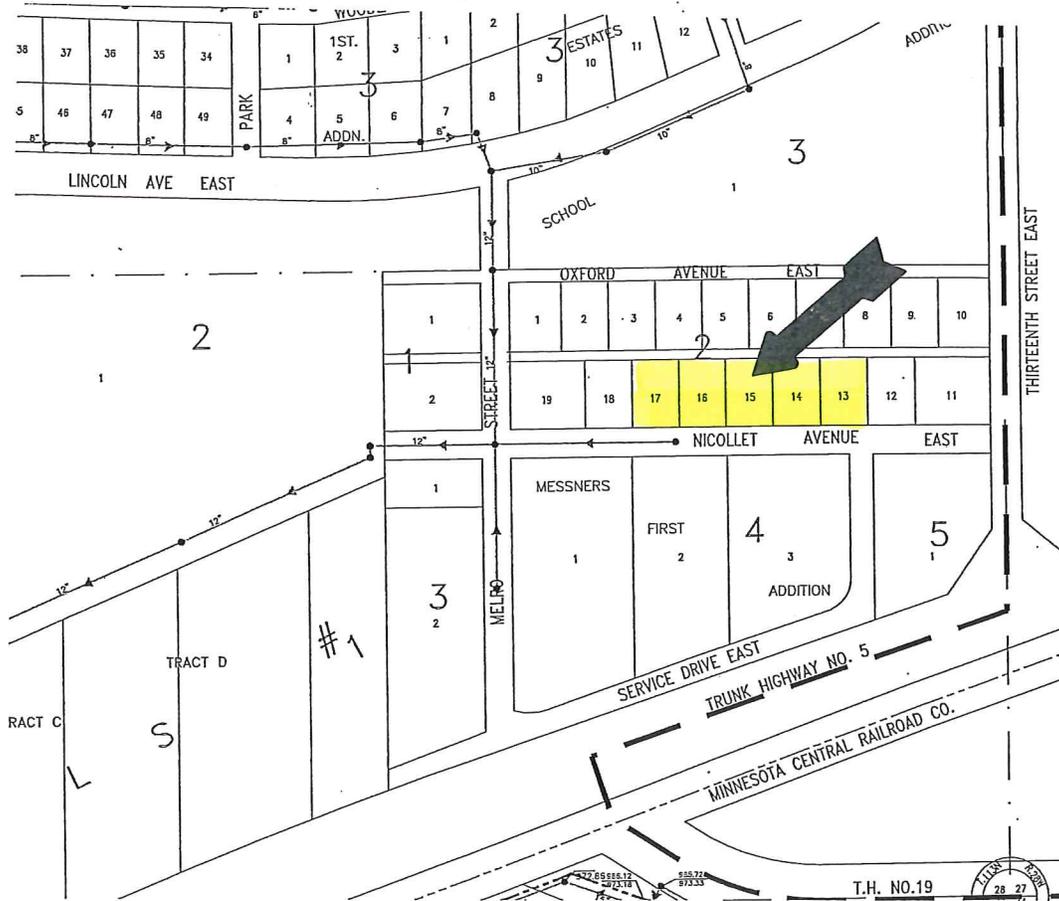
THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.



**CITY OF GAYLORD**  
**BOARD OF ADJUSTMENT AND APPEALS**  
**NOTICE TO ADJOINING PROPERTY OWNERS**

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 10<sup>th</sup>, 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 27<sup>th</sup>, 2017  
Published: Apr 26<sup>th</sup>, 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 10<sup>th</sup> 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.



Kim Moore-Sykes  
City Administrator

PUBLISHED: Apr 27<sup>th</sup>, 2017  
POSTED: Apr 26<sup>th</sup>, 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

Rec'd 5/5/2017

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 10<sup>th</sup> 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