

**CITY OF COHASSET  
PLANNING COMMISSION MINUTES  
305 NORTHWEST FIRST AVE, COHASSET, MINNESOTA  
WEDNESDAY, NOVEMBER 4, 2015, 6:00 P.M.**

1. **Call Meeting to Order:** Chair Steve Brown called the meeting to order at 6:03 p.m.

2. **Roll Call**

- a. **Voting Members Present:** Steve Brown, Josh Casper, John Chell, Johnnie Fulton, Lois Kirschbaum, & Steve Otto.
- b. **Absent with Notice:** Brian Kielpinski
- c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle and City Council Liaison Jason Tabaka
- d. **Others Present:** City Attorney John Licke, Mark Zimmerman, Randy McCarty, Jim Affleck, Jerry Kleven, Brian Williams, and Paul Shorma

3. **Review and Approve Agenda**

- a. **Additions:** Expiring terms (#9)
- b. **Deletions:** None

*A motion was made by Chell/Casper to approve the agenda as amended. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum and Otto; voting against: None; Absent: Kielpinski. Motion carried.*

4. **Resident Input** – None

5. **Review & Approve Planning Commission Minutes of October 7, 2015:** *A motion was made by Fulton/Otto to approve the October 7, 2015 minutes as written. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum and Otto; voting against: None; Absent: Kielpinski. Motion carried.*

6. **Public Hearing** to act on a variance request to allow Jerry Kleven a septic absorption treatment area no closer than 14 feet from the house (ordinance requires a minimum of 20 feet) for the property located at 3001 Old Golf Course Road (PIN# 05-500-0060) and legally described as Lot 6 in the Plat of Lester Park, Section 25, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota.

Zoning Officer Greg Tuttle summarized the informational packet and answered questions. City Attorney John Licke explained the standards for practical difficulties.

Property owner Jerry Kleven explained he is seeking the variance because he plans to sell the property and wants to bring the septic system into compliance to make it more marketable.

Chair Brown asked if there was anyone present to speak in favor of the variance.

**Randy McCarty, President of the Pokegama Lake Association** congratulated Kleven for bringing his septic into compliance and is in favor of the variance.

Chair Brown asked if there was anyone opposed to the variance request. There was no response.

Tuttle presented letters in support of the variance from neighbors Jeff Davies and Bill Sergot.

Brown closed the public portion of the hearing. *A motion was made by Fulton/Casper to grant the variance as presented.*

The Findings of Fact were reviewed:

**1. Are there practical difficulties in complying with the zoning ordinance? “Practical difficulties” means that the property owner’s proposed improvements are reasonable (economic considerations alone shall not constitute “practical difficulties”).**

Fulton answered yes, noting the variance is required to bring the septic system up to compliance. All Commissioners agreed.

**2. Are the circumstances which justify the variance unique to the property and not created by the applicant?**

Casper answered yes, noting the location of the house, the narrow lot, the mottled soil, and the steep slope all contribute to the need for a variance to make the septic system compliant. All Commissioners agreed.

**3. If granted, will the variance maintain the essential character of the locality? Is the proposed improvement anything more than others in the area already have?**

Chell answered yes, noting that the home is a single family residence in a neighborhood of the same and there is an established setback that blends with the neighborhood. All Commissioners agreed.

**4. If granted, will the variance be in harmony with the general purpose and intent of the zoning ordinance?**

Otto answered yes, noting that the treatment area is 14 feet from the house and a full basement height below the main floor which diminishes the chance of contamination and is not in conflict with the intent of the ordinance. All Commissioners agreed.

**5. If granted, will the variance be consistent with the Comprehensive Plan?**

Kirschbaum answered yes, noting that the update must be done and she believes the request is consistent with the Comprehensive Plan.

*Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum and Otto; voting against: None; Absent: Kielpinski. Motion carried.*

7. **Itasca Economic Development Authority (IEDC)** request to rezone from Cohasset Industrial Park/Rural Industrial (CIP/RI) to Heavy Industrial (HI) the following properties in Section 24, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota and legally described as follows:

- a. East ½ of the Southeast ¼ of the Northeast ¼ (PIN # 05-024-1401) CIP
- b. East ½ of the Northeast ¼ of the Southeast ¼ (PIN# 05-024-4101) CIP
- c. Part of the Southeast ¼ of the Southeast ¼ lying East of the County Road (PIN # 05-024-4401) CIP
- d. South 300 feet of the West ½ of the Northeast ¼ of the Southeast ¼ lying East of County Road 76 (PIN# 05-024-4104) RI

Zoning Officer Greg Tuttle summarized the informational packet and Mark Zimmerman outlined the rezone request. After questions and discussion, the Facts of Finding were reviewed.

**1. Will the uses permitted by the proposed zone district change be appropriate for the surrounding area?**

Brown answered yes. Otto indicated that some buffer should be maintained between Heavy Industrial and Residential. Casper-agree; Chell-agree; Fulton-agree; Kirschbaum-agree; Otto-disagree.

**2. Are the public utilities currently adequate (or planned) to service the types of uses allowed by the proposed zone district change?**

Otto answered yes and noted that utilities are in place. All Commissioners agreed.

**3. Is there a need to consider additional properties with the proposed zone district?**

Chell answered no because there are other HI properties within the city. All Commissioners agreed.

**4. What effect will the proposed zone district change have upon existing neighborhoods, commercial districts or industrial areas in the community?**

Fulton indicated the rezone would make the area more compliant with other industrial sites adjacent to it. All Commissioners agreed.

**5. Is the proposed zone district change consistent with the existing uses and zoning within the general area of the property in question?**

Kirschbaum answered yes. Casper agreed and mentioned that other heavy industrial – or similar to it is surrounding the area, so it is consistent. All Commissioners agreed.

**6. Is the proposed zone district changes the minimum adjustment necessary to allow reasonable use of the property?**

Brown answered yes and noted that this is the minimum adjustment necessary to get the best use of the land. All Commissioners agreed.

**7. How does the proposed zone district change compliment the City's long range development goals?**

Otto answered that the long range development goal is to expand the industrial base and it is also in compliance with City goals. All Commissioners agreed.

**8. Are there any other relevant issues which should be considered pertaining to this proposed zone district change?**

Fulton answered her only issue is to proceed carefully in regard to the abutment between heavy industrial and residential. All Commissioners agreed. Otto mentioned that the City had just had an issue with heavy industrial abutting residential on the west side of downtown.

*A motion was made by Chell/Casper to recommend City Council approve the rezone as proposed. Voting in favor: Brown, Casper, Chell, Fulton, and Kirschbaum; voting against: Otto; Absent: Kielpinski. Motion carried.* Otto indicated he voted no due to the need for a buffer between heavy industrial and residential zones.

**8. Consider proposed changes to Zoning Ordinance section 10.103 regarding signs:** Zoning Officer Greg Tuttle summarized the informational packet and proposed three amendments to the ordinance. Attorney Licke suggested an alternate proposal to set up a district where off-site advertising would be allowed.

Chair Steve Brown suggested that Attorney Licke, two members of the Planning Commission, two representatives from Daktronics Sign Company, and applicant Paul Shorma form an ad hoc committee to study the issue. Licke pointed out that placing salespeople from a sign company and the sign applicant on an ad hoc committee is a conflict of interest, but it will be a public meeting and they can attend as non-members.

After discussion, Brown tabled the item until January for the ad hoc committee report.

*A motion was made by Otto/Fulton to appoint Steve Brown, John Chell, John Licke, Max Peters, and Greg Tuttle to an ad hoc committee to study the sign ordinance. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum and Otto; voting against: None; Absent: Kielpinski. Motion carried.*

**9. Consider proposed changes to Blight Ordinance section 2 (d) 8 regarding noise**  
Tuttle explained that the existing language in the ordinance is as follows: *All loud and discordant noises or vibrations of any kind except for construction and other temporary and approved activities between the hours of 7:00 a.m. and 10:00 p.m.*

The proposed change is as follows: *All noise in violation of Minnesota Rules Chapter 7030.*

*After discussion a motion was made by Fulton/Casper to make a City Council recommendation to adopt the new language as outlined above. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum and Otto; voting against: None; Absent: Kielpinski. Motion carried.*

**9. Expiring Terms:** Tuttle announced that John Chell, Brian Kielpinski, and Steve Otto have expiring terms in 2016 and they should reapply if interested in serving.

**Adjourn:** Brown adjourned the meeting at 7:50 p.m.

Submitted by Deputy Clerk Karen Mester

Approved: January 6, 2016