

**ALBANY TOWNSHIP
PLANNING COMMISSION
SITE VISIT**

On May 8, at 6:45 P.M. The Planning Commission held a sight visit at 21837 County Road 54, to review the planned site for a billboard. The meeting was called to order by Chair Mike Noll, members present, Commissioners, Mike Noll, Joe Peternell, Zoning administrator Jerry Forster, Supervisor Mary Rosen, and Clerk Diane Noll, Absent Gary Bloch.

The location of the proposed billboard was reviewed. It was noted that the requested location would be within the right of way of County Road 54, and owner would need an additional County variance to be in compliance. The meeting was continued at City Hall.

**Monthly Meeting
and
PUBLIC HEARING
May 8, 2018**

The May 8, 2018 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Chair Mike Noll at Albany City Hall Council Chambers. Members present Mike Noll, Joe Peternell, and Zoning Administrator, Jerry Forster. Absent-Gary Bloch. Also present, Supervisor Mary Rosen; Clerk Diane Noll.

The Pledge was recited.

APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Commissioner Peternell, seconded by Commissioner Noll, motion carried.

APPROVAL OF MINUTES

A motion to approve the minutes of April 10, 2018, was made by Commissioner Peternell, seconded by Commissioner Noll, motion carried.

OPEN FORUM - None

PUBLIC HEARINGS

VARIANCE- WITH IN 200 FEET OF SCHOOL PROPERTY, Off Premise Electronic Bill Board

Location of property: 21837 County Road 54, Albany MN

Section: 22 Township: 125 Range 031

Parcel No: 01.00207.0000

Applicant/Property Owner: Lucky LLC/Bryan Schiffler

PO Box 612

Albany MN 56307

DESCRIPTION OF PROPOSAL

The applicant is requesting a variance to erect an off-premise sign within 200 feet of school property. In accordance with County Ordinance 439, section 7.24.7 B. No off-premise sign (billboard)

shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.

Correspondence Received: Letter in support form Albany Area Schools.

See Attached "Findings of Fact"

A motion to recommend to the Albany Township Board approval of the variance of a less than 200 foot set back from school property was made by Commissioner Joe Peternell, seconded by Commissioner Mike Noll, motion carried.

CONDITIONAL USE PERMIT

DESCRIPTION OF PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to erect an off premise Electronic Bill Board in a commercial area. In accordance with County Ordinance 439, Section 7.24.7 A. Off-premise signs (billboards) may be permitted as a conditional use in any industrial district and the commercial district, providing sign has no more than two surfaces and the total square footage of the sign surface area is not more than six hundred (600) square feet for signs located along principal arterial streets. On other streets, the total square footage of sign area shall not be more than four hundred (400) square feet.

SITE INFORMATION

Location of property: 21837 County Road 54, Albany MN
Section: 22 Township: 125 Range 031

Parcel No: 01.00207.0000

Zoning: Commercial

PUBLIC INPUT

Letter of support from Albany Area Schools

See attached CUP information

The sign location is proposed to be within the required 10 foot set back from the county road. Owner will need to contact the county for a variance.

A motion to recommend to the Township Board, the approval of the CUP contingent on meeting the county requirement for the setback from the road right of way. The sign will be 13 feet off the curb, which will be further off the road than existing cement barriers. Motion made by Commissioner Peternell, seconded by Commissioner Mike Noll, motion carried.

NEW BUSINESS-NONE

OLD BUSINESS-NONE

BUILDING PERMITS- Jerry Forster

John Greer, 21352 St Anna Drive, Albany MN-Home addition

Jeff Schemel, 23602 325 Street, Albany MN- Accessory Building

COMMUNICATIONS

The County Planning Commission has approved the amended variance for Gerads (20959 St Anna Drive, Albany MN) chicken barn. They may put the fans on the north side with the recommendation of placing a tree buffer between the barn and the neighbors residence.

ADJOURNMENT

There being no further business to come before this meeting, a motion to adjourn was made by Commissioner Peternell, seconded by Commissioner Noll, motion carried.

Meeting adjourned at 8 P.M.

Respectfully submitted,

Diane E Noll

Diane E Noll
Clerk/Treasurer

Approved: _____ *Michael J Noll* _____ Date: July 10, 2018
Planning Commission Chair

NAME OF APPLICANT: Lucky LLC/Brian Schiffler DATE: May 8, 2018

VARIANCE REQUESTED: County Ordinance 7.24.7 B billboard shall not be within 200 feet of church or school property Requesting to build billboard within 200 feet of school property.

A variance may be granted only when it is in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan and where the strict enforcement of township zoning controls will result in a practical difficulty. A determination that a "practical difficulty" exists is based upon the consideration of the following criteria as defined in Minnesota Statutes, Section 394.27:

1. The proposed use is allowed in the zoning districts in which the subject property is located? **YES** or NO

2. The variance will be in harmony with the general purposes and intent of the official control(s) any related Ordinances? **YES** or NO

3. The variance will be consistent with the Comprehensive Plan? **YES** or NO
It is will also improve the area.

4. The variance may be granted if there are Practical Difficulties in complying with the official control(s):

a. The property owner proposes to use the property in a reasonable manner? **YES** or NO
50 % if bill board is community/school use

b. The plight of the landowner is due to circumstances unique to the property, not created by the landowner? **YES** or NO

c. The variance, if granted, will not alter the essential character of the locality? **YES** or NO
This is a commercial zoned area; the clean up of this lot will improve the character of the area.

d. The need for the variance involves more than economic considerations? **YES** or NO
There are no economic considerations.

The Township should consider each of the elements listed above. If any one element is voted "NO" in the majority, then the criteria for granting a variance, per Minnesota Statutes, Section 391.27, has NOT been met and the variance, as requested, should be denied.

Planning Commission Recommended Action:

A motion to recommend to the Albany Township Board approval of the variance of a less than 200 foot set back from school property was made by Commissioner Joe Peternell, seconded by Commissioner Mike Noll, motion carried

ALBANY TOWNSHIP
FINDINGS OF FACT WORKSHEET
CONDITIONAL USE PERMIT
Review of Albany Land Use and Zoning Ordinance
Page 10 Section 4.8.1 Application for Conditional Use Permit

Criteria for granting Conditional Use Permits

In granting a conditional use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:

1 The use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities and utilities which serve or are proposed to serve the area.

There is no burden placed on the school.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residential zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.

The property is zoned as commercial, sign will have no effect on property values.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties. Sign will improve the appearance of the area.

4. The use in the opinion of the Planning Commission and Town Board is reasonably related to the existing land use. This is commercial property, this is a reasonable use. The proposed location would not be in compliance with the County Road set back. Owner will need to contact the County for a variance.

5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. Zoning ordinance allows signs in commercial districts.

6. The use is not in conflict with the Land Use Plan of the Township and County. The parcel is located next to city property and does not conflict with the land use plan.

7. The use will not cause traffic hazards or congestion. Proposal will not cause traffic congestion

8. The proposed use will not have a negative effect on groundwater, surface water and air quality. No effect. Does not apply

9. Financial assurance mechanisms to guarantee reclamation or cleanup. Does not apply

10. The effect of the proposed use on property values and scenic views in the surrounding area.

a. Increasing the required lot size or yard dimension Not Applicable

b. Limiting the height, size or location of building Not Applicable

c. Controlling the location and number of vehicle access points Not Applicable

d. Increasing the street width : any damage to township roads or right of way during

construction or operation, will be the responsibility of the applicant, to restore to original conditions. **Not Applicable**

e. Increasing the number of required off-street parking spaces **Not Applicable**

f. Limiting the number, size location of lighting and signs **-Only one sign is requested.**

g. Requiring diking, fencing, screening landscaping or other facilities to protect adjacent or nearby property **Not Applicable**

h. Designation of open space **Not Applicable**

I. Annual review if deemed appropriate by the Town Board **Not Applicable**

Planning Commission Recommended Action:

The sign location is proposed to be within the required 10 foot set back from the county road. Owner will need to contact the county for a variance.

A motion to recommend to the Township Board, the approval of the CUP contingent on meeting the county requirement for the setback of the road. The sign will be 13 feet off the curb, which will be further off the road than existing cement barriers. Motion made by Commissioner Peternell, seconded by Commissioner Mike Noll, motion carried.