

**ALBANY TOWNSHIP  
PLANNING COMMISSION  
Monthly Meeting  
and  
Public Hearing  
Tuesday, April 13, 2021**

The April 13, 2021 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Clerk Diane Noll at the Albany City Hall Council Chambers. Members present, Joe Peternell, Gary Bloch and Mike Noll. Also present, Clerk Diane Noll, Supervisor Mary Rosen, and Zoning Administrator Jerry Forster.

The Pledge of Allegiance was recited.

Joe Peternell has been reappointed by the Town Board to the Commission for a additional three year term.

**ELECTIONS OF OFFICERS**

**Nomination for Chair**

A motion to nominate Commissioner Joe Peternell as Chair person was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

**Nomination for Vice-Chair**

A motion to nominate Commissioner Michael Noll for Vice Chair was made by Commissioner Peternell seconded by Commissioner Bloch, motion carried.

At this point, Chair Peternell resumed the duties of the meeting.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

A motion to approve the minutes of monthly meeting of February 9, 2021, as presented was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

**OPEN FORUM**

**NEW BUSINESS**

a. NHM Properties, Nathan Haakanson Fifth Lake Road, Albany

PIN 01.00330.0007 Permit for application for approach (after the fact)

Mr. Haakanson has completed an approach for a driveway prior to completing a permit.

Administrator Forster is stating that the contractor started work prior to the knowledge of the owner. There is also a shared approach on the north end of the property, this approach is shared with Michael and Diane Noll. They no longer need/use the approach and it can be removed.

The new approach is on the side of a hill and line of sight has not been checked. Commissioner Noll is requesting to have the County or MNDOT do the measurement and have

representatives from the township on sight when testing is done.

**ACTION:** A motion to recommend to the Township Board to not approve the permit for an approach until the existing approach is removed and a line of sight measurement is completed was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried, unanimously.

Clerk Noll will contact the County for their assistance. Commissioner Noll requested Chair Nierenhausen, Administrator Forster and PC member be present at the verification of sight measurement.

b. Loren Pelzer, 35512 County Road 10, Albany MN

History: in 2016 Mr. Pelzer requested to have this property rezoned from A40-R1. His request was approved and he split the 3 acre parcel as follows:

01.00347.0005 Acres: +/-1.96 and 01.00368.0180 Acres +/- 1.72

Pelzer is now requesting to adjust the lot lines as follows:

New acreage:

01.00347.0005 Acres: +/-1.01 and 01.00368.0180 Acres +/- 2.77

**ACTION:** A motion to recommend approval of the adjustment of the lot lines made by Commissioner Bloch, seconded by Commissioner Noll. Motion carried, unanimously.

c. Duane & Elaine Ebensteiner, 21190 Pioneer View Road, Albany MN

Certificate of Compliance-Administrative Subdivision

Parcel number: 01.00104.0030 Section 14, Twp 125 Range 031, Acres +/-40.00

The Ebensteiners are proposing the following:

Split to the following:

Block 1/Lot 1, +/-5.18 acres, administrative subdivision for new building site

**ACTION:** A motion to recommend approve of the administrative split was made by Commissioner Bloch, seconded by Commissioner Peternell. Roll call vote: Bloch-yes, Petnerell-yes, Noll-Nay

## **PUBLIC HEARING**

Duane & Elaine Ebensteiner, 21190 Pioneer View Road, Albany MN  
Rezoning request from A40-R5

### **Procedure for Public Hearing**

#### **Following the call to order and introductions, Chair will make the following statement:**

This is a public hearing to consider the proposed Request for a Zoning Change by Duane & Elaine Ebensteiner. This Public Hearing is part of the legal procedure that the Albany Township Planning Commission is required to follow regarding the Change of zoning, as mandated by MN State Statute 394.26 and 375.51. The Planning Commission is a recommending board, and will advise the Township board of their recommendation. The Township Board recommends to the County, and they will have the final decision on Zoning. The Township Board of Supervisors will take into account what is said at this hearing and give their recommendation to the County. "The Township Clerk will now read, for the record, the notice of this public hearing.

#### **Reading of Hearing Notice-Clerk Noll**

Notice is hereby given, that the Albany Township Planning Commission will meet on APRIL 13, 2021 7:30 P.M. at Albany City Hall, 400 Railroad Ave, Albany MN for the purpose of giving consideration to the following:

Rezoning request proposed by Duane & Elaine Ebensteiner (Leah Reding); the parcel is legally described as the

Northwest Quarter of Section 14, Township 125 North, Range 31 West. PIN: 01.00101.0030, located at 21190 Pioneer View Road, Albany MN, 56307

The zoning designation of the parcel is proposed to change from Agricultural District A-40 to R5. Notice was sent to neighbors within ½ mile of proposal, it was also Posted/Published in the Albany Star Post, Wednesday, March 31, 2021.

**PUBLIC HEARING PROCEDURE-Chair**

Discussion will be limited to the requested Proposed amendments.

Anyone wishing to comment or ask questions will be allowed to do so.

No speaker will be permitted to speak more than twice except to answer a question from the board.

Each speaker will be limited to a total of 2 minutes.

No applause or interruptions are permitted.

All comments must be directed to the chair.

Each person must state his or her name and address before speaking.

The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision.

**READING FOR REQUEST FOR CHANGE IN ZONING-Clerk Noll**

On December 10, 2020 Albany Township received a request from Duane & Elaine Ebensteiner to rezone a 5 acre parcel from A40 to R5. Duane & Elaine are planning on selling this parcel to their daughter, Leah Reding to build a house. To the north of this parcel are ten (10) five (5) acre lots in the Tower View Acres subdivision, zoned as R5. The original parcel is a parcel of record prior to April 21, 2000. To the East of this parcel is an active farm with a feed lot.

COMMUNICATIONS FROM THE PUBLIC- Richard and Lois Klug, 20789 County Road 154, the neighbor adjacent to the east has contacted Clerk Noll and are against this proposal, correspondence from Mr. and Mrs. Klug was read.

Present at the Public Hearing:

Randy Lockridge, 21405 Pioneer View Road, Albany

Grant Tomsche, 21291 Pioneer View Road, Albany

Duane & Elaine Ebensteiner, 21190 Pioneer View Road, Albany

Dustin & Leah Reding, (family of Ebensteiner's)

ALBANY TOWNSHIP FINDINGS OF FACT RE-ZONING REQUEST

NAME OF APPLICANT: Duane & Elaine Ebensteiner (Dustin & Leah Reding) DATE: April 13, 2021

ADDRESS: 21190 Pioneer View Road, Albany MN ACRES: 40 ACRES

Findings shall be made in either recommending approval or denial of a rezoning application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Does the proposal conform to the Townships Comprehensive Plan? Why or why not?  
*Chapter 4 Land Use Residential Goal-Yes, it provides quality controlled growth that respects natural resources and attains the existing character of the township. Will have little if any effect on prime ag land.*  
*Commissioner Noll-The new residence, may have an effect on the neighbors farm land and feedlot.*  
*Commissioner Bloch-yes, Commissioner Peternell-yes, Commissioner Noll-Nay*
  
2. Is the proposed rezoning compatible with the present and future land uses in the area of the proposal? Present Zoning A40 Proposed Zoning R5  
*The proposed re-zoning has residential areas on 3 sides and is in close proximity to the city limits. The nearest feed lot to the east is 619 feet from the lot line. Residence will need to be built outside of the 700 foot limitation. Commissioner Noll does not feel it is compatible, because it is encroaching on the feed lot.*  
*Commissioner Bloch-yes, Commissioner Peternell-yes, Commissioner Noll-Nay*
  
3. If the property is rezoned, how will the environmental impacts be addressed?  
*A wetland determination has been completed by Stearns County Environmental Services. They have found this to be in compliance.*
  
4. What are the potential impacts of the rezoning on the property values of the area in which it is proposed?  
*Little or no change to property value.*
  
5. Is there a potential for public health safety or traffic generation impacts based on the proposed rezoning and how will they be addressed?  
*There will be no traffic increase, or public safety issues.*
  
6. How are the potential impacts of the proposal on existing public services and facilities including schools, parks, streets and utilities being addressed and will this rezoning potentially overburden the service capacity?  
*No potential over burden of services.*
  
7. Other issues pertinent to this matter:  
*Farmer has concerns about future farming and problems with a possible feed lot expansion.*

The Planning Commission is a recommending body to the Township Board, any motion relating to the rezoning should be made in that context.

ACTION: A motion to recommend to the Albany Township Board approval of the 5 acres, located at 21190 Pioneer View Road, be Re-Zoned from A40 to R5, with this being forwarded to the county was made by Commissioner Peternell seconded by Commissioner Bloch, motion carried .

Peternell-yes, Bloch-yes, Noll-No

Township meeting, Monday April 26, 7:30 PM

**OLD BUSINESS-None  
REPORTS**

Building permits-Administrator Forster  
All permits were on the agenda for this evening meeting.

It was suggested we add line of sight requirements to our road ordinance.

**COMMUNICATIONS**

**ADJOURNMENT**

A motion to adjourn was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

Meeting adjourned at 9 P.M.

Respectfully submitted,

*Diane E Noll*

Diane E Noll  
Clerk/Treasurer

Approved Minutes:           *Joe Peternell*           Date: June 8, 2021