MCLEOD COUNTY

PLANNING ADVISORY COMMISSION MEETING

Wednesday, June 28, 2023 @ 8:30 A.M.

> Road Tour Departure at 8:00 a.m.<

Environmental Services, Large Conference Room
1065 5th Avenue, Hutchinson, MN 55350 (320) 484-4300

AGENDA

A. CALL TO ORDER BY CHAIRMAN CHARLES HAUSLADEN

B. MINUTES - Review / Approve – May 24, 2023

C. HEARINGS

1. **SKETCH PLAN SP23-03, NIGEL ERICKSON, LYNN TOWNSHIP**

Nigel Erickson requests approval for a 1-lot sketch plan (4.76-acres) for the purpose of a building eligibility in Section 5 of Lynn Township.

Notified	Notified	Comments Received:
Township & City Clerks	5/31/2023	
Lynn Township	6/8/2023	Notified by Applicant
Env. Services		See Staff Report @ Environmental Services Office

2. **FINAL PLAT FP23-04, PRESTON FOX, HELEN TOWNSHIP**

Preston Fox requests approval of a 9-lot building and a replat of the common's area condo plat preliminary plat located in the NE ¼ SW ¼ of Section 18 Helen Township. This condo plat request would create fee title ownership for each individual garage and place the surrounding land into a commons area with common ownership stake as an association. The plat would be known as "FOX GARAGE ADDITION THREE."

Notified	Notified	Comments Received:
Township & City Clerks	5/31/2023	
County Attorney	6/7/2023	Sent Opinion of Title / Survey for Review/Comment
County Recorder	6/7/2023	Sent Opinion of Title / Survey for Review/Comment
Helen Township	6/8/2023	Notified by Applicant
Env. Services		See Staff Report @ Environmental Services Office

3. **FINAL PLAT FP23-05, KEITH & YVONNE HEINRICH, ACOMA TOWNSHIP**

Keith and Yvonne Heinrich requests approval of a 3-lot final plat in the NE ¼ SW ¼ of Section 15 Acoma Township.

Notified	Notified	Comments Received:
Township & City Clerks	5/31/2023	
County Attorney	5/31/2023	Sent Opinion of Title / Survey for Review/Comment
County Recorder	5/31/2023	Sent Opinion of Title / Survey for Review/Comment
Acoma Township	6/8/2023	Notified by Applicant
Env. Services		See Staff Report @ Environmental Services Office

- **Today's items may be placed on the JULY 5, 2023, County Board Meeting Agenda**

D. PUBLIC HEARINGS

1. **Conditional Use Permit 23-08, Christian Knudten**

   Chris Knudten request approval to construct an accessory building greater than 2,400 square feet (60' x 80') on an "A" Agricultural zoned platted parcel in Section 18, Glencoe Township. Lot size = 3.31 acres.

Notified	Notified	Comments Received:
Township & City Clerks	5/31/2023	
Glencoe Township	6/8/2023	Notified by Applicant
County Highway Engineer	6/7/2023	
Env. Services		See Staff Report @ Environmental Services Office

2. **Conditional Use Permit 23-09, James & Jennifer McBride, Winsted Township**

   James and Jennifer McBride request a conditional use permit to operate an automobile sales business in a detached 36' X 38' pole shed at their residence located at 22014 Babcock Avenue, Winsted, MN 55395 in Section 14 of Winsted Township.

Notified	Notified	Comments Received:
Township & City Clerks	5/31/2023	
Winsted City Clerk	6/7/2023	
County Engineer	6/13/2023	
Winsted Township	6/8/2023	Notified by Applicant
Env. Services		See Staff Report @ Environmental Services Office

E. OTHER DISCUSSION:

F. RECESS: Motion to recess to reconvene for meeting and road tour on July 26, 2023.

- **Today's items may be placed on the JULY 5, 2023, County Board Meeting Agenda**

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McLEOD COUNTY PLANNING ADVISORY COMMITTEE
Environmental Services Facility, Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
May 24, 2023, 2023 @ 8:30 a.m.

MINUTES

1) CALL TO ORDER:

The regular meeting of the McLeod County Planning Advisory Commissioners was called to order at 8:45am by Chairman Hausladen following a 7:00am Road Tour in the Environmental Services Large Conference Room, Hutchinson, Minnesota. Board members present were Charles Hausladen, David Hoernemann, Kenneth Bauer, Commissioner Daryl Luthens, and Thomas Hueser. Staff present were McLeod County Environmental Services Director Marc Telecky and Secretary Sandra Posusta were also present.

Others present: Jon Kutschara, Nicholas & Marjorie Frieler, Jake Busse, Cindy Gerholz, Casey Meyers, Fred Pawelk, Randy Redman-Re/MAX Results, and others.

2) APPROVAL OF MINUTES –April 26, 2023

Commissioner Daryl Luthens made a motion to approve the meeting minutes from April 26, 2023, seconded by Thomas Hueser. The motion carried.

3) PUBLIC HEARINGS

A. PRELIMINARY PLAT PP23-02, Jon & Mandi Kutschara, Acoma Township

Environmental Services Director, Marc Telecky, explained this application request for a 2-lot preliminary plat (replat) to be known as 'KUTSCHARA ACRES SECOND ADDITION." The applicants would like to split the existing platted lot, 4.71 acres, into two buildable lots. Each lot is proposed to be 2.35 acres in size, located in Section 24 of Acoma Township. A 1-Lot Final Plat for this 4.71-acres lot was originally platted in December 2021. Transportation will come off 220th Street. Soil borings were submitted by A & T Septic which indicate a standard system and an alternate system can be installed on each proposed lot. There is a small wetland present on Lot-001 per the National Wetland Inventory (NWI) map. Environmental Services Staff do not have concerns with this request.

If approved, this subdivision will require a rezoning to Rural Residential prior to recording.

The Acoma Township Board unanimously recommended approval at their May 11, 2023, meeting.

With no public comment Kenneth Bauer motioned to close the public hearing seconded by David Hoernemann. Motion carried.

Mr. Hueser shared with the Board this property is not farmland and seems it will fit the neighborhood.

David Hoernemann motioned to recommend approval with a second by Kenneth Bauer. Motion carried.

Mr. Telecky said this item will be placed on the June 6, 2023, County Board Consent Agenda.

B. **CONDITIONAL USE PERMIT 23-04, Nicholas & Marjorie Frieler, Rich Valley Township**

Nicholas Frieler requests approval of a conditional use permit to construct an accessory building addition (14' X 60') on to an existing 40' X 80' creating greater than 2,400 square feet on an "A" Agricultural zoned parcel that is less than ten (10) acres in size to be used for his trailer storage. This parcel is considered legal non-conforming as it was built prior to the ordinance regulations. It is nine (9) acres in size and located in Section 18 of Rich Valley Township.

If the Board considers approval of this request, Zoning Staff recommends a condition that this structure shall be used for personal storage only. Any change in use may require an official control per ordinance.

The Board of Rich Valley Township recommended approval at their May 9, 2023, meeting.

Chairman Charles Hausladen asked for public comment. There were none.

Thomas Hueser moved to close the public hearing. Kenneth Bauer seconded the motion. Motion carried.

Kenneth Bauer asked Mr. Frieler if there was enough distance between the addition and the ditch. Yes, said Mr. Frieler.

Mr. Telecky questioned if it is a private ditch an if so, there is no formal easement. Mr. Frieler confirmed that it is private.

Thomas Hueser questioned if the ditch has ever been flooded. Mr. Frieler said it has never flooded and is a deep ditch.

Marjorie Frieler briefly shared when the County cleaned out the County Ditch but stopped right before the private ditch area because it was caving in. A friend was cleaning the ditch and helped the Frieler's clean their ditch. The Township said it was the Frieler's responsibility to maintain. It was once a natural water way.

With no further discussion, David Hoernemann motioned to recommend approval with the condition so noted by Staff and included on the Staff Report. Commissioner Daryl Luthens seconded the motion, which carried unanimously with the following condition:

1. **This structure shall be used for personal storage only. Any change in use may require an official control per ordinance.**

Mr. Telecky said this item will be placed on the June 6, 2023, County Board Consent Agenda.

C. **CONDITIONAL USE PERMIT 23-05, Jake & Kimberly Busse, Glencoe Township**

Jake and Kimberly Busse are requesting to construct an accessory building greater than 2,400 square feet (50' X 102' sf) on an "A" Agricultural zoned parcel less than ten (10) acres in size to be used for personal storage. This Rural Residential parcel is 3.30 acres located in Section 11, Glencoe Township. Transportation comes off County Road 2 (Ford Avenue North.)

If approved, Zoning Staff recommends the following recommendation for consideration:

1) Structure shall be used for personal use only. If the structure is used to generate revenue a new conditional use permit will be needed.

The Board of Glencoe Township recommended approval at their May 11, 2023, meeting.

With no public comments, Kenneth Bauer motioned to close the public hearing, seconded by Thomas Hueser. Motion carried.

David Hoernemann stated he has no issues with this request as presented.

Commissioner Daryl Luthens motioned to recommend approval with one recommendation. This motion was seconded by Kenneth Bauer. The motion carried with the following condition:

1) **Structure shall be used for personal use only. If the structure is used to generate revenue a new conditional use permit will be needed.**

Mr. Telecky said this item will be placed on the June 6, 2023, County Board Consent Agenda.

D. **CONDITIONAL USE PERMIT 23-06, Kevin & Chelsea Dahl, Bergen Township**

Kevin and Chelsea Dahl applied for a Conditional Use Permit to construct an accessory building, (40' X 100' pole shed) creating greater than 2,400 square feet on an "A" Agricultural zoned parcel that is less than ten (10) acres in size. This "R-1" Rural Residential property is 5.01 acres in size and located in Section 27 of Bergen Township. Included in this request is off premise storage of personal watercraft, campers, vehicles, and recreational vehicles. Zoning Staff recommends that the delivery and pick-up times shall be between the hours of 8am-6pm daily as to not interrupt neighbors in the area with traffic.

The Bergen Township Board recommended approval at their meeting on Wednesday, May 10, 2023.

Upon road tour prior to the meeting, the Board was able to view the concrete slab on the property. There was a previous Conditional Use Permit of a trucking business that was approved in 2008.

The use discontinued when the owner decided to sell the property and removed the shed when sold. Transportation comes off Bergen Road.

Chelsea Dahl's mother, Cindy, is present today representing Mr. & Mrs. Dahl making note that the new pole shed will be placed on the concrete where the existing shed was located.

With no public available to make comments, David Hoernemann entertained a motion to close the public hearing, with a second by Kenneth Bauer. Motion carried.

David Hoernemann noted the Bergen Township Board didn't have concerns.

Commissioner Luthens asked if family items can be stored. Director Telecky confirmed personal family items are allowed unless revenue earning then a conditional use permit is needed.

David Hoernemann made a motion to recommend approval with a condition that delivery and pick up times shall be between the house of 8am - 6pm daily.

Mr. Telecky said this item will be placed on the June 6, 2023, County Board Consent Agenda.

E. **CONDITIONAL USE PERMIT 23-07, Casey & Katie Meyers, Helen Township**

Director, Marc Telecky reviewed the Staff Report explaining that the applicants would like to construct an accessory building (50' X 70') for storage exceeding the 2,000 square foot maximum in an "R-1" (Rural Residential) zoned area. This lot was created by combining (re-platting) two (2) platted lots in Buffalo Highlands Subdivision in 2021. This 2.95-acres property is described at Lot-001, Block -001 "Eiden's Addition" in Section 16 of Helen Township. Zoning Staff does not have concerns with this request and if approved, recommends a condition that the structure shall be utilized for personal use only.

On April 13, 2023, the Helen Township Board unanimously recommended approval.

Chairman Hausladen asked for public comments. There were none.

Thomas Hueser motioned to close the public hearing, seconded by Commissioner Daryl Luthens. Motion carried.

Thomas Hueser noted that this does fit the neighborhood.

Director Telecky asked Mr. Meyers if he knew the size of the neighbors' shed. Mr. Meyers believed it is a 50' X 70' pole shed.

Commissioner Luthens questioned the drain tile. There is a tile line. The shed will be setback per the requirement.

Director Telecky explained there you can build up to the easement, but not on it. The easement language allows for maintenance area. The applicant is aware of that.

Commissioner Luthens asked how to control the landscaping because he went through an issue with a neighbor concerning trees. Mr. Meyers said there will not be any landscaping.

Director Telecky commented that would be a civil issue and we do not get involved.

With no further discussion amongst the Board, Thomas Hueser motioned to approve Conditional Use Permit 23-07 with a condition that this structure shall be used for personal use only. Commissioner Daryl Luthens seconded the motioned. The motion carried.

Mr. Telecky said this item will be placed on the June 6, 2023, County Board Consent Agenda.

F. **REZONING APPLICATION 23-01, Randy Redman on property owned by Fred Pawelk**

Director, Marc Telecky shared the application request by Randy Redman, RE/MAX Results, representing his client, Fred Pawelk to rezone the east 13.11-acres of parcel 14.035.1200 from "A" Agriculture to "B-1" Highway Business to construct mini-storage units. This property is described as, "That Part of the North Half of the North Half of the Northwest Quarter" of Section 35, Winsted Township. The adjacent land use is State Highway 7 to the north, stream (protected water) on the east, and tillable acreage, (south and east) that abuts Highway 7 Right-of-Way. There was a rezoning of 10.29-acres west of the creek/ditch which was approved on November 11, 2020. The McLeod County Zoning Ordinance, Sections 10 and 11, require Highway Business and Industrial zoned parcels shall meet a one-half miles (2,640 feet) setback from a permitted feedlot to the east and thus would require a variance prior to recording of the rezoning order.

Zoning Staff concerns are with access to State Highway 7. The rezone would open the property to all the permitted uses above without public review. A change in access permit would be required by MnDOT if the parcel is elevated to a more intensified use which may limit the use regardless of the zoning district.

An email was received by Megan DeSchepper, AICP-Principal Planner, MnDOT District 8 stating the following:

- A change of use / access permit is required. Work with Jeff Illies in the Permit Office.
- The corridor is in controlled access; the current access is the existing field approach.
- Any change in access would require MnDOT District 8 review and approval, then go to conveyance office at MnDOT's Central Office which can take up to a year or more and has a cost of at least $1,000 to the applicant.
- A turn lane could be a condition of permit approval and said turn lane would by at full cost of the applicant.

The Winsted Township Board heard the request at their May 11, 2023, meeting recommended approval.

David Hoernemann questioned what would happen if the variance to the feedlot is not approved. Mr. Telecky replied then all will not be approved. The Variance hearing will need to be before sending this item (rezoning request) to County Board for final approval. Both the Variance request and the Rezoning request will go to County Board all at once.

David Hoernemann question what will happen to the feedlot as far as wanting to expand. Mr. Telecky shared that the feedlot can expand but needs to be equal. Both parties would be responsible for a variance. Additional information concerning the feedlot and animal units was briefly discussed.

David Hoernemann noted that the Planning Commission has approved feedlot variances closer than what this request is asking for.

Thomas Hueser asked Mr. Telecky if the Board approves this request but MnDOT then requires an access paid by the owners and they can't pay for it, what happens. Mr. Telecky said the applicants would need to work with MnDOT. McLeod County Zoning will still record the rezoning and the variance.

Randy Redman told the Board he spoke to Jeff Illies and received direction. Traffic flow was also discussed. When these permits are completed, then can move forward with MnDOT.

Mr. Redman said he contacted the Assessor's Office. If the property is rezoned, taxes will stay the same until in industrial use. Permitting probably will not happen for a couple of years, only the rezoning and the variance at this time.

With no discussion from the public, Thomas Hueser motioned to close the public hearing. Kenneth Bauer seconded the motion. Carried.

Thomas Hueser made a motion to recommend approval. Kenneth Bauer seconded the motion. The motion carried unanimously.

Mr. Telecky said this item will be placed on the Regular Agenda of the July 5, 2023, County Board meeting.

OTHER DISCUSSION

Mr. Telecky informed the Board of applications received to date for the June 28, 2023, Planning Commission meeting.

NEXT MEETING:

David Hoernemann made a motion to recess until June 28, 2023. Commissioner Luthens seconded the motion. The motion carried.

Charles Hausladen, Chairman *Sandra Posusta, Administrative Assistant*

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **Sketch Plan** 23-03

Date: June 14, 2023 – **Meeting Date: June 28, 2023**

GENERAL INFORMATION

Brief Description: Nigel Erickson is requesting approval for a 1-lot sketch plan located in that part of the W ½ NE ¼ of Section 5 Lynn Township. This ¼ ¼ section currently has 3 non-farm dwellings thus requiring this request.

Applicant/Owner: Nigel Erickson/Sharen Farenbaugh
21957 Vista Rd.
Hutchinson, MN 55350
P.I.D# 09.005.0525

Requested Action: Motion to approve a 1-lot sketch plan

Lot Size: ~4.76 acres

Existing Zoning: "A" Agriculture

Location: **NW ¼ NE ¼ Section 5 Lynn Twp.**

Existing Land Use: tillable

Adjacent Land Use And Zoning: "A" Agricultural

Zoning History: NA

Applicable Ordinance McLeod County Zoning Ordinance Section 7, Subd 6.
McLeod County SSTS & Subdivision Ordinance

SPECIAL INFORMATION

Public Utilities: McLeod Coop Power

Public Services: SSTS, individual well

Transportation: 190th St. (CR 14)

Physical Characteristics: **This is a 4.76-acre request that slopes from the north to south with ~24' of fall over 360' of lot depth. The applicant would like to create one additional building site adjacent to his brother's site.**

Analysis: **The McLeod County soil survey indicate soils conducive for a standard system to be installed. The National Wetland Inventory (NWI) map does not indicate the presence of wetlands.**

Section 7, Subdivision 6: Higher-Density Development on Difficult-to-Farm Sites:
In order to reduce the pressure for non-farm development on prime agricultural land, development of single-family non-farm dwellings shall be permitted through the platting process at a higher density on parcels that are considered difficult to farm. A tract of land may be considered difficult to farm if it has one or more of the following characteristics:

• Small size or irregular shape
• Physical isolation from other farm fields by roads, steep hills, ditches or similar features.
• Wooded, as defined herein.
• Containing steep slopes, wetlands, or other environmentally sensitive features.

That portion of a parcel that meets the criteria above may be subdivided into dwelling lots meeting the lot size and dimensional standards of Subdivision 4 above and the following requirements:

1. Maximum density shall be 4 units per Quarter-Quarter Section (approx. 40 acres.) Excepting within those areas covered by the Shoreland Management Area with lake classifications of General or Recreational Development where the maximum density shall be 6 units per Quarter-Quarter Section (approx.40 acres.) Permitted density may not be transferred from one Quarter-Quarter Section to another.

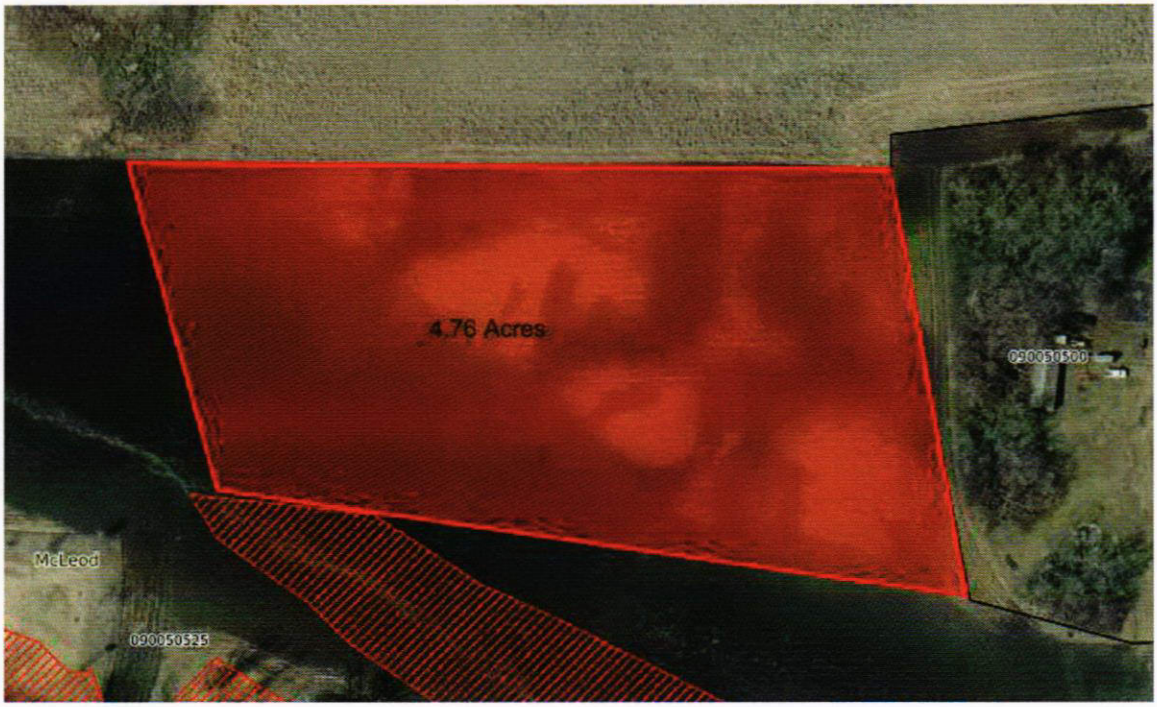
2. Each lot must contain adequate build-able area for construction of a house, well, and septic system meeting State and County requirements, including sufficient area for an alternate septic system site.

3. The applicant must demonstrate to the satisfaction of the County Planning Commission that lots are clustered in wooded areas or non-productive soils in order to minimize visual and physical intrusions into agricultural land and to respond sensitively to the environmental features of each site.

4. If lots are accessed by a new road, the road shall be constructed to County standards and must be accepted by the Township.

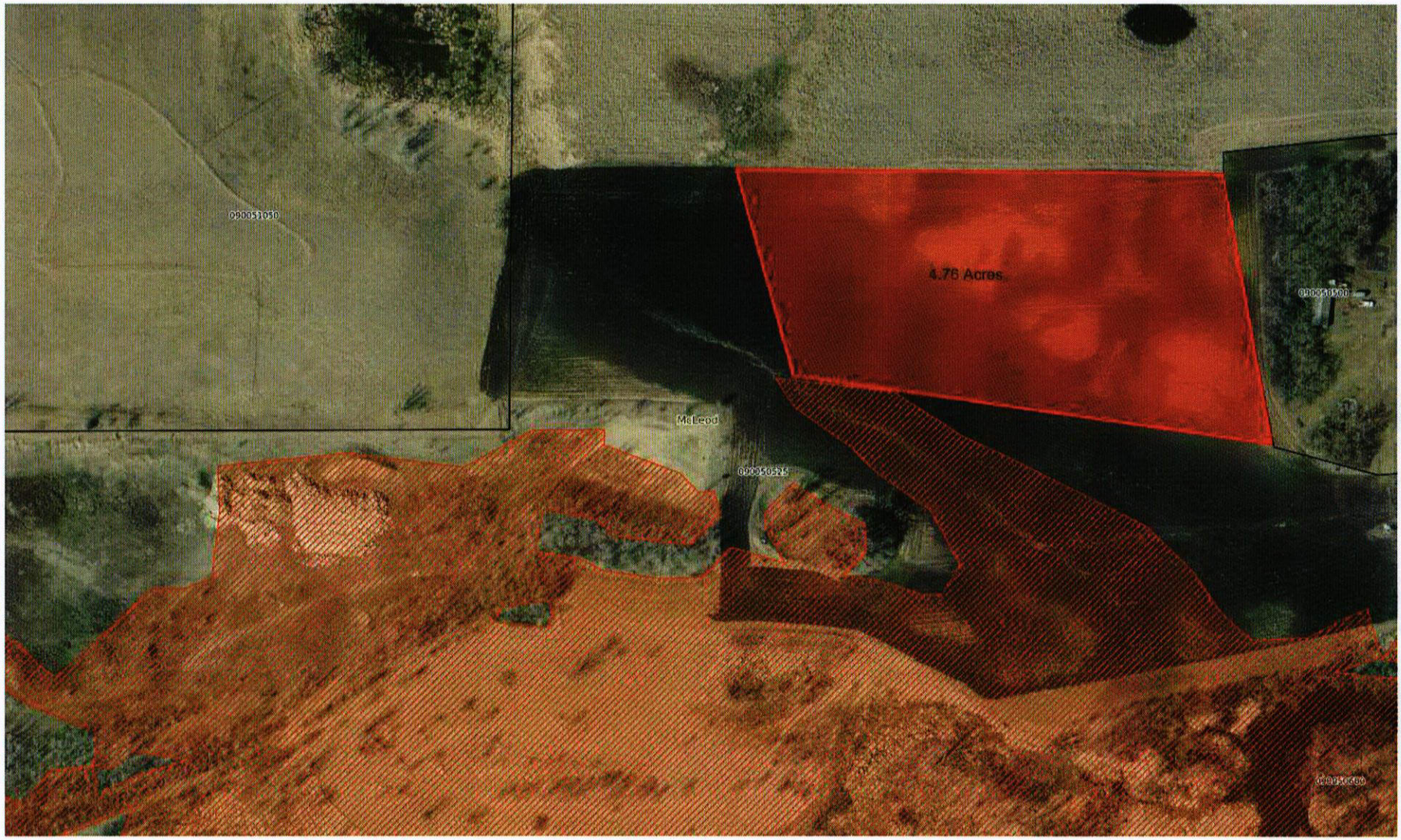
5. All new residential lots shall be platted according to the Subdivision Ordinance.

Recommendations: Preliminary review of the site does show that there is adequate area for building without limiting features. The board shall determine if this parcel meets the above hard to farm criteria established in the McLeod County Zoning Ordinance.



Cc: Nigel Erickson – applicant

Nigel Erickson



Disclaimer: McLeod County does not warrant or guarantee the accuracy of the data.
The data is meant for reference purposes only and should not be used for official decisions.
If you have questions regarding the data presented in this map, please contact the McLeod County GIS Department.

This information is to be used for reference purposes only.

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McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **Final Plat** 23-03

Date: June 13, 2023 – **Meeting Date: June 28, 2023**

GENERAL INFORMATION

Brief Description: Preston Fox is requesting approval for a 9-lot building and a replat of the common's area condo final plat located in the NE ¼ SW ¼ of Section 18 Helen Township. This condo plat request would create fee title ownership for each individual garage and place the surrounding land into a commons area with common ownership stake as an association. The plat would be known as FOX GARAGE ADDITION THREE.

Applicant/Owner: Preston Fox/4 Square Holdings LLC
2719 9th St. E.
Glencoe, MN 55336
P.I.D# 07.018.2700

Requested Action: Motion to approve a 9-unit and replat of common lot condo final plat.

Lot Size: 9-unit building = 30' x 45' x 16'H per unit (.28 acres)
Common Lot (Lot 1 Block 1) = 1.81 Acres

Existing Zoning: "HB" Highway Business

Location: **NE ¼ SW ¼ Section 18 Helen Twp.**

Existing Land Use: existing commercial lot (building to be removed)

Adjacent Land Use And Zoning: "A" Agricultural, Hwy Business, City of Glencoe

Zoning History: Condo Plat – May 2022

Applicable Ordinance McLeod County Zoning Ordinance Section 10, Subd 3.
McLeod County SSTS & Subdivision Ordinance

SPECIAL INFORMATION

Public Utilities: McLeod Coop Power

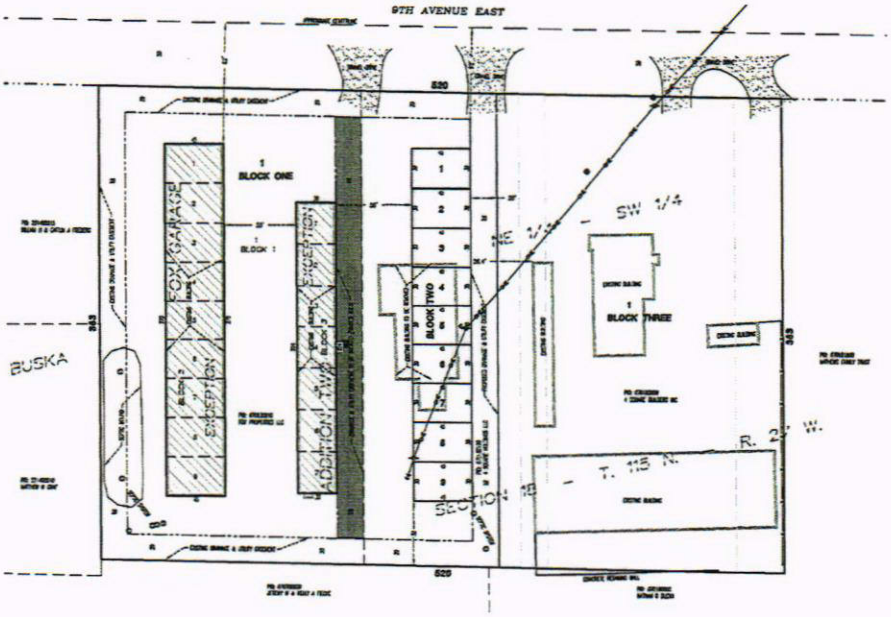
Public Services: SSTS, individual well

Transportation: 9th St. E.

Physical Characteristics: **This is a replat of the common lot for Fox Garage Addition Two and the addition of a new building with 9 units to be known as Fox Garage Addition Three. The applicant purchased the property between his condo garages and lumberyard and is requesting to add 103' of this purchased lot to the common lot for this replat. Highway Business is McLeod County's commercial zoning district.**

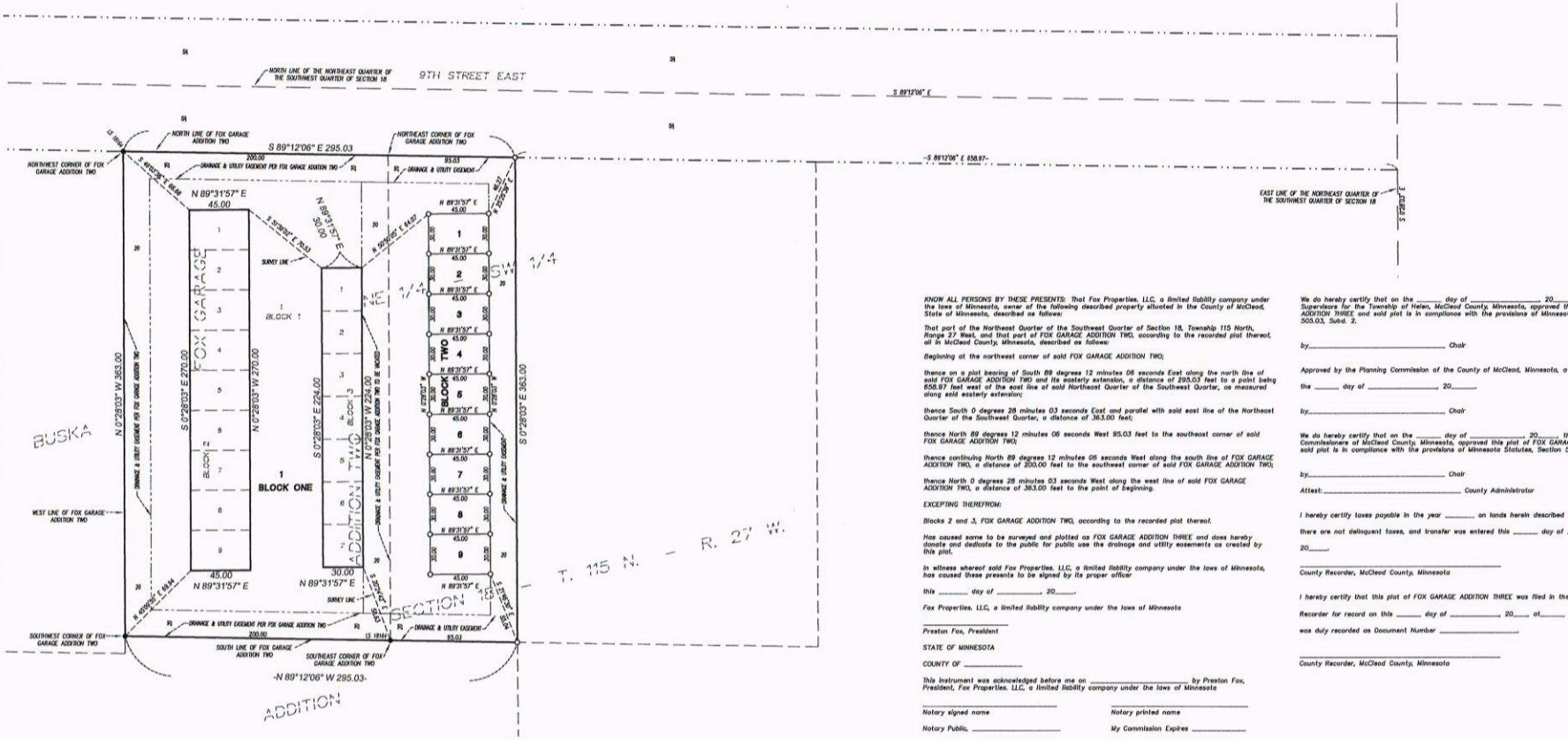
Analysis: **The applicant is requesting to create 1 additional condo building on this commercial lot. Duane Radtke has reviewed the septic design and agrees there is adequate capacity for the additional units proposed. The title commitment has been forward to the Mcleod County Recorder and Attorney for review.**

Recommendations: Staff does not have concerns with this request.



Cc: Preston Fox – applicant

FOX GARAGE ADDITION THREE



KNOW ALL PERSONS BY THESE PRESENTS: That Fox Properties, LLC, a limited liability company under the laws of Minnesota, owner of the following described property situated in the County of McLeod, State of Minnesota, described as follows:

That part of the Northeast Quarter of the Southwest Quarter of Section 18, Township 115 North, Range 27 West, and that part of FOX GARAGE ADDITION TWO, according to the recorded plat thereof, all in McLeod County, Minnesota, described as follows:

Beginning at the northwest corner of said FOX GARAGE ADDITION TWO;

thence on a plat bearing of South 89 degrees 12 minutes 06 seconds East along the north line of said FOX GARAGE ADDITION TWO and its easterly extension, a distance of 295.03 feet to a point being 658.97 feet west of the east line of said Northeast Quarter of the Southwest Quarter, as measured along said easterly extension;

thence South 0 degrees 28 minutes 03 seconds East and parallel with said east line of the Northeast Quarter of the Southwest Quarter, a distance of 363.00 feet;

thence North 89 degrees 12 minutes 06 seconds West 95.03 feet to the southeast corner of said FOX GARAGE ADDITION TWO;

thence continuing North 89 degrees 12 minutes 06 seconds West along the south line of FOX GARAGE ADDITION TWO, a distance of 200.00 feet to the southeast corner of said FOX GARAGE ADDITION TWO;

thence North 0 degrees 28 minutes 03 seconds West along the west line of said FOX GARAGE ADDITION TWO, a distance of 363.00 feet to the point of beginning.

EXCEPTING THEREFROM:

Blocks 2 and 3, FOX GARAGE ADDITION TWO, according to the recorded plat thereof.

Has caused same to be surveyed and platted as FOX GARAGE ADDITION THREE and does hereby donate and dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Fox Properties, LLC, a limited liability company under the laws of Minnesota, has caused these presents to be signed by its proper officer

this _____ day of _____, 20____.

Fox Properties, LLC, a limited liability company under the laws of Minnesota

_____

Preston Fox, President

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me on _____ by Preston Fox, President, Fox Properties, LLC, a limited liability company under the laws of Minnesota

_____ _____

Notary signed name Notary printed name

Notary Public, _____ My Commission Expires _____

I, Mark F. Johner, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

_____

Mark F. Johner, Licensed Land Surveyor
Minnesota License No. 44493

STATE OF MINNESOTA
COUNTY OF DOUGLAS

This instrument was acknowledged before me on _____ by Mark F. Johner.

_____ _____

Notary signed name Notary printed name

Notary Public, _____ My Commission Expires _____

We do hereby certify that on the _____ day of _____, 20_____, the Board of Supervisors for the Township of Helen, McLeod County, Minnesota, approved this plat of FOX GARAGE ADDITION THREE and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

by_____, Chair

Approved by the Planning Commission of the County of McLeod, Minnesota, at a meeting thereof, on

the _____ day of _____, 20_____.

by_____, Chair

We do hereby certify that on the _____ day of _____, 20_____, the Board of Commissioners of McLeod County, Minnesota, approved this plat of FOX GARAGE ADDITION THREE and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2

by_____, Chair

Attest: _____, County Administrator

I hereby certify taxes payable in the year _____ on lands herein described are paid in full, and

there are not delinquent taxes, and transfer was entered this _____ day of _____,

20_____.

_____

County Recorder, McLeod County, Minnesota

I hereby certify that this plat of FOX GARAGE ADDITION THREE was filed in the office of the County

Recorder for record on this _____ day of _____, 20_____, at_____ o'clock _____.M., and

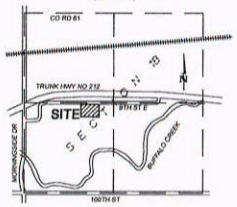
was duly recorded as Document Number _____.

_____

County Recorder, McLeod County, Minnesota

VICINITY MAP

(NO SCALE)



SECTION 18, TOWNSHIP 115 NORTH, RANGE 27 WEST, McLEOD COUNTY, MINNESOTA

N

0 40 80 120

GRAPHIC SCALE IN FEET

LEGEND

- o DENOTES 1/2" PIPE SET MARKED WITH A PLASTIC CAP NO. 44493
- ● DENOTES 1/2" IRON MONUMENT FOUND, FURTHER MARKED AS NOTED

The orientation of this bearing system is based on the north line of FOX GARAGE ADDITION TWO, according to the recorded plat thereof, McLeod County, Minnesota, having an assumed bearing of South 89° 12' 06" East.

STOECKEL-JAHNER SURVEYING INC.
ALEXANDRIA, MN
(320) 763-6853

KRAFT WALSER LAW OFFICE

A PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

107 NORTH 9TH STREET
OLIVIA, MN 56277
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DANIEL B. HONSEY++
CHRISTOPHER A. KLEIMAN
SENE M. ZUPKE

JOHN H. KRAFT (1966-2004)
DONALD H. WALSER (1972-2011)
STEVEN E. HETTIG (1979-2018)

131 SOUTH MAIN STREET
HUTCHINSON, MN 55350
(320) 587-8150

May 12, 2023

ATTORNEY'S TITLE OPINION

TO: **Fox Properties LLC**
2718 9th Street East
Glencoe, MN 55336

IN RE: **Fox Garage Addition Three**

Legal description of property:

See attached Exhibit "A", McLeod County, Minnesota.

I have examined the tract search to the real property described above. From the examination, I find marketable title in **Fox Properties LLC, a Minnesota limited liability company,** as of May 10, 2023, at 4:30 p.m., subject to the following liens, encumbrances, taxes, and other exceptions:

1. First Mortgage. None.

2. Other Mortgages, Liens or Encumbrances. None.

3. Easements.

   a. Terms and conditions of Variance Order dated October 27, 1994, and filed October 27, 1994, as Document No. 262447. (Note there appears to be a discrepancy in the date of the public hearing on the variance application in relation to the date of the document).

   b. Terms and conditions of Variance Order No. 13-03 dated July 1, 2013, and filed July 5, 2013, as Document No. 410645.

c. Terms and conditions of Variance Order No. 21-06 dated February 10, 2022, and filed February 22, 2022, as Document No. 457734.

d. Easements and setbacks dedicated to the public, if any, as shown on the Plat of Fox Garage Addition Two, dated June 22, 2022, and filed on June 23, 2022, as Document No. 459759.

e. Terms and conditions of Common Interest Community No. 25 Declaration dated June 23, 2022, and filed August 1, 2022, as Document No. 460350.

4. Tax Liens and Judgments. None.

5. Current Real Estate Taxes.
   Parcel No. 07.018.2100 in the amount of $2,428.00; unpaid.
   Parcel No. 07.083.0010; 2023 tax information is not available.

6. Delinquent Real Estate Taxes. None.

7. Public Rights-of-Way. The rights of the public to use public rights-of-way over, across and adjacent to the subject property.

8. Special Assessments. The tract search did not contain a certificate regarding special assessments. You should contact the City Clerk/County Auditor to determine whether there are any special assessments against the property.

9. Utility Assessments. By ordinance, cities are authorized to provide for the collection of unpaid sewer, water, tree removal, weed cutting, and garbage and refuse collection charges by assessment against the property. These charges are then collected with the real estate taxes. You should check with the City Clerk to determine whether there are any such unpaid charges which may be assessed against the property.

Neither the tract search nor this Opinion covers all possible liens or restrictions on the property. Your attention is called to the matters set forth on the attached Exhibit which could have an effect on the property. If you have any questions on any of these matters, please feel free to call us.

If you have any questions regarding this Title Opinion, please feel free to call.

Sincerely,

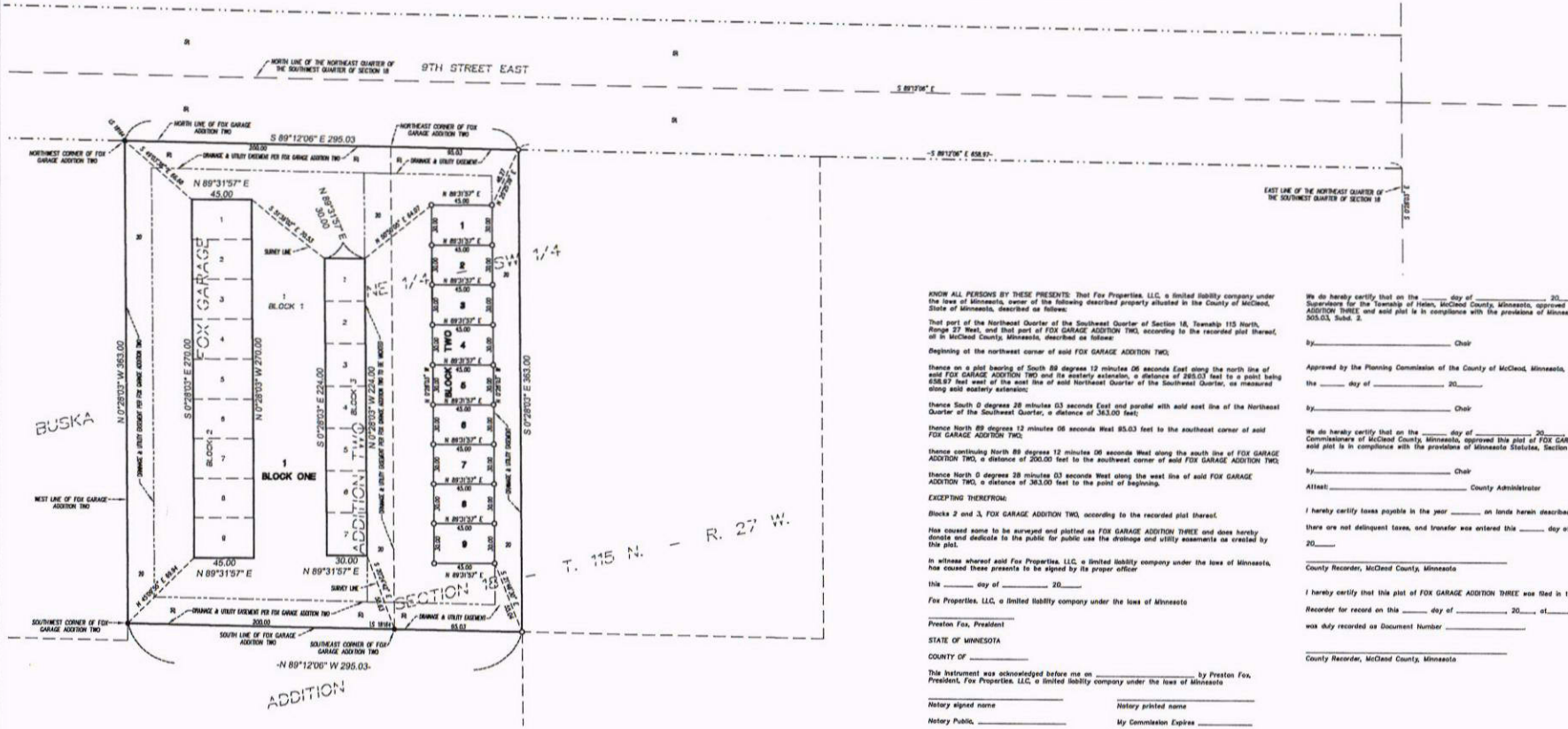
KRAFT WALSER LAW OFFICE

BY: Sene M. Zupke

Sene M. Zupke

wlv

FOX GARAGE ADDITION THREE



KNOW ALL PERSONS BY THESE PRESENTS: That Fox Properties, LLC, a limited liability company under the laws of Minnesota, owner of the following described property situated in the County of McLeod, State of Minnesota, described as follows:

That part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 115 North, Range 27 West, and that part of FOX GARAGE ADDITION TWO, according to the recorded plat thereof, all in McLeod County, Minnesota, described as follows:

Beginning at the northeast corner of said FOX GARAGE ADDITION TWO;

thence on a plat bearing of South 89 degrees 12 minutes 06 seconds East along the north line of said FOX GARAGE ADDITION TWO and its easterly extension, a distance of 295.03 feet to a point being 658.97 feet west of the east line of said Northeast Quarter of the Southeast Quarter, as measured along said easterly extension;

thence South 0 degrees 28 minutes 03 seconds East and parallel with said east line of the Northeast Quarter of the Southeast Quarter, a distance of 363.00 feet;

thence North 89 degrees 12 minutes 06 seconds West 95.03 feet to the southeast corner of said FOX GARAGE ADDITION TWO;

thence continuing North 89 degrees 12 minutes 06 seconds West along the south line of FOX GARAGE ADDITION TWO, a distance of 200.00 feet to the southwest corner of said FOX GARAGE ADDITION TWO;

thence North 0 degrees 28 minutes 03 seconds West along the west line of said FOX GARAGE ADDITION TWO, a distance of 363.00 feet to the point of beginning.

EXCEPTING THEREFROM:

Blocks 2 and 3, FOX GARAGE ADDITION TWO, according to the recorded plat thereof.

Has caused same to be surveyed and platted as FOX GARAGE ADDITION THREE and does hereby donate and dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Fox Properties, LLC, a limited liability company under the laws of Minnesota, has caused these presents to be signed by its proper officer

this _____ day of _____, 20____.

Fox Properties, LLC, a limited liability company under the laws of Minnesota

_____
Preston Fox, President

STATE OF MINNESOTA

COUNTY OF _____

This instrument was acknowledged before me on _____ by Preston Fox, President, Fox Properties, LLC, a limited liability company under the laws of Minnesota

_____ _____
Notary signed name Notary printed name

Notary Public, _____ My Commission Expires _____

I, Mark F. Jahner, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

_____
Mark F. Jahner, Licensed Land Surveyor
Minnesota License No. 44493

STATE OF MINNESOTA
COUNTY OF DOUGLAS

This instrument was acknowledged before me on _____ by Mark F. Jahner.

_____ _____
Notary signed name Notary printed name

Notary Public, _____ My Commission Expires _____

We do hereby certify that on the _____ day of _____, 20____, the Board of Supervisors for the Township of Helen, McLeod County, Minnesota, approved this plat of FOX GARAGE ADDITION THREE and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

by_____ Chair

Approved by the Planning Commission of the County of McLeod, Minnesota, at a meeting thereof, on

the _____ day of _____, 20____.

by_____ Chair

We do hereby certify that on the _____ day of _____, 20____, the Board of Commissioners of McLeod County, Minnesota, approved this plat of FOX GARAGE ADDITION THREE and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2

by_____ Chair

Attest: _____ County Administrator

I hereby certify taxes payable in the year _____ on lands herein described are paid in full, and

there are not delinquent taxes, and transfer was entered this _____ day of _____,

20____.

_____
County Recorder, McLeod County, Minnesota

I hereby certify that this plat of FOX GARAGE ADDITION THREE was filed in the office of the County

Recorder for record on this _____ day of _____, 20____, at_____ o'clock _____M., and

was duly recorded as Document Number _____.

_____
County Recorder, McLeod County, Minnesota

VICINITY MAP
(NO SCALE)

SECTION 18, TOWNSHIP 115 NORTH, RANGE 27 WEST, McLEOD COUNTY, MINNESOTA

N

0 40 80 120
GRAPHIC SCALE IN FEET

LEGEND

- o DENOTES 1/2" PIPE SET MARKED WITH A PLASTIC CAP NO. 44493
- ● DENOTES 1/2" IRON MONUMENT FOUND, FURTHER MARKED AS NOTED

The orientation of this bearing system is based on the north line of FOX GARAGE ADDITION TWO, according to the recorded plat thereof, McLeod County, Minnesota, having an assumed bearing of South 89° 12' 06" East.

STOECKEL-JAHNER SURVEYING INC.
ALEXANDRIA, MN
(320) 763-6855

[Type text]

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **Final Plat** 23-04

Date: June 13, 2023 – **Meeting Date: June 28, 2023**

GENERAL INFORMATION

Brief Description:	Keith & Yvonne Heinrich are requesting approval for a 3-lot final plat located in the NE ¼ SW ¼ of Section 15 Acoma Township.
Applicant/Owner:	**Keith & Yvonne Heinrich** 22431 Unit Ave. Hutchinson, MN 55350 **P.I.D# 01.067.0020**
Requested Action:	Motion to approve a 3-lot final plat
Lot Size:	**Lot 1 & 2 = 168' x 325' = 1.25 acres** **Lot 3 = 654.52' x 1303.12' = 17.08 acres**
Existing Zoning:	"A" Agriculture
Location:	**NE ¼ SW ¼ Section 15 Acoma Twp.**
Existing Land Use:	platted lot, grass
Adjacent Land Use And Zoning:	"A" Agricultural, platted lot
Zoning History:	Final Plat approved 6/30/1992
Applicable Ordinance	McLeod County Zoning Ordinance Section 7, Subd 6. McLeod County SSTS & Subdivision Ordinance

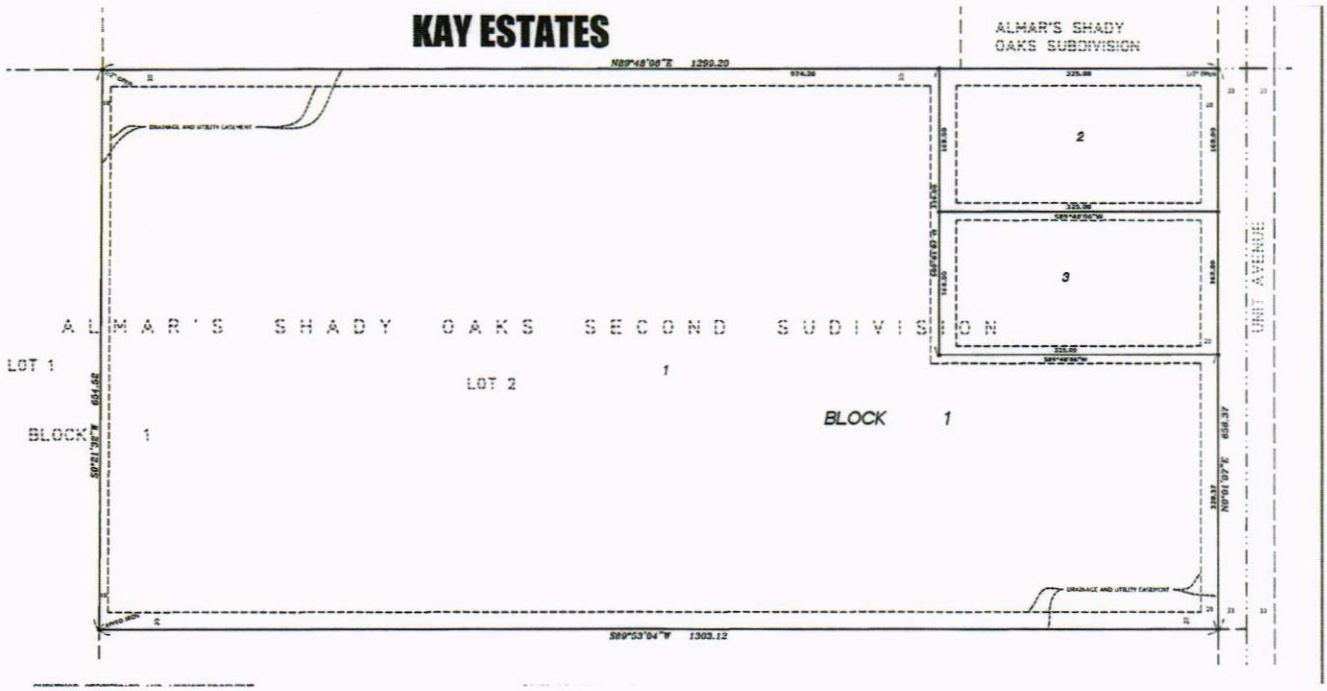
SPECIAL INFORMATION

Public Utilities:	McLeod Coop Power
Public Services:	SSTS, individual well
Transportation:	Unit Ave.

Physical Characteristics: **This is a 19.58-acre platted lot that slopes west and east from the building site.**

Analysis: **The applicant is requesting to create two (2) new buildable lots. Soil borings support a site and an alternate site for a septic system on each lot. The National Wetland Inventory (NWI) map does not indicate the presence of wetlands.**

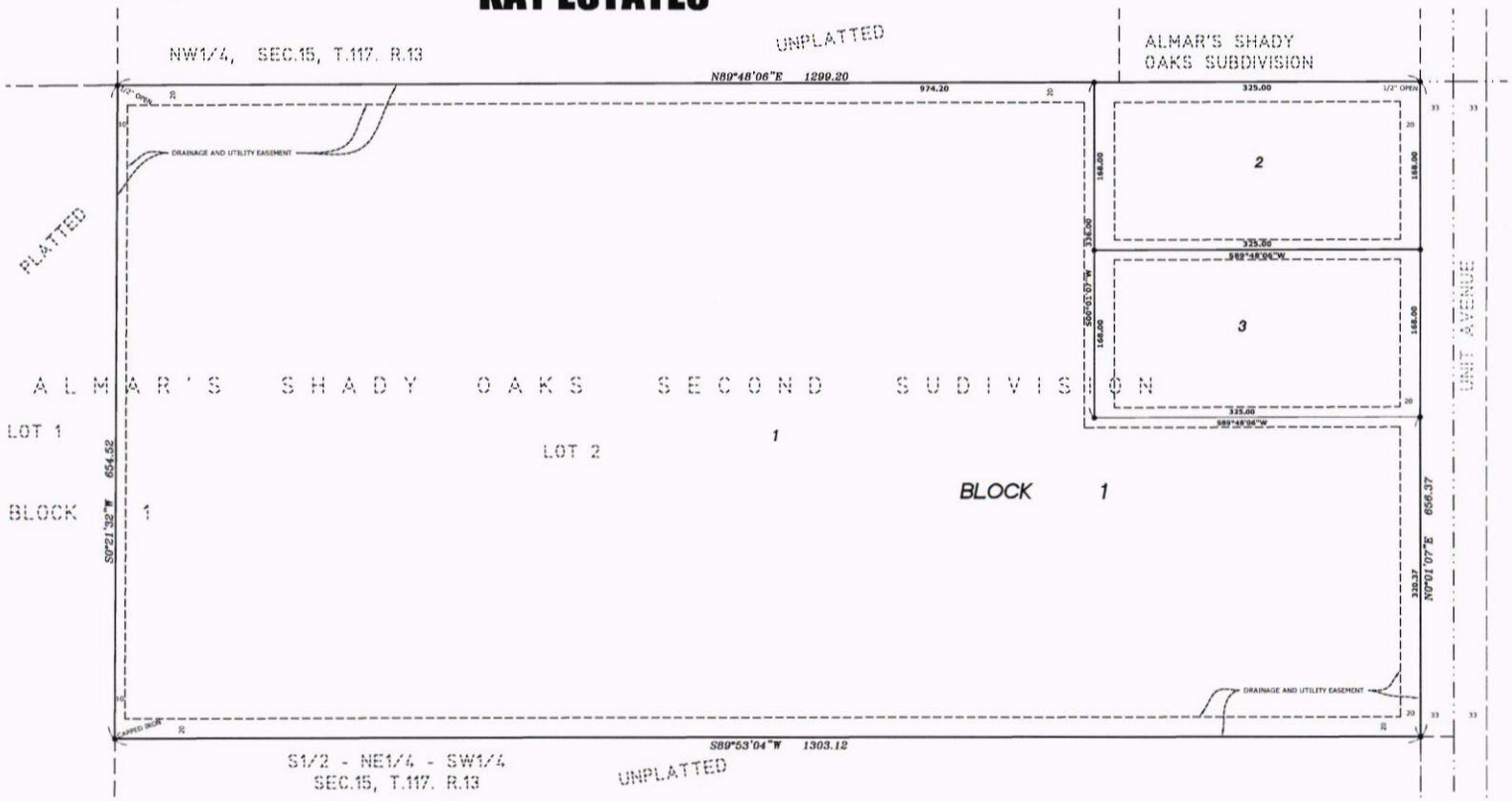
The title commitment has been forwarded to the McLeod County Recorder and Attorney for review.



Recommendations: Staff does not have concerns with this request.

Cc: Keith & Yvonne Heinrich – applicant

KAY ESTATES



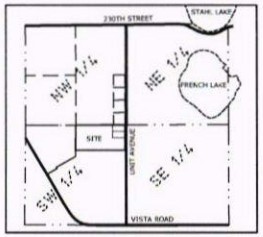
LEGEND

- DENOTES IRON MONUMENT FOUND RLS# 24329 (UNLESS LABELED)

FOR THE PURPOSES OF THIS PLAT, THE EAST LINE OF LOT 1, BLOCK 1 IS ASSUMED TO HAVE A BEARING OF NORTH 0 DEGREES 01 MINUTES 07 SECONDS EAST.

VICINITY MAP

PART OF SEC. 15, TWP. 117, RNG. 30



MCLEOD COUNTY, MINNESOTA
(NO SCALE)

DEDICATION AND OWNER(S) ACKNOWLEDGEMENT

KNOW ALL PERSONS BY THESE PRESENTS: That Keith Heinrich and Yvonne Heinrich, husband and wife, as joint tenants, owners of the following described property:

Lot 2, Block 1, ALMAR'S SHADY OAKS SECOND SUBDIVISION, McLeod County, Minnesota.

Have caused the same to be surveyed and platted as KAY ESTATES and do hereby dedicate to the public for public use the drainage and utility easements as shown by this plat for drainage and utility purposes only.

In witness whereof said Keith Heinrich and Yvonne Heinrich, husband and wife, as joint tenants have hereunto set their hands this _____ day of _____, 20 ___.

_____ _____
Keith Heinrich Yvonne Heinrich

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20___ by Keith Heinrich and Yvonne Heinrich, husband and wife, as joint tenants.

_____
(Name printed)

_____
(Signature)
Notary Public _____ County, Minnesota

My Commission Expires _____

SURVEYOR CERTIFICATE AND ACKNOWLEDGEMENT

I, Kurt D. Nelson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20___.

_____
Samuel N. Niemela, Licensed Land Surveyor
Minnesota License No. 52705

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20___, by Samuel N. Niemela.

_____
(Signature)

_____ (Print Name)
Notary Public _____ County, Minnesota
My Commission Expires _____

PLANNING BOARD

This plat of KAY ESTATES was approved by the Hutchinson Area Joint Planning Board, at a meeting thereof, on the _____ day of _____, 20____.

_____, Chair

TOWNSHIP BOARD

This plat of KAY ESTATES was approved by the Board of Supervisors of the Township of Acoma, McLeod County, Minnesota, at a meeting thereof, on the _____ day of _____, 20____.

_____, Chair

BOARD OF COMMISSIONERS

We do hereby certify that on the _____ day of _____, 20____, the Board of Commissioners of McLeod County, Minnesota, approved this plat of KAY ESTATES and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

_____, Chair

_____, County Administrator

DELINQUENT TAXES

I hereby certify there are no delinquent taxes, and transfer was entered this _____ day of _____, 20___.

_____, McLeod County Recorder By _____, Deputy

MCLEOD COUNTY RECORDER

I hereby certify taxes payable in the year 20____ on lands herein described are paid in full.

_____, McLeod County Recorder By _____, Deputy

MCLEOD COUNTY RECORDER

I hereby certify that this plat of KAY ESTATES was filed in the office of the County Recorder for record on this _____ day of _____, 20____, at _____ o'clock ___.M. as Document No. _____.

_____, McLeod County Recorder By _____, Deputy

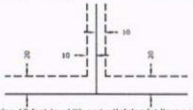
GRAPHIC SCALE

30 0 30 60 120 240

SCALE IN FEET

PROPOSED EASEMENT DETAIL

Drainage and utility easements are shown as thus



Being 10 feet in width and adjoining lot lines and being 20 feet in width and adjoining public ways and rear lot lines, unless indicated otherwise.

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors

[Type text]

McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP 23-08**

Date: June 13, 2023 – **Meeting Date: June 28, 2023**

GENERAL INFORMATION

Brief Description:	The applicant is requesting to construct an accessory building > 2,400 square feet (60' x 80') on an "A" Agricultural zoned platted parcel.
Owner/Applicant:	**Chris Knudten** 206 Fairway Cr. Glencoe, MN 55336 **P.I.D# 04.076.0010**
Requested Action:	Consider approval to allow an accessory building > 2,400 square feet on a platted parcel.
Lot Size:	329' x 438' = 3.31 acres
Existing Zoning:	Agriculture
Location:	**Lot 1 Block 1 Klitzrock Addition**
Existing Land Use:	Rural Residential building site, platted lot
Adjacent Land Use And Zoning:	**Rural Residential building site, tillable**
Zoning History:	Final Plat approved 3/16/2004
Applicable Ordinance	McLeod County Zoning Ordinance Section 7, 16 & 17

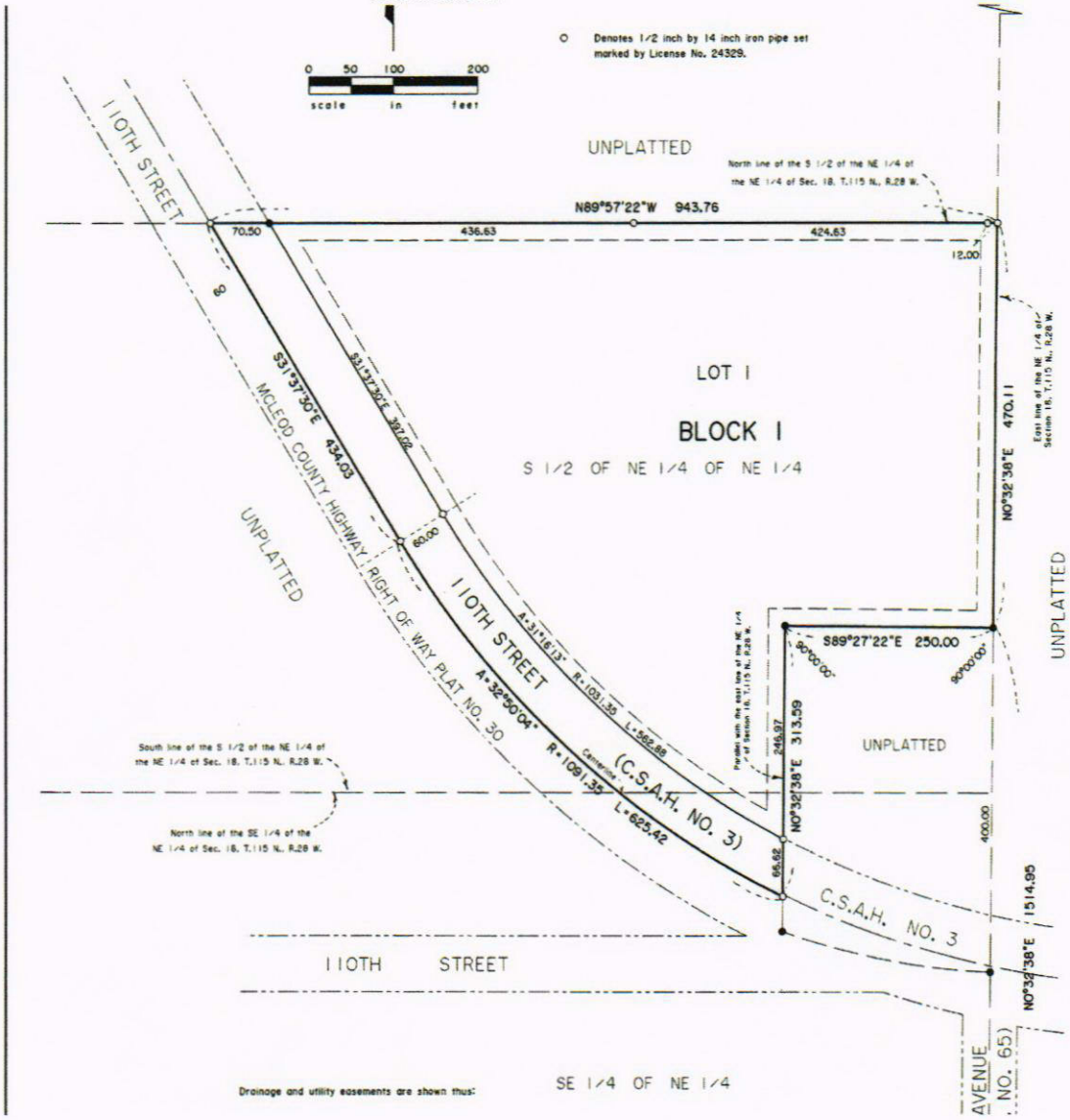
SPECIAL INFORMATION

Public Utilities:	McLeod Coop Power
Public Services:	Individual SSTS & Well
Transportation:	110th St. (CR 3)
Physical Characteristics:	**Rural Residential lot, tillable**

Analysis: The applicant would like to construct a 4,800 square foot accessory building for personal storage.

Recommendations: If approved, staff recommends the following conditions for consideration:

1) This structure shall be used for personal storage only. Any change in use may require an official control per ordinance.



Cc: Chris Knudten– applicant

04.076.0010

Disclaimer: McLeod County does not warrant or guarantee the accuracy of the data.
The data is meant for reference purposes only and should not be used for official decisions.
If you have questions regarding the data presented in this map, please contact the McLeod County GIS Department.

This information is to be used for reference purposes only.

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McLeod County Planning Commission

To: McLeod County Planning Commission

Prepared By: **Marc Telecky**

Application: **CUP** 23-09

Date: June 13, 2023 – **Meeting Date: June 28, 2023**

GENERAL INFORMATION

Brief Description: James & Jennifer McBride are requesting a conditional use permit to operate an automobile sales business in a detached 36' x 38' pole shed at their residence located at 22014 Babcock Ave., Winsted, MN 55395.

Applicant/Owner: James & Jennifer McBride
22014 Babcock Ave.
Winsted, MN 55395
P.I.D# 14.068.0020

Requested Action: To operate an automobile sales business as a home occupation at their residence.

Lot Size: 3 acres -- Lot 2 Block 1 Highpoint Addition

Existing Zoning: "A" Agriculture

Location: **SW ¼ SW ¼ Section 14 Winsted Twp.**

Existing Land Use: Rural Subdivision, Platted Lot

Adjacent Land Use And Zoning: "A" Agricultural, City of Winsted, Residential Lots

Zoning History: NA

Applicable Ordinance McLeod County Zoning Ordinance Section 7, Subd 3, Subp. 11

SPECIAL INFORMATION

Public Utilities: Xcel Energy

Public Services: SSTS, Individual Well

Transportation: Babcock Ave. (CR 1)

Physical Characteristics: **Platted building site with detached out-building. Access is off County Road 1 (Babcock Ave.) and there are residential building sites on the north & south sides of this property. This property is screened on the east with mature trees.**

Analysis:

The applicant is requesting a conditional use permit to operate an automobile sales business at their residence. They intend to operate the business out of an existing 36' x 38' pole shed located on the property. There will be no outdoor storage of vehicles in the public view. Traffic will be minimal and hours of operation will be between 7am – 7pm Monday – Friday.

The business will be known as Jim's Auto. The business will be owner operated. All waste fluids will be captured and stored on-site in leak-proof containers and pick-up on-site by a licensed waste service. The applicants have submitted a business plan for review.

Ordinance standards:

Home Occupation. *Home occupations that exceed the Home Occupation Standards in Section 16, Subdivision 12, may be allowed as Conditional Uses, provided that:*

A. *The business must be located on the homesteaded property of the business owner.*

B. *There may be no more than two employees other than a member of the household residing on the premises, except that in the Agricultural District, no more than five employees shall be permitted.*

C. *All equipment, supplies and products must be either stored entirely within an enclosed structure at all times or screened from view from the public road and/or nearby residences.*

D. *Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Conditional Use Permit.*

E. *The County Board may impose further conditions limiting the square footage used for the business, the daily hours of operation, or other aspects of the conduct of the business.*

F. *Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.*

Recommendations: If approved the board may wish to consider the following conditions:

1) There will be no outdoor storage of in-operable or unlicensed vehicles, salvage material, or other recycled material.
2) All waste fluids will be stored inside a building in properly labeled containers.
3) All sales will be via internet and delivered to buyer.
4) Any intensified change in use will require a new conditional use permit application.
5) All business operations will occur in the designated fenced area or within the building.
6) Applicant shall possess and hold a licensed MN Automotive dealers license.
7) Hours of operation shall be Monday – Friday 7am – 7pm.
8) The business will allowed 5 licensed, operable vehicles on-site at any given time.

Cc: James McBride– applicant

Business Plan

Jim's Auto

22014 Babcock Ave, Winsted, MN 55395

May 13, 2023

Executive Summary

The Ownership

Jim's Auto will be structured as a limited liability company (L.L.C.).

The Management

The Company will be managed by James (Jim) McBride.

The Goals and Objectives

Jim's Auto aims to accomplish the following goals and objectives: to place you in a reliable automobile at a reasonable price; to expand business into the surrounding states; to increase revenue in the next 3 years to be a self sustained business throughout our changing economy; to realize an annual growth of approximately 10% after 2 years and 5% every year thereafter.

The Products

Jim's Auto has a keen eye for safe, reliable automobiles. As well as finding the correct vehicle for one's financial needs.

The Target Market

The Company's target market has the following characteristics:

- Income: $35,000 - $100,000.

Pricing Strategy

The Company will use an economy pricing strategy.

May 13, 2023

Business Plan - Jim's Auto

Statement of Purpose

Jim's Auto is requesting

- Ability to open a business at 22014 Babcock Ave, Winsted, MN 55395
- Storage of no more than 5 cars at a time to be located on the back of the property away from the view of the street
- Cars will be detailed (interior only) at 22014 Babcock Ave, Winsted, MN 55395, stored here short term and the exterior cleaned elsewhere
- Sold and Delivered to Customer

The Company

Business Sector
The member would like to start a business in:

- Automobile Resale

Company Goals and Objectives
Jim's Auto's objectives are quite clear and simple. We want to succeed in second-hand cars and aims to accomplish the following goals and objectives: to place you in a reliable automobile at a reasonable price; to expand business into the surrounding states; to increase revenue in the next 3 years to be a self sustained business throughout our changing economy; to realize an annual growth of approximately 10% after 2 years and 5% every year thereafter. We are determined to achieve a positive reputation in car sales and build and develop extraordinary customer relations.

Company Ownership Structure
The Company will be structured as a limited liability company (L.L.C.).

Ownership Background

- Owner: James (Jim) McBride

Company Management Structure
The company will be managed by James (Jim) McBride

Ownership Assets
The company has the following assets:

- 36'x 38' Pole Barn

- 2005 Ram 2500
- Car Trailer

The Products

Jim's Auto has a keen eye for safe, reliable automobiles. As well as finding the correct vehicle for one's financial needs. The product accessibility will be on an as needed basis.

Marketing Plan

The Target Market
The Company's target market has the following characteristics:

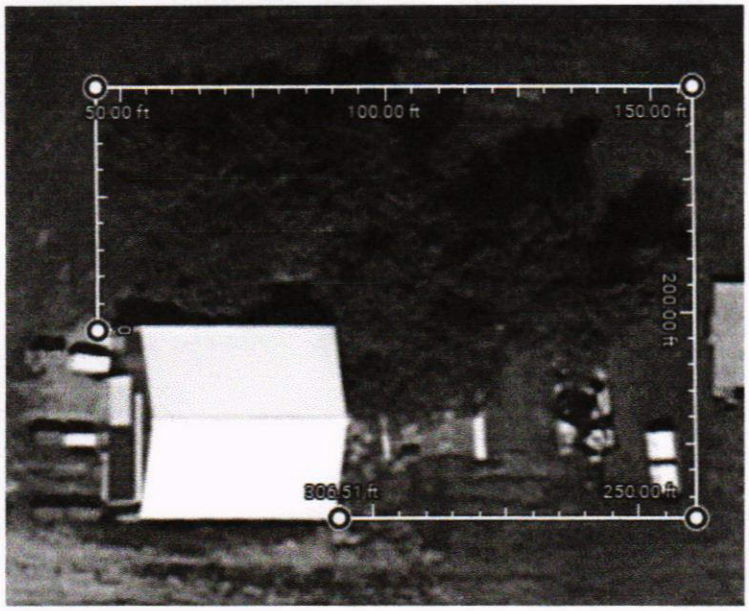
- Income: $35,000 - $100,000.

Pricing
The Company will use an economy pricing strategy

Advertising
The Company will promote the business through:

- Social Media
- Word of Mouth
- Ebay
- Online Pre-Existing Car Sale Sites

Proposed Storage Location



Entire Property

22014 Babcock Ave, Winsted, MN 55395

Aerial View