

MOWER COUNTY

AUSTIN, MINNESOTA



July 26, 1983

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Richard Cummings, Roger Peck, Conrad Stemson, John Hill, Joe Monson, Jen Ulwelling, Ray Capelle

Members Absent: None

Others Present: Daryl Franklin, David Olson, Julie Lewon

Chairman Peck called the meeting to order at 8:04 p.m., Tuesday, July 26, 1983 in the Commissioners Room of the Mower County Courthouse. Minutes of the June 28, 1983 meeting were approved with a correction made in the vote on the first motion regarding the sewer complaint against Mr. Wilson. The motion to approve was made by Mr. Monson, seconded by Mr. Stemson and passed unanimously.

Conditional Use Permit #313 - Construction of a Building (associated with an open space use) in the Floodway - Giles Healy and James Vacura: A petition from Giles Healy and James Vacura for a conditional use permit for the construction of a building in the Floodway at the Ramsey Golf Course in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 23, Lansing Township, was read to the commission. This petition was tabled at last month's meeting as no one was present to represent the petition. Mr. Healy and Mr. Vacura were both present at this meeting. They were proposing to place a pole building next to an existing building and use it to store golf carts in. They felt that this was the only open site that would work with the existing layout of the golf course.

Mr. Healy presented an evacuation plan to the commission that explained how the golf carts would be moved in the event of a flood. He stated that the building would be open at both ends, allowing any water to flow through it. Mr. Cummings made a motion to recommend approval of the permit with the following conditions:

1. The building be constructed so as to minimize the obstruction of the floodway (parallel to river).
2. The building be constructed to meet all flood protection standards (i.e., all electrical work above the flood protection elevation).
3. An evacuation plan must be prepared and copies filed with the planning office and the law enforcement office.
4. The permit is permanent.

The motion was seconded by Mr. Hill and passed unanimously. Mr. Olson then announced that the County Board would hear the request on August 2, 1983 at 2:30 p.m. in the Commissioners Room in the Courthouse.

Renewal of Conditional Use Permit #297 - Auto Body Repair Shop in a Rural Zone -
Randy Miller: A petition from Randy Miller for the renewal of his conditional use permit for an auto body repair shop in the Rural Zone on Lot 5, Block 1, Bellemans Addition, Austin Township, was read to the commission. Mr. Miller was granted a conditional use permit to operate the shop last May. One of the conditions was that the permit was temporary for one year and then renewable every three years. Two petitions were presented to the commission, one from Don Hummel in opposition to the renewal with

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twelve names, and one from Randy Miller in support of the renewal with thirty-one names. Mr. Miller stated that he had met all the conditions placed on the permit and hadn't had any complaints from the adjacent neighbors. He felt that those who signed the petition opposing him had been misinformed and told that if his permit were renewed, the whole area would be zoned commercial. Chairman Peck explained that a conditional use permit is not a change of zone, but just allows that one business it was granted for. He said that each request is reviewed to see that it would be compatible with the neighborhood. Kent Kotesh, Jenny Osmond and Kyle Jacobson, neighbors of Mr. Miller, all stated that Mr. Miller's business was neat and orderly, not noisy, and they had no complaints. Mr. Hummel then presented a copy of subdivision restrictions to the commission and said that it did not allow commercial buildings in the addition, and that Mr. Miller's was commercial. Mr. Olson replied that the county attorney, Fred Kraft, had reviewed the restrictions. They were not recorded in the county recorder's office and couldn't be binding on subsequent property owners such as Mr. Miller. Mrs. Adams said the area had been set up as residential and she did not want it to become commercial with lots of businesses now that Mr. Miller's was there. Mr. Olson explained that each business would have to come before the planning commission for a permit just as Mr. Miller did and each would be judged to see if they would be suitable to the area. After further discussion, Mr. Capelle stated that Mr. Miller had a legitimate business, was meeting the conditions and there had been no complaints in the year he had been operating. Because of this, Mr. Capelle made a motion to recommend approval of the permit with the following conditions:

- 1) No outside storage of cars waiting to be fixed.
- 2) No outside storage of junk cars or parts.
- 3) No heavy, noisy work be performed after 6:00 p.m. with the doors or windows open.
- 4) The permit shall be renewable in three years. No expense each time it is renewed - for control.
- 5) The permit is non-transferable.
- 6) Advertising signs shall be limited to a non-lighted sign on the garage.

Mr. Hill seconded the motion and it passed unanimously. Mr. Olson then announced that the County Board would hear the request on August 2, 1983 at 2:30 p.m. in the Commissioners Room in the courthouse.

Conditional Use Permit #315 - Additional Farm Dwelling - Blair Bergstrom: A petition from Blair Bergstrom for an additional farm dwelling in the SE $\frac{1}{4}$, Section 10, Windom Township, was read to the commission. Mr. Bergstrom plans to put a mobile home adjacent to the existing home which his grandmother lives in. He has bought the farm from her and will be working on it. Mr. Bergstrom was present and stated that he will eventually be moving into the house and would then sell the mobile home. Mrs. Ulwelling made a motion to recommend approval of the permit with the following conditions:

- 1) The permit is non-transferable.
- 2) The permit is permanent.
- 3) The residents of this dwelling must be associated with the farm operation.
- 4) The permit is void if building and sewer permits are not applied for and approved.

The motion was seconded by Mr. Hill and passed unanimously. Mr. Olson then announced that the County Board would hear the request on August 2, 1983 at 2:30 p.m. in the Commissioners Room of the Courthouse.

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Conditional Use Permit #316 - Animal Shelter in the Rural Zone - Paws & Claws, Inc.,
Marg Mourning, President: A petition from Paws and Claws for an animal shelter in 5 acres in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 14, Frankford Township, was read to the commission.

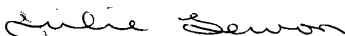
Mrs. Mourning showed a picture of the building that would be put on the property. The building is 24 x 48 feet, insulated, has a sound proof roof, electrical heat, and outside runs for each kennel. At dark, the dogs are all put inside and no barking is heard. She said that Paws & Claws had operated at their previous site for three years and received no complaints. The reason they were moving was that the property had not been theirs and was sold to someone who preferred to not have the animal shelter on the property. Mrs. Mourning said that no rabid dogs are kept at the shelter. Their dogs come from calls of stray dogs and all are advertised in the paper. The animals are kept until their owners can be found or someone adopts them. The shelter is state inspected and approved. Mr. Monson asked about signs, and Mrs. Mourning replied that there would be no signs and that a member of Paws & Claws would live on the property and take care of the animals. Merle Jacobson, owner of 5 J's campground presented a petition objecting to the location of the animal shelter at the proposed site. There were thirty-three names on the petition. Mr. Jacobson stated that he felt he would get complaints about barking from people using the campgrounds.

Leo Bernard, Frankford town board member, stated that the township has two kennels now and there are complaints about them. He didn't want the same thing to happen here. Bob Capelle, property owner to the north, spoke against the shelter locating at the proposed site. He felt that his property values would go down, the female dogs would tempt the working farm dogs off the farms, the noise and the possibility of rabies. Mrs. Mourning said that all the animals are vaccinated as soon as Paws & Claws acquires them. Jeff Jacobson, nearby property owner, was concerned about property values and a possible noise and odor problem to the campground. There was some discussion about what type of septic system would be used and Mrs. Mourning said that they would meet whatever septic system requirements Mower County had. After further discussion, Mr. Monson made a motion to recommend denial of the conditional use permit for an animal shelter in the Rural Zone because it was not compatible with the neighborhood. The motion was seconded by Mr. Capelle and passed unanimously. Mr. Olson then announced that the County Board would hear the request on August 2, 1983 at 2:30 p.m. in the Commissioners Room of the Courthouse.

Other Business: A motion was made by Mr. Hill and seconded by Mr. Monson to send an entire packet to the affected town board when packets are sent to the planning commission. The motion passed unanimously.

There being no further business, a motion to adjourn was made by Mrs. Ulwelling, seconded by Mr. Stemson and passed unanimously. The meeting adjourned at 10:20 p.m.

Respectfully submitted,



Julie Lewon
Secretary