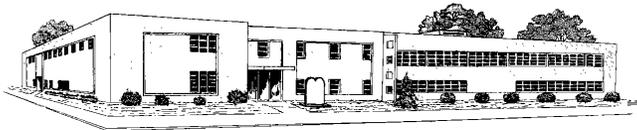


MOWER COUNTY

AUSTIN, MINNESOTA

55912



September 25, 1990

Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Gary Braaten, Bob Finbraaten, Herb Hanson, Don Olson, Keith Vorhees, Bob Werner, Oliver Hillier

Members Absent: MeriJo Lonergan, Steve Wieland

Others Present: Daryl Franklin, Katie Losness

Chair Hanson called the meeting to order at 8:00 p.m. on Tuesday, September 25, 1990, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the August 28, 1990, meeting were approved as mailed on a motion made by Mr. Werner, seconded by Mr. Vorhees and passed unanimously.

Rezoning from Floodway District to Flood Fringe District - Gary Ray: Ms. Losness read the staff report. Gary and Patricia Ray are requesting a rezoning from Floodway to Flood Fringe District on property owned by Violet Hildreth north of her residence at 2005 4th Drive SW. The parcel is approximately 400 feet long and 200 feet deep. The Rays would like to build a home on the site. The existing zoning is Agricultural District and use is vacant. Surrounding land use and zoning is as follows: North - Calvary Cemetery property; zoned "A-1" in city; South - residential; zoned Agricultural District; East - Cedar River; zoned Agricultural District; West - residential; zoned "R-1" in city.

Mr. Ray spoke in favor of the proposal and told the Commission that an extensive survey of the area had been conducted by Zenk, Read, Trygstad & Associates, an engineering firm. He referenced the letter from Bob Bezek, DNR, which said it appeared that the proposed encroachment will have no impact on flood elevations. There is supporting technical data to support that claim, according to Mr. Ray. They have completed a more thorough study of the area than previously done by FEMA. Mr. Ray said he understands that they would not be allowed to put a basement in the house and if he thought there was any chance it could flood he would not choose to build his home there.

Gary Groh, adjoining property owner, spoke in favor of the petition, saying the area in question has not flooded since he's lived in the area.

Daryl Franklin, Planner, said that even if the rezoning was approved, there are still very strict controls in the Flood

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Fringe District that would apply to the property. They could fill in the fringe but could only have a basement if it were one foot above the flood protection elevation.

Art Peck, property owner across the Cedar River, spoke in favor of the petition saying the floodplain maps are excessive. He watched the 1978 flood and that area did not flood so he sees no reason why there would be any problem with the request. Bob Riege, 1806 9th Street SW, also spoke in favor of the petition. He is a teacher at the Alternate Learning Center and the area in question is used quite a bit for partying and feels that if the Rays built a home there it would be a deterrent.

Alice Snater, Floodway Action Citizens Task Force, spoke in opposition of the request. She said the City's commitment has been to keep the floodplain totally open and this would be messing with the Corp of Engineers. In her opinion this would be a step backwards in flood control efforts.

Mr. Ray stated that the Zenk engineer said that it would make no difference whether there was a home there or not if the area flooded.

After further discussion Mr. Werner made a motion to recommend rezoning the property from Floodway to Flood Fringe in anticipation of approval by the Department of Natural Resources and the Federal Insurance Administration. The motion was seconded by Mr. Olson and passed unanimously. Ms. Losness announced that the County Board hearing would be at 1:30 p.m. on October 2, 1990.

Request for Change of Non-Conforming Cafe to Commercial Sewing Business - Glenn and Dawn Sanders: Ms. Losness read the staff report. Glenn and Dawn Sanders are requesting the change on property owned by Robert Riemers which was formerly the D & J Truck Stop in Lansing Township (W 225.2 ft N 332.2 ft NW 1/4 SW 1/4, Section 15). The part of the property in question here is the old cafe and bar where petitioners would like to operate a commercial sewing business. The existing and surrounding zoning is Agricultural District. The surrounding land use is residential.

Retha Farrell spoke on behalf of the Sanders in favor of the proposal stating they would be quilting and making crafts in the building. Parking should not be a problem as there is a large parking lot next to the cafe. Chair Hanson reported on his visit to the site and said he could see no reason to deny it. It would be less intrusive to the neighborhood than a bar or cafe.

After further discussion, a motion was made by Mr. Finbraaten to recommend approval of the change of non-conforming use to allow a

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commercial sewing business on the property. The motion was seconded by Mr. Braaten and passed unanimously. Ms. Losness announced that the hearing before the County Board would be held at 1:30 p.m. on October 2, 1990.

Conditional Use Permit #411 for a Home Occupation in an Accessory Building to Allow Auto Repair in the Agricultural District - Carlos Sanchez: Ms. Losness read the staff report. Carlos Sanchez, Route 2 Box 169, is requesting a conditional use permit to allow an auto repair business on his property in Austin Township (W 363 ft. N 210 ft. S 720 ft. SW 1/4 NW 1/4, Section 23). Existing land use is residential and zoning is Agricultural District. Surrounding land use is residential to the north and south and agricultural to the east and west. Surrounding zoning is Agricultural District.

Mr. Sanchez was not present to support his petition. Joseph Terrara, property owner to the south, spoke in opposition to the petition. There are eight junked vehicles on the property filled with debris and he foresees it as only getting worse. Other area neighbors were present in opposition as the area is already an eyesore.

Chair Hanson and Mr. Olson reported that they had visited the site and said that the shop did not appear to be properly ventilated for welding or painting and there was insulation in the ceiling that was potentially flammable. Mr. Olson said that it appeared he was junking cars rather than fixing them. Therefore, Mr. Olson made a motion to recommend denial of the permit as it would be injurious to the surrounding property owners use and enjoyment of their property for residential purposes. The motion was seconded by Mr. Finbraaten and passed unanimously. Ms. Losness announced that the hearing before the County Board would be held October 2, 1990, at 1:30 p.m.

There being no further business to discuss, the meeting adjourned at 9:00 p.m. on a motion by Mr. Finbraaten and seconded by Mr. Braaten.

Respectfully submitted,



Katie Losness