

MOWER COUNTY

AUSTIN, MINNESOTA

55912



Minutes Mower County Planning Commission

Members Present: Gary Braaten, Duane Hanson, Oliver Hillier, Greta Kraushaar, Meri Jo Lonergan, Don Olson, Keith Voorhees.

Members Absent: None.

Others Present: Citizens of Mower County, Daryl Franklin.

Chair Duane Hanson called the regular meeting to order at 7:00 p.m. on Tuesday, May 31, 1994, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the April 26, 1994, meeting were approved as mailed on a motion by Gary Braaten, seconded by Oliver Hillier. The motion passed unanimously. Minutes of the May 16, 1994, minutes were approved as mailed on a motion by Greta Kraushaar, seconded by Don Olson. The motion passed unanimously.

Change of Zone - Donald Durben/William Rugg - Change of zone from Agricultural (A) to Highway Business District (B-2) in section 3, Windom Township. Staff report was presented. Reference was made to the on-site inspection by Don Olson and Oliver Hillier on May 25, 1994. Stan and Don Durben stated that they were "land locked" in their present location and needed more land for their operation and the access to I-90 & Hwy 56 that this site offers. They also added that they wanted to do landscaping and build a fenced area for the parts that were waiting to be worked on. Mary Kay Smith, neighbor to the northeast, presented photos of the existing site and the existing Durben business at 12th Street SW. She was concerned that there would be a decrease in property values if the rezoning was approved. Dennis Starry, neighbor to the east, expressed concern on the Lady Bird Johnson beautification of limiting billboards and that it was not appropriate for this type of activity. Graham Uzlik, neighbor to the west, stated that it would be an eyesore. Chuck Wyant, neighbor to the west, said that this was not the way to clean-up I-90. Merrill Smith was concerned that the usage as written would allow many types of uses that would not be compatible. Tony Schmidt expressed his concern on the compatibility of the development. Don Olson stated that the Mower County Comprehensive Plan does mention this usage and that it may be appropriate and that this type of activity is needed in the area. After some discussion, Chair Hanson called for a polling of the Board. Meri Jo Lonergan stated that we wanted to maintain businesses in the County and that they do need extra room. Greta Kraushaar stated that she had mixed feelings about the need to keep the area clean. Keith Voorhees stated that he was concerned on the compatibility and that the Rose Creek site, which was previously rezoned, was more appropriate. Oliver Hillier stated that this type of business is necessary but that no one wants it in their backyard. Don Olson stated that the Comp Plan felt that this development would be appropriate and that with proper controls it would be reasonable. Gary Braaten felt that another site would be better since this business was not compatible with existing land uses. A motion was made by Greta Kraushaar, seconded by Keith Voorhees, to table the request until the June 28,

1994, Planning Commission meeting to request that the Durben's prepare a site plan showing how they propose to have the buildings, fenced area, service area, etc. on the property and also to investigate other possible sites. The motion passed on a 4-3 vote with Loneragan - yes, Kraushaar - yes, Voorhees- yes, Hanson- yes, Olson - no, Hillier -no, Braaten - no..

Conditional Use Permit #477 - Kurt & Kathy Hanson- Conditional use permit for a live bait shop in an accessory building in section 23, Lansing Township. Staff report was presented. Reference was made to the on-site inspection. A discussion took place on the proposal. The Planning Commission was concerned about the current access. Mr. & Mrs. Hanson stated that if the CUP was approved that they would then petition the County for another access to make a circular drive. After some discussion a motion was made by Don Olson, seconded by Oliver Hillier, to approve conditional use permit #477 for a bait shop in an accessory building because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Permit will expire May 31, 1999.
2. Hours of Operation: 5:00 a.m. to 11:00 a.m. and 2:00 p.m. to 9:00 p.m.
3. Secure DNR permits.
4. Secure second drive onto property for easy access.

The motion passed unanimously.

Conditional Use Permit #478 - Rick Schewe - Conditional use permit to allow fill to be placed in the floodway in order to build in section 27, Austin Township. Staff report was presented. Reference was made to the on-site inspection with Bob Bezek from the Minnesota Department of Natural Resources. It was explained that the site where Mr. Schewe wanted to place the building and additional fill had previously been filled. He would simply increase the elevation with fill. After some discussion, a motion was made by Gary Braaten, seconded by Keith Voorhees, to recommend approval of conditional use permit #478 to allow fill to be placed in the floodway in order to build a shed because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Permit will be permanent.
2. Fill under building must be in accordance with DNR rules and at a minimum elevation of 1175.5 feet.
3. A FEMA National Flood Insurance Program Elevation Certificate must be furnished to the Planning Department before a Zoning Permit is issued certifying the elevation is 1175.5 feet.

The following are conditions added from the letter from Bob Bezek of the Minnesota Department of Natural Resources:

4. Mr. Schewe should complete an elevation certificate on the property. The ground must be elevated to 1174.5 msl (NGVD), and the lowest floor at an elevation of 1175.5.
5. Fill should not extend any closer to the river than what presently exists. If a larger area is needed a different location on the lot should be identified.
6. It is the DNR's understanding that Mr. Schewe has received some

type of confirmation that his proposed home is not in the 100 year floodplain. It is not clear to the DNR that this is in fact so. The location of the proposed home is very close to the floodplain boundary. It is recommended that unless the existing ground elevation surround the proposed homesite is above 1174.5 the site be considered as being in the floodplain and the appropriate standards applied.

7. If the building site is determined to be out of the floodplain it should be recommended to Mr. Schewe that a basement not be constructed. If a basement is constructed it must not be a walkout, it should be recommended that the walls be constructed to withstand hydrostatic pressures associated with saturated soils, and that the basement be used solely for storage and not sleeping.

The motion passed unanimously.

Request from Richard & Norma Kanne for a time extension on sewer complaint - Mr. & Mrs. Kanne and Harold Boverhuis, Lansing Township Chair, were present. Lansing Township is working with Jones, Haugh & Smith on a proposal to develop a sewer system for the Township and that it might be appropriate to wait and not have the Kanne's spend the money. It was brought out that this might be a long wait. They gave the information on why the time extension was needed. After some discussion, a motion was made by Greta Kraushaar, seconded by Don Olson, to grant a time extension until the June 28, 1994, Planning Commission meeting. The motion passed unanimously.

Planning Commission members were reminded of upcoming meeting on the proposed sewer ordinance on June 14th in Adams and June 16th in Austin.

There being no further business, the meeting adjourned at 8:20 p.m. on motion by Gary Braaten, seconded by Oliver Hillier. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director