

Mower County Planning Commission

Minutes Mower County Planning Commission

Members Present: Diane Benson, Harold Boverhuis, Oliver Hillier, Meri Jo Lonergan, Brian McAlister, Len Miller, Don Olson, Keith Voorhees.

Members Absent: None.

Others Present: Lee Bonorden (Austin Daily Herald), Citizens, William Buckley, Daryl W. Franklin.

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, May 28, 1996, in Courtroom II at the Mower County Courthouse, 201 First Street NE, Austin, Minnesota. Minutes of the April 30, 1996; meeting were approved as mailed on a motion by Brian McAlister, seconded by Keith Voorhees. The motion passed unanimously.

Preliminary Plat: Seven Springs Addition - James Burke, Kathryn Colestock-Burke, Russell Burke, and Cleo Burke - Platting of a subdivision in Section 32 of Lansing Township. Dr. & Mrs. James Burke and Wade Dumont (of Yaggy Colby Associates) presented information on the plat. It was explained that they would be developing it in up to four phases starting on the east side. It was also noted that the plat has been reviewed by Turtle Creek Watershed, Lansing Township, County Engineer and REA Utilities. After some discussion, a motion was made by Don Olson, seconded by Keith Voorhees, to have the Burkes' proceed with the preparation of the final plat. The motion passed unanimously.

Conditional Use Permit #515 - Kevin Binkley- CUP applicable to Section 14-50(aa) of the Mower County Zoning Ordinance for a used auto dealership in Section 15 of Marshall Township. Reference was made to the site investigation performed by Don Olson and Keith Voorhees on May 22, 1996. Staff report was presented. Mr. Binkley explained that it will include other vehicles and not just cars. After some discussion, a motion was made by Keith Voorhees, seconded by Diane Benson, to approve CUP #515 for a used auto dealership because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. Limit of ten (10) vehicles for sale at any one time.
2. No junk or inoperable cars allowed.
3. No auto repair work allowed.
4. Permit will expire May 31, 2001, and may be renewed at that time.

5. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit

The motion passed unanimously.

Conditional Use Permit #517 - Jeffrey Capretz- CUP applicable to Section 14-50(aa) of the Mower County Zoning Ordinance for a used auto dealership in Section 15 of Austin Township. Reference was made to the site investigation performed by Don Olson and Keith Voorhees on May 22, 1996. Staff report was presented. Mr. Capretz reported that his property had been used as a tire shop in the past and that he would like to run a clean operation. Chair Miller asked for any opposition. Richard Raymond was concerned that property values would be lowered. Marianne Lueders presented a petition from the neighborhood stating that it was a residential area and that this was not an appropriate proposal for the area. Nancy Towne was concerned about the children and increased traffic. Darlene Angels reported that she has a daycare and was concerned about safety for the children. Mrs. George Lickteig was concerned about property values. Keith Voorhees stated that it would be an auto sales and that junk would not be stored there. Harold Boverhuis stated that he felt it was not an appropriate use for this area even though it was zoned Agricultural. After some discussion, a motion was made by Harold Boverhuis, seconded by Brian McAlister, to deny CUP #517 for a used auto dealership because it was not in accordance with Section 14-31(1 & 2) of the Mower County Code and it was not in keeping with the residential character of the area. The motion passed unanimously.

Conditional Use Permit #516 - Brian Anderson CUP applicable to Section 14-51(k) of the Mower County Zoning Ordinance for a solid waste handling and disposal facility, which allows storage of garbage bins and yard-waste composting site (formerly Austin Sanitation) in Section 21, Lansing Township. Reference was made to the site investigation performed by Don Olson, Oliver Hillier and Keith Voorhees on May 22, 1996. Staff report was presented. Chair Miller asked for any opposition. Robert Peterson and Perry Byam questioned the junk in the neighborhood. After some discussion, a motion was made by Don Olson, seconded by Keith Voorhees, to approve renewal of CUP #516 for a solid waste handling and disposal facility, which allows storage of garbage bins and yard-waste composting, because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. The operation must comply with all applicable rules of the Minnesota Pollution Control Agency (MPCA) and Mower County Ordinances.
2. The compost operation shall not be located in any soils classified in hydrologic group D of the 1989 Mower County Soil Survey.
3. Surface water drainage must be controlled to prevent run-off and must be diverted from the compost and storage areas.
4. Any residual materials received must be properly stored and removed at least weekly.
5. Hours of operation shall be as follows:

Open 7:00 a.m. to 8:00 p.m.
Monday through Saturday
Closed on Legal holidays

7. Petitioner/Owner shall be responsible for removal of illegally dumped yard-waste in the Township right-of-way for 100 feet north and 100 feet south of entrance.
8. The site will be subject to monthly inspections.
9. Site limited to yard-waste, as defined by the MPCA.
10. This permit will expire on December 31, 2005, and may be renewed at that time.
11. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.

The motion passed by a 6 to 0 vote with Oliver Hillier abstaining.

Petition for Planning - Kristi & Newman Abuissa - Petition to plat in Section 7 of Austin Township. Reference was made to the site investigation performed by Don Olson, Oliver Hillier and Keith Voorhees on May 22, 1996. Staff report was presented. The plat was reviewed by the Planning Commission. The Planning Commission had concerns regarding the access and number of lots. A motion was made by Don Olson, seconded by Oliver Hillier, to table action on the plat to allow the design to be re-done. The motion passed unanimously.

Conditional Use Permit #518 - Roger Jennings - CUP applicable to Section 14-51(j) of the Mower County Zoning Ordinance for a demolition landfill in Section 23/26 of Austin Township. Reference was made to the site investigation performed by Don Olson, Keith Voorhees, Len Miller, Brian McAlister, Oliver Hillier, and Harold Boverhuis on May 22, 1996. Staff report was presented. Jack Perry, attorney from Briggs and Morgan, reported that the reasons for denying the prior request for a demolition landfill on this site (1994-Wallace Bustad) were not valid and the Planning Commission must follow Section 14-31. He also stated that the County can only use objective reasons for denial and whatever decision the County Board make must be found in fact and that public opposition is not a reason for denial. John Sharp, from Braun Intertec, presented the operation proposal for a 400,000 cubic yard landfill. Mr. Sharp stated that he felt the CUP met all the requirements of Section 14-31 because the site had previously been an experimental farm and gravel pit. A 1994 letter from Mike Sutherland on property values was entered into the record. Chair Miller asked for any opposition. Dr. James Gates expressed concern about what impact a demolition landfill would have on water quality, wildlife and the sensitivity of the area. A resolution from Austin Township stating their opposition was presented to the Planning Commission. Tom Higgins stated that he was opposed because of falling property values. Daryl Sauer stated that he was worried about the wetlands and devaluation. A 1992 letter from Austin Township Assessor Jerry Reinartz to Louise Lingbeck on property devaluation was entered into the record. Jack Perry stated that all demolition landfills have to comply with a rule on the

"fitness of the operator" before anyone can be approved. If an operator has not complied in the past, they may not be approved for future licensing for landfills. Tom Baudler, attorney representing neighboring landowners, disagreed with Mr. Perry and said that the Planning Commission has the right to deny the CUP because it was not in accordance with Section 14-31 since a demolition landfill does devalue property. Richard Gabrielson was concerned about safety for children on the road. Brian McAlister felt that the Planning Commission must make a decision on the land use and let the MPCA address the issues of groundwater, etc. After some discussion, a motion was made by Don Olson, seconded by Brian McAlister, to approve CUP #518 for a demolition landfill because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. The operator must secure the appropriate County, State and Federal permits and comply with all applicable provisions and requirements.
2. The operator is responsible for any required engineering work.
3. The applicant must provide a minimum of a \$50,000 Surety Bond on the site each year payable to Mower County.
4. The applicant must have a Minnesota Pollution Control Agency (MPCA) certified landfill operator on the site to accept waste.
5. The applicant must secure a MPCA Permit for a demolition landfill.
6. The landfill can only receive debris as specified for a demolition landfill by the MPCA.
7. The County has the right to inspect the facility for compliance with all solid waste regulations and conditions of the conditional use permit.
8. Entrance to the landfill shall remain gated and the gate must remain closed and locked during non-operating hours.
9. Petitioner is responsible for clean-up of the road ditch (100' on each side of entrance on CSAH 29).
10. Landfill will be operated as a private enterprise, however, the owner will accept demolition material from contractors, commercial businesses and governmental units.
11. All aspects of the landfill construction and closure details must strictly adhere to the engineering plans approved by the MPCA.
12. Conditional use permit is non-transferable without prior approval of the Mower County Planning Commission and Mower County Board of Commissioners.
13. Failure to comply with any and all listed conditions shall result in revocation of this conditional use permit hereby resulting in closure of the demolition landfill.
14. Permit will expire on December 31, 2006.

The motion passed by a 5 to 2 vote.

Aye: Benson, Boverhuis, McAlister, Olson, Voorhees.

Nay: Hillier, Lonergan.

Zoning Ordinance Amendment dealing with Two-Family Twin Homes in the A, R, and UR Districts. Questions were raised on lot sizes for twin-homes. After some discussion, it was decided to investigate the amendment further and table the amendment until the July meeting.

OTHER BUSINESS:

None.

There being no further business, the meeting adjourned at 9:38 p.m. on motion by Harold Boverhuis, seconded by Meri Jo Lonergan. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director