

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Diane Benson, Myles Bendtsen, Harold Boverhuis, Sheldon Lukes, Brian McAlister, Leonard Miller and Beverly Weness

Members Absent: Vance Larson

Others Present: Citizens, Lee Bonorden (Austin Daily Herald), Amy Olson (Austin-Post Bulletin), Denise Mudra and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, April 25, 2000 at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 28, 2000 minutes were approved as mailed on a motion by Sheldon Lukes seconded by Brian McAlister. The motion passed unanimously.

CUP #556 Glenn Medgaarden. Conditional Use Permit #556 for commercial mini storage applicable to section 14-51(t) of the Mower County Zoning Ordinance, W 222.5' commencing at the NW corner, NW ¼, SW ¼ of Section 15, Lansing Township, then running South on the section line 332.2', thence East 40 rods, then North 332.2', more or less, to the quarter section line, thence West on the quarter section line 40 rods to the place of beginning, Mower County, Minnesota. PIN #08-051-0090.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on April 19, 2000. Staff report and map as required under County Code was presented. Mr. Medgaarden wants to construct a mini-storage building as part of the total reconstruction of his current facility. The existing buildings would be torn down and the mini-storage constructed on the east side, 20' x 120'. Mr. Medgaarden is also requesting a variance which will be considered by the Board of Adjustment on Wednesday, April 26, 2000. **Applicant's Presentation:** Mr. Medgaarden stated that he purchased the property from Rodney Laskewitz and is operating it in a similar manner. He needs to make improvements to the property and wants to reconstruct the building as well as construct a mini-storage. **Statement from the Public:** Bob Morgan, a neighbor to the east, was present. He didn't express concerns with the project until a question regarding drainage was presented. He then expressed a concern that drainage from the buildings would dump water onto his property or dump into the sewer line that goes behind the property. Planning Commission Chair, Len Miller, explained that this is a consideration of section 14-31. Questions were also raised about the

comment from Lansing Township. Harold Boverhuis, from Lansing Township, stated that they felt the project would improve the area. Mr. Morgan also asked about the status of the sewer project. Mr. Boverhuis stated that a written notice should be received in September, 2000. Myles Bendtsen stated that as a member of the investigating committee, he did not see any problems with the situation. **Conclude the Public Hearing:** Len Miller closed the public hearing. A motion was made by Brian McAlister, seconded by Sheldon Lukes to recommend approval of CUP #556 because it is in accordance with Section 14-31 of the County Code based on findings of facts that the individual Planning Commission members prepared and will become part of the record with the following conditions.

1. Be a permanent permit.
2. Permit void if commercial mini-storage units are not constructed within 36 months of date of approval.
3. Site evaluation completed on existing sewer system. If not in compliance install new system by June 30, 2002.
4. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Roll Call

Diane Benson – Yes Sheldon Lukes - Yes
Myles Bendtsen – Yes Brian McAlister - Yes
Harold Boverhuis – Yes Beverly Weness - Yes

Summary: 6 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the May 9th at meeting at 10:00 a.m. and not May 2nd.

CUP #557- Mark & Rita Wachlin. Conditional Use Permit #557 for filling in excess of 1,000 cubic yards in the shoreland and flood fringe of the Cedar River applicable to Section 14-122(c) of the Mower County Zoning Ordinance, Lots 10 & 11, Pleasant View Addition, in the S ½ of the SW ¼ and the W ½ of the SE ¼, Section 11, Lansing Township, Mower County, Minnesota. PIN# 08-051-0100 & 08-051-0110.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on April 19, 2000. Staff report and map as required under County Code was presented. **Applicant's Presentation:** Mr. Wachlin stated that the information, as presented, was correct. They would like to elevate the accessory buildings and move them to a higher elevation. They also want to put the fill for a new garage. Harold Boverhuis stated that Lansing Township had no comment on this CUP. Myles Bendtsen stated that he felt the

filling would be appropriate and a betterment of the area. **Statement from the Public:** None. **Conclude the Public Hearing:** Len Miller closed the public hearing. Harold Boverhuis stated that he would abstain from voting on this issue because of past concerns. A motion was made by Sheldon Lukes seconded by Myles Bendtsen to recommend approval of CUP #557 because it is in accordance with Section 14-31 of the County Code based on findings of facts that the individual Planning Commission members prepared and will become part of the record with the following conditions:

1. Comply with all State and local laws regarding placement of fill in shoreland and flood fringe district.
2. Fill material shall be clean earthen material – no demolition material.
3. Fill shall be completed and up to flood protection elevation by December 31, 2003.
4. Comply with the Erosion/Sediment Control Plan prepared by the Mower County Soil & Water Conservation district.
5. The small white garage can remain in its current location and elevation until May 1, 2003, after that date it must be removed or moved to fill area.
6. Grey shed will be moved to new fill area within three (3) years, in addition owner may construct a new 20' x 24' shed on the fill area.
7. Owner may also install fill for new garage which will be attached to the house. The garage will be constructed to flood protection elevation. This fill must be in place by December 31, 2005.
8. Owners must secure necessary zoning permits prior to moving or construction of buildings.
9. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Roll Call

Diane Benson – Yes

Sheldon Lukes - Yes

Myles Bendtsen – Yes

Brian McAlister - Yes

Harold Boverhuis – Abstain

Beverly Weness - Yes

Summary: 5 Yeas – 0 Nays – 1 Abstain. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board will be acting on the petition at their May 9th, 2000 meeting at 10:00 a.m.

Presentation of the AMC Model Right-of-Way Ordinance for the Management of the Public Right-of-Way for Counties. It was explained that this is a cooperative effort between AMC (Association of Minnesota Counties), Minnesota Counties Insurance Trust and the League of Minnesota Cities. The ordinance would be applicable to all county state aid highways and deal with

concerns with past usage and misuse of public right-of-way. After some discussion a motion was made by Brian McAlister and seconded by Sheldon Lukes that the AMC Model Right-of-Way Ordinance for the Management of the Public Right-of-Way for Counties be approved and that the county proceed with the appropriate adoption procedures.

Roll Call

Diane Benson – Yes

Brian McAlister – Yes

Myles Bendtsen – Yes

Sheldon Lukes – Yes

Harold Boverhuis – Yes

Beverly Weness – Yes

Summary: 6 Yeas – 0 Nays. Motion passed unanimously. Chair, Len Miller does not vote.

There being no further business, the meeting adjourned at 8:05 p.m. on a motion by Sheldon Lukes, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Mower Co. Planning Director

vjk