

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Diane Benson, Myles Bendtsen, Harold Boverhuis, Brian McAlister and Leonard Miller

Members Absent: Sheldon Lukes, Vance Larson and Beverly Weness

Others Present: Citizens, Glen Jacobsen, Kenneth & Yvonne Bell, Denise Mudra, and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m., on Tuesday, September 26, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 29th, 2000 meeting were approved as mailed on a motion by Harold Boverhuis seconded by Brian McAlister. The motion passed unanimously.

CUP #567 – Kenneth Bell. Conditional Use Permit #567 to demolish an old existing garage, bury concrete on-site, remove wood and bring in up to 1000 cubic yards of fill in the shoreland area of Turtle Creek pursuant to Section 14-97 of the Mower County Zoning Ordinance, Outlot 1 in NW ¼ SE ¼, Section 32, Lansing Township, T103N R18W, Mower County, Minnesota. PIN #08-037-0020.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Vance Larson on September 20, 2000. The Staff Report was presented with conditions and background information noted. ***Applicant's Presentation:*** The Bells explained that they are demolishing an old three stall garage, removing the wood material, depositing the concrete and then bringing clean earthen fill over the top to make the bank uniform. They explained that they are building a new garage which is not located in the shoreland area. ***Statement from the Public:*** There were no comments from Lansing Township or from the public. ***Conclude the Public Hearing:*** Len Miller closed the public hearing. After some discussion a motion was made by Brian McAlister and seconded by Harold Boverhuis to recommend approval of CUP #567 because it is in accordance with Mower County Zoning Regulations based on an email letter from Bob Bezek of the Minnesota Department of Natural Resources (Attachment #1) and the following findings of facts that the individual Planning Commission members prepared and will become part of the record.

CUP #567 – KENNETH BELL

SECTION 14-31. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

- (a) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The conditional use will not be injurious to use and enjoyment of other property in the vicinity for the purposes already permitted. The filling in of the old garage area and leveling of the property will have no impact on adjoining property or on the use of their property. There will be no flooding problems since it is not in a floodplain area, it is simply in the shoreland area.

- (b) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area.

Any vacant property in the area will not be adversely impacted by this small operation since once the filling is complete it will not be obvious to anyone that a conditional use permit has been issued.

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

The current roads, drainage, etc. are being provided. No additional material is needed. Also, DNR has not seen any additional requirements.

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

There will be adequate parking, maneuvering and storage area as the filling is taking place.

- (e) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The operation, as proposed by the Bells, will not be a nuisance to adjoining property owners. There will be limited noise and dust during the filling operation, which should be completed within a very short time. Once the operation is finished there will be no lighting or signs on the property to disturb adjacent property owners.

The following are conditions of Conditional Use Permit #567:

1. Comply with all State and local policies regarding placement of fill in shoreland area.
2. Fill material over the top of the concrete shall be clean earthen material.
3. Comply with DNR email letter dated September 26, 2000.
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

Harold Boverhuis - Yes

Myles Bendtsen – Yes

Brian McAlister - Yes

Summary: 4 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 October 3rd, 2000 meeting at 1:30 p.m.

There being no further business, the meeting adjourned at 7:14 p.m. on a motion by Diane Benson, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin

Mower Co. Planning Director

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