

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Myles Bendtsen, Diane Benson, Brian McAlister, Leonard Miller and Beverly Weness

Members Absent: Harold Boverhuis, Vance Larson and Sheldon Lukes

Others Present: Citizens, Craig Jurgensen, Dean Rolfson, Mr. & Mrs. John Wood, Jim Cnossen, Webb & Linda Davis and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:15 p.m., on Tuesday, December 26, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the November 28th, 2000 meeting were approved as mailed with an amendment on condition #1 for CUP #569, Francis Severson, reading as follows; ***"A compliance inspection be conducted by a licensed Designer I Inspector, (changed from "an evaluation be conducted by a licensed Designer I or Inspector")"***, on a motion by Myles Bendtsen, seconded by Brian McAlister. The motion passed unanimously.

COZ #138 and CUP #468 - JT Leasing. Rescind Change of Zone #138 by resolution #96-93 for a change of zone from A to B-1 to allow for a multi-family housing unit, and rescind Conditional Use Permit #468 by resolution #97-93 to construct a multi-family housing unit. E645 ft., S 583 Ft., N 788 Ft., SE ¼ SE ¼, Section 4, Red Rock Township, T103N R17W, Mower County, Minnesota. PIN #16-004-0150.

Staff Presentation: It was explained that when the petition was originally submitted in 1993 the intention was to rezone property and apply for a conditional use permit to construct a multi-family dwelling **on the east side of Highway 56**. However, through an administrative oversight on both parties the legal description that was presented and acted upon was incorrectly presented as being on the west side of Highway 56 (as shown above) on property that was already zoned commercial. The purpose of the rescinding is to clear up legal faults in the title. Peter Bridston, Vice President, Business Banking, Marquette Bank, Shakopee, MN brought the errors in question to the attention of the Planning Department, in faxes dated November 27, 2000. The net result of this action will be that the property on the West Side of Highway 56 will remain commercial and the usage of IB Industries is according to County regulations.

Statement from the Public: No one from the public spoke on this petition.

Conclude the Public Hearing: Len Miller closed the public hearing. After

CUP #570 - ALLIANT ENERGY

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 installation of the microwave tower will not have any impact on the immediate vicinity. The tower, when installed, will have three or four anchors and the land will continue to be part of this substation. As such, this will not diminish or impair property values within the immediate 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.

The installation of the tower will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

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

Current roads, drainage, etc. are being provided and there is no additional infrastructure that needs to be provided.

- (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 for the facility during its construction since the proposed location is within the site of the existing substation.

- (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 Alliant Energy, will not be a nuisance to adjacent property owners. There will be limited noise and dust during construction. Once it is completed there will not be noise, dust, odor, fumes or vibration. When the tower is installed there may be a warning light, required by the FAA, present which should not be a distraction or disturbance to adjacent property owners.

The following are conditions of Conditional Use Permit #570:

- 1.) Petitioner must secure appropriate FCC and FAA permits and licenses.
- 2.) When the new tower is complete the old existing tower must be removed.
- 3.) The use of any portion of the tower for advertising signs (other than warning or equipment signs) is prohibited.
- 4.) All abandoned or unused towers or associated above ground facilities shall be removed within 12 months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Mower County Board of Commissioners. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Mower County Board of Commissioners and the costs of removal assessed against the property.
- 5.) 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

Myles Bendtsen – Yes

Brian McAlister - Yes

Diane Benson – Yes

Beverly Weness – 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 this petition at the Tuesday, January 2nd, 2001 meeting at 1:30 p.m.

CUP #571 – Craig Jurgensen (Petitioner) - Knoche Revocable Family Trust (Owner). Conditional Use Permit #571 to operate an asphalt sealcoating business at the site pursuant to Section 14-51 (u) of the Mower County Zoning Ordinance, E 5 Ac NW ¼ NW ¼ exc. Hwy, & N 856.4 ft. W 508 ft. E 673 ft. N of Hwy exc. N 280 ft. W 140 ft., Section 5, Windom Township, Mower County, Minnesota. PIN #20-005-0130.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Harold Boverhuis on December 20, 2000. The Staff Report was presented with conditions and an additional condition of a vegetative barrier not noted on the report, and background information noted.

Applicant's Presentation: Craig Jurgensen explained that the parcel is approximately 12.6 acres and he is proposing to use the existing facility and concrete slab to operate Christian Bros. Sealcoating and a snowplowing business. He explained that the sealcoating is a cold tar process. He will have a six thousand-gallon storage tank for product, on site, which will then be loaded out in thousand gallon trucks for sealcoating jobs. After the trucks are loaded they will add sand and additives to the mixture. The product is water-soluble. Mr. Jurgensen presented a drawing of the proposed landscaping around the facility, which includes approximately 3 rows of trees and shrubs and discussed the spacing of the them.

Statement from the Public: Webb & Linda Davis, adjoining property owners, inquired about the noise level involved. Mr. Jurgensen explained that the only noise would be loading and unloading the six thousand-gallon tanks with the tar product. Mr. Jurgensen also explained that the noise would be similar to the noise made by a lawn mower. If a spill were to occur, the material would harden and then be easily picked up. There was no comment from Windom Township.

Conclude the Public Hearing: Len Miller closed the public hearing. Bev Weness asked about the vegetative barrier. It was requested that Mr. Jurgensen present to the County Board a plan for the vegetative barrier discussing the spacing of the Blue Spruce trees, Seedless Ash trees and the hedge. A motion was made by Diane Benson and seconded by Bev Weness to recommend approval of CUP #571 because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopt the following Findings of Fact that the individual Planning Commission members prepared and will become part of the record.

CUP #571 – CRAIG JURGENSEN

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.

Previously, the Knoche property was used as a feedlot facility and storage facility for various individuals. By allowing Christian Bros. Sealcoating to use this and by placing adequate restrictions on the usage, the conditional use will not be injurious.

- (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.

Considering the fact that the area has previously been used as a feedlot and storage area, quasi commercial; the usage of Christian Bros. Sealcoating will not impact on the normal and orderly development of surrounding vacant property.

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

The use in questions does not need any greater utilities, access roads and drainage than previous uses in the area. Also the utilities that are present are sufficient for the proposed use. If any additional is needed for a sewer system it will be installed according to County standards.

- (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 is sufficient off-street parking and loading space provided on the parcel.

- (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.

In the operation as allowed, there will not be items that will generate odor, fumes, dust, noise and vibration and will therefore not be nuisance to neighboring property owners. In addition, the installation of the proposed vegetative barrier on the north end of the property will serve as a screen for the property to the north. Also, there is adequate separation for the home on the east side of the property. Any signs that would be allowed here will be regulated by the Mower County sign code and should not be a disturbance to adjoining property owners.

The following are conditions of Conditional Use Permit #571:

- 1.) Receive all County, State and Federal licenses that are required.
- 2.) The CUP will expire on change of ownership of property or change in business.
- 3.) The CUP is void if substantial work is not completed by December 31, 2001.
- 4.) No retail sales of product from this location.
- 5.) A vegetative barrier shall be installed according to a plan approved by the County Board.
- 6.) A Compliance Inspection be conducted by a licensed Designer I Inspector, on any sewage treatment system serving the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the conditional use permit within one (1) year of approval of the variance. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
- 7.) 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

Myles Bendtsen – Yes

Brian McAlister - Yes

Diane Benson – Yes

Beverly Weness – 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 this petition at the Tuesday, January 2nd, 2001 meeting at 1:30 p.m.

Planning Commission members were given a summary sheet of the Comprehensive Plan Update meeting.

There being no further business, the meeting adjourned at 8:15 p.m. on a motion by Diane Benson, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Mower Co. Planning Director

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