

Mower County Planning Commission

Minutes of the Mower County Planning Commission – January 29, 2002

Members Present: David Hillier, Bev Weness, Myles Bendtsen, Diane Benson, Brian McAlister, Harold Boverhuis, Vance Larson

Members Absent: Sheldon Lukes

Others Present: Daryl W. Franklin, Pat Oman, Garry Ellingson

Chair David Hillier called the regular meeting to order at 7:00 p.m., on Tuesday, January 29, 2002, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the October 30, 2001, November 19, 2001 and December 18, 2001 meetings were approved as mailed on a motion made by Brian McAlister and seconded by Myles Bendtsen. The motion passed unanimously.

Chair Hillier explained that the County Board appointed Commissioner Garry Ellingson as an alternate to the Planning Commission. In this position, Commissioner Ellingson will be chair of the Planning Commission when Commissioner Hillier is unavailable.

Election of Vice-Chair

Chair Hillier explained the need to elect a vice-chair. A motion was made by Harold Boverhuis to nominate Myles Bendtsen. Chair Hillier called for additional nominations three times. A motion was made by Harold Boverhuis, and seconded by Vance Larson to cast a unanimous ballot for Myles Bendtsen. The motion passed unanimously.

CUP #599 – Kent Harrington (Petitioner) and Warren & Alice Harrington

(Owner): Conditional Use Permit #599 to construct three mini-storage facilities an approximate size of 36 feet x 151 feet pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: S 250 ft. N 1374 ft. W 522.72 ft. E 1078.44 ft. E ½ SW ¼, Section 27, Lansing Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the investigation performed by Brian McAlister and Sheldon Lukes on January 23, 2002. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Kent Harrington stated that he was proposing up to three buildings and the he would be fencing around the building location. He would have one entrance onto 7th Street N.W. Mr. Harrington stated he didn't want pine trees on the West side because the would act as a snow fence and allow snow to accumulate in the storage area.

Statement from the Public: A letter from Jon Erickson, Austin City Engineer, was presented with three conditions. County Attorney Pat Oman stated that the request for additional road right-of-way was not appropriate. The Planning Commission discussed the other two conditions and decided against including them.

Conclude the Public Hearing: David Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Harold Boverhuis to recommend approval of CUP #599 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

KENT HARRINGTON – CUP #599

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 existing property around the proposed location of mini-storage is residential, multi-family & light industrial and the City of Austin. Mini-storage facilities as are designed and operated today are a compatible land use with these activities. Therefore, it will not have an impact on the property values and hurt the use and enjoyment of other property for purposes already permitted.

- (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.

Vacant property will not be hampered by the development of the mini-storage, for a residential area.

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

When the facility is constructed, there will be access from the west side of the property.

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

Sufficient off-street loading and parking space will be provided on the circulation plan, as presented for the proposed mini-storage.

- (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 establishment of the mini-storage facility will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties. The only lights will be the nominal security light.

The following are conditions of Conditional Use Permit #599:

1. Permit void if commercial mini-storage units are not constructed within 36 months of date of approval.
2. 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.

Summary of Roll Call: 6 Yeas; 0 Nays. Motion passed unanimously. Chair David Hillier does not vote.

It was stated that the County Board would be acting on these petitions at the Tuesday, February 5, 2002 meeting at 1:30 p.m. at the Mower County Courthouse.

CUP #600 – Benjamin Bishop (Petitioner) and Wayde, Judith, Benjamin & Nicole Bishop (Owner): Conditional Use Permit #600 to operate a gravel pit and do temporary storage, crushing/recycling of concrete and/or bituminous material pursuant to Section 14-51(i) & (s) of the Mower County Zoning Ordinance on property located at: SW ¼ NE ¼ , Section 4, Udolpho Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Sheldon Lukes on January 23, 2002. The staff Report was presented with conditions and background information noted.

Applicant's Presentation: Mr. Benji Bishop described his proposal and phasing. Mr. Bishop explained the three maps that were presented to Planning Commission. He stated that he hopes to load and haul with little stockpiling. The estimated truck trips based upon 2001 would be three loads per day for the seven to eight months of yearly operation. Mr. Bishop stated that the Mower County Soil and Water Conservation District was doing a wetland evaluation of the property.

Statement from the Public: Petitions opposing the application were presented to all the Planning Commission members. (attached) A letter from MN DOT was discussed. Mr. Bruce Leek, Chair of Udolpho Township, presented an amended interim township ordinance to the Planning Commission that prohibits any new gravel or sand pits that was passed on January 29, 2002. County Attorney Pat Oman stated that the County acts on its own regulations and not the townships. Mr. Lloyd Matthers was concerned about he property values going down. Mr. Carl Theuer stated he was concerned about dust from hauling and impact on house wells. Ms. Holly Naatz stated her concern about additional traffic and the effect on children and horses using the road. Ms. Naatz also stated concern about the area being used by people for parties. Mr. Jim Crabtree asked the Planning Commission members if they would want to live by this type of operation.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Vance Larson and seconded by Brian McAlister to recommend approval of CUP #600 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

BENJAMIN BISHOP – CUP #600

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 establishment of the gravel pit on the Bishop site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since the gravel pit will be operated in accordance with Mower County regulations.

- (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.

Vacant property in the area would not be impacted by the establishment of the gravel pit since it will be operated in accordance with County regulations.

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

There will be adequate access and utility roads to the property. An access road will be installed to the facility. When the pit operation is completed, the access road will be removed.

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

Based on the drawing and testimony submitted, the petitioner is providing sufficient parking and loading space to serve the proposed use.

- (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 of the gravel pit as proposed on the Bishop property, includes taking measures and following requirements under Excavation of Earthen Products to control any excessive odor, fumes, dust, noise or vibration. Therefore, it will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #600:

1. A "No Trespassing" sign shall be posted at the entrance.
2. The gravel pit shall be completed in phase according to Map B, No more than 4 acres shall be operated at one time.
3. A \$4,250 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 4 acre parcel) must be posted with the County Auditor valid through June 30, 2014.
4. Permit will expire on December 31, 2013.
5. Comply with Article IV Excavation of Earth Products of the Mower County Code
6. Extraction of gravel/sand shall remain at least twenty (20) feet from all adjoining property lines and thirty (30) feet from the road right-of-way except setback of at least 40 feet will be required near residential property lines (see Map B).
7. Prior to opening as a gravel and sand pit, petitioner must submit a detailed site plan that accurately shows limits of gravel and sand operation. The gravel and sand pit operation shall be limited to this site plan. When the petitioner goes to a different phase, written notification should be given to the Mower County Planning Department and to Udolpho Township.
8. When crushing begins, petitioner shall notify the Planning & Zoning Office in writing.
9. Stock piling of aggregate and crushed material shall be at least 80 feet from residential property lines and 30 feet

- from other property lines.
10. Processing of aggregate material shall be 500 feet from homes.
 11. Hours of operation shall be Monday – Saturday 6:30 a.m. to 9:00 p.m.
 12. A yearly meeting shall be held in October with Udolpho Township, Petitioner, Planning Dept. & County Engineer's Office to determine damage to the road. Petitioner is responsible for any damage to the township road.
 13. 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

Summary of Roll Call: 4 Yeas; 2 Nays. Motion passed. Chair David Hillier does not vote.

Yeas: Myles Bendtsen, Vance Larson, Brian McAlister, Diane Benson

Nays: Harold Boverhuis, Beverly Weness

It was stated that the County Board would be acting on this petition at the Tuesday, February 5, 2002 meeting at 1:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:40 p.m. on a motion by Brian McAlister, seconded by Vance Larson. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

Mower County Planning Director

DWF:km