

Mower County Planning Commission

Minutes of the Mower County Planning Commission – April 30, 2002

Members Present: Garry Ellingson, Myles Bendtsen, Diane Benson, Sheldon Lukes, Harold Boverhuis, Vance Larson, Brian McAlister, Bev Weness

Members Absent: None

Others Present: Daryl W. Franklin, David Hillier, Citizens

Co-Chair Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, April 30, 2002, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 26, 2002, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Vance Larson. The motion passed unanimously.

CUP #603 – James Venzke: Conditional Use Permit #603 to construct a mini-storage facility (2-5 buildings) pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: E 550 ft. n 396 ft. S 1701.53 ft. E ½ SW 1/4, Section 7, Racine Township, Mower County, Minnesota. PIN #15-007-0065.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on April 23, 2002. Bev was concerned about the resale value of homes and the looks of the building. Myles stated that from his perspective, he did not see a problem with it and felt the CUP was in accordance with the rules and regulations. The Staff Report was presented with conditions and background information noted. Digital photos of the site were shown. In addition, examples of four previous mini-storage approvals were submitted to the Planning Commission. These were McFarland, Medgaarden, Harrington and Young CUP's. A letter from Racine Township supporting the CUP petition was read.

Applicant's Presentation: Jim Venzke presented supporting material, including the site plan showing drainage from the area. The water goes south and across CSAH 8. He presented a document which answers the concerns of adjoining property owners. There will be business hours for the rental, but not for the usage. It will be inside storage.

Statement from the Public: Brian Johnson, a neighbor who farms the area, spoke and was concerned about his farming operation in dealing with large equipment and the conflict that may develop when individuals are coming to the

storage facility. He also stated he is concerned about the water run-off problems.

Ardis Copple spoke and was concerned about traffic and property values.

Terry Pries, property owner directly to the south, spoke and is concerned about water run-off to the road ditch and onto their property. He is also concerned on how large the trees would be for the screening and was concerned about the hours of operation. He felt it would be appropriate to have a fence around the area.

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Myles Bendtsen to recommend approval of CUP #603 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

JAMES VENZKE – CUP #603

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 agricultural and scattered residential. Mini-storage facilities as 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 agricultural or scattered residential usage.

- (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 adequate access from CSAH 8. Drainage will be into the ditch of CSAH 8.

- (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; therefore it 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 #603:

1. The CUP is permanent.
2. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exits 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.

Role Call Vote:

Myles Bendtsen – Yes
Sheldon Lukes – Yes
Brian McAlister – Yes
Bev Weness - No

Vance Larson – Yes
Harold Boverhuis – Yes
Diane Benson – No

Summary of Roll Call: 5 Yeas; 2 Nays. Motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, May 7, 2002 meeting at 1:30 p.m. at the Mower County Courthouse.

CUP #604 – Jon Olson (Petitioner) and Lance & Snowell Pogones and Jon & Gretchen Olson (Owners): Conditional Use Permit #604 to plat property into residential lots pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: W ½ SW ¼ N of Jud. Ditch 1 – 40 Acres, Section 5, Austin Township (PIN #02-002-0090) and S ½ SW ¼ Exc. W 2 Ac. & Exc. E 200 W 266 ft. N 436 ft. & exc. 4.4 Ac. E ½ - 71.60 Acres, Section 32, Lansing Township (PIN #09-032-0221) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on April 23, 2002. The Staff Report was presented with conditions and background information noted. It was stated that the Turtle Creek Watershed has a maintenance easement that covers a portion of the lot. Digital photos of the site were shown.

Applicant's Presentation: Jon Olson and his attorney, Craig Johnson, explained their proposal. Mr. Olson explained their concept for a subdivision with homes from \$250,000.00 and up. They will have community wells and shared septic systems, all in accordance with County and State regulations. Craig Johnson stated that in order to approve a CUP you need to find certain items. From their perspective, the development is near a residential area; to the south and west is Highgrove Addition, to the east is the Burke subdivision. The rolling hills make it an attractive area and not the most appropriate for farming purposes. Also, the residential subdivision should not hurt the other residential development in the area and should actually enhance the area. Also, with the proposed deed restrictions for the area, it should be compatible with the area. They also stated that deed restrictions would limit any manufactured home from being allowed.

Statement from the Public: Dan & Donna Bowman, who live south and east of the proposed property, stated they are concerned about the access road. They are also concerned about the recent cleaning of Turtle Creek and that the water at the bridge is getting higher and feel that when this development happens and there will be more flooding in the City of Austin.

Lisa Johnson was opposed to the development because of the noise, dust and traffic in the area and feels the township roads are not adequate for such a large development.

Darwin Viker also spoke in opposition to the CUP. He stated that generally the City of Austin is expanding southwest and north with their development. He also stated the County should look at a development agreement that would be in place so the developer would pay the cost of the infrastructure and not be assessed to adjoining property owners who are not getting any benefits from it. He was also concerned that the development will impact wildlife in the area and will also have an impact on the wildlife management area to the south of Turtle Creek. It would cut off a natural area for the wildlife to move back and forth. He also stated the current property owners have much larger lots than the small lots being proposed in this area. He is concerned about the dust and gravel from the roads. He felt the requirement should actually be an EIS because of the potential for flooding situations in the City of Austin and should be checked.

Jim Frank, who lives directly across from the proposed area, spoke in opposition, stating the 1993 Comp. Plan does not list this area as residential. He was concerned about traffic on the township road. It was brought out that the City of Austin's Comprehensive Plan does show the area as a low density residential area.

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Vance Larson and seconded by Diane Benson to recommend approval of CUP #604 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

JON OLSON – CUP #604

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 development of the plat by Mr. Olson will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor will it substantially diminish or impair the property values in the immediate area. The plat may actually enhance other property in the area which may also be used for residential purposes.

- (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 plat will not impede the normal and orderly development. The property in the area is mixed usage of single-family homes and agricultural and by going through the CUP process, there will be adequate safeguards for the area.

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

By complying with the Wetland Conservation Act, the NPDES Permit and Mower County Subdivision Regulations, there will be adequate access roads to serve the area. The floodplain issues will also be addressed.

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

Considering the location there is sufficient access for off-street parking and development with the road system.

- (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.

By following the requirements of the County and MPCA, there will be adequate measures taken to limit any excessive odor, fumes, dust, noise or vibration so these will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #604:

1. Comply with Mower County Subdivision Ordinance.
2. Site evaluations, including a minimum of two soil borings and two percolation tests will be conducted on the "primary" sewage treatment site for each lot. The site evaluations shall be submitted to the Mower County Planning Department prior to selling any lots.
3. Easements as requested by Austin Utilities & others will be shown on plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly on 12th Avenue N.W. Access for lots shall be from internal roads.
6. Developer will pay all cost associated with roads and driveway Installations including culverts and fill.
7. Developer will install road according to Township and County specifications.
8. Complete wetland inventory and evaluation, according to the 1987 Army Corps. Of Engineers Wetland Delineation Manual (NPDES) of area and submit with preliminary plat to the Mower County Planning Department.
9. The platting must be completed by December 31, 2004, if not the CUP is void.
10. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the County.
11. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity. Developer will be responsible for all costs.
12. Comply with setback requirements of the current Mower County Feedlot Ordinance as it exists on 10/30/01.
13. Comply with State and Local requirements in regard to wells.
14. Complete and submit NPDES Permit for subdivision. 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: 7 Yeas; 0 Nays. Motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, May 7, 2002 meeting at 1:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 9:05 p.m. on a motion by Diane Benson, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daryl W. Franklin".

Daryl W. Franklin
Mower County Planning Director

DWF:km