

Mower County Planning Commission

Minutes of the Mower County Planning Commission – May 28, 2002

Members Present: Dave Hillier, Myles Bendtsen, Sheldon Lukes, Vance Larson, Brian McAlister, Bev Weness

Members Absent: Diane Benson, Harold Boverhuis

Others Present: Daryl W. Franklin, Pat Oman, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, May 28, 2002, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the April 30, 2002, meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Sheldon Lukes. The motion passed unanimously.

Final Plat – Red Rock Estates: Final plat for property located in NW ¼ Section 32, Red Rock Township pursuant to Section 14-51(y) of the Mower County Zoning Ordinance.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Vance Larson on May 22, 2002. Vance felt there was no problem with the site. Myles Bendtsen was concerned about the taking of agricultural land out of production. Digital photos of the site were shown. Letters from Debbie Persoon, MN Dept. of Transportation and Red Rock Township were presented.

Applicant's Presentation: Mr. Hodgman explained his proposal and the platting of the lots, stating that the north road would probably not be built at this time.

Statement from the Public: Dr. Steven Bartels, the neighbor to the north, stated the 1,000 setback should be from his total property and not simply from the point of his building. Pat Oman, Mower County Attorney, stated the concern of the setbacks were premature at this time. Once the area is platted, all homes would have to be 1,000 feet from the setback.

Tom Finnegan, feedlot operator, spoke in opposition and stated he was concerned about bringing more urban people into the area and there will be conflicts. He feels these urban people will vote against the agricultural interests of the County.

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 the final plat with the following conditions:

The following are conditions of the Plat:

- 1). Comply with the requirements of CUP #586 which was approved by the Mower County Board of Commissioners on October 2, 2001.
- 2) Any cost for residential signing for rural addressing shall be born by the developer.

Summary of Roll Call: 4 Yeas; 1 Nays. Motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, June 4, 2002 meeting at 1:10 p.m. at the Mower County Courthouse.

CUP #605 – Darrell Kroneman: Conditional Use Permit #605 to operate an auto sales business and limited repair pursuant to Section 14-51(aa) of the Mower County Zoning Ordinance on property located at: E 333 ft. N 280 ft. NE ¼ NW ¼ , Section 5, Windom Township (PIN #20-005-0050) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Vance Larson on May 22, 2002. They both felt it was a reasonable site and didn't see a problem with the operation. The Staff Report was presented with conditions and background information noted. Digital photos of the site were shown.

Applicant's Presentation: Mr. Kroneman stated he is not going to operate a used car lot on the site. He simply buys and sells wrecked cars and in order to do this in an efficient manner he needs a dealers license and to do this he needs governmental approval.

Statement from the Public: Dick Watt, neighbor, was concerned that there would be vehicles parked in the front yard. Mr. Kroneman stated there would not be vehicles in his front yard.

Dan Long, neighbor, spoke and was also concerned about parking of the cars in the front yard.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Vance Larson and seconded by Myles Bendtsen to recommend approval of CUP #605 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.

DARRELL KRONEMAN – CUP #605

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 issuing of the Conditional Use Permit to Darrell Kroneman for an auto sales and limited repair business will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted considering the sales and repair will be conducted inside an existing structure.

- (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 normal and orderly development of property in the Kroneman area is farmland. This is an existing farmstead and existing buildings will be used. Therefore, it will not impede the normal and orderly development and improvement of 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.

This an existing farmstead. There is a large area for working and maneuvering.

- (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 size of the proposed building site, there is ample room for off-street parking and loading space.

- (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 car sales will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties. There will not be lighted signs on the property.

The following are conditions of Conditional Use Permit #605:

1. Secure the necessary State and Federal permits.

Summary of Roll Call: 5 Yeas; 0 Nays. Motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, June 4, 2002 meeting at 1:10 p.m. at the Mower County Courthouse.

CUP #606 – Dennis Kelly: Conditional Use Permit #606 to plat a portion of property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: E ½ NE ¼ SE ¼ Exc. E 375 ft. S 733 ft., Section 27, Austin Township (PIN #02-024-0105) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Vance Larson on May 22, 2002. They both felt this was an appropriate site, considering the other residential sites around it. They also voiced a concern that the people need to be aware that there is a quarry present that does have concrete and bituminous crushing. The Staff Report was presented with conditions and background information noted. Digital photos of the site were shown.

Applicant's Presentation: Mr. Kelly was not present because of a work conflict.

Statement from the Public: No statements were received from the public.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Sheldon Lukes to recommend approval of CUP #606 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.

DENNIS KELLY – CUP #606

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. Kelly 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 and that may be used for residential purposes.

- (d) 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 a mixed usage of residential and agricultural and by going through the CUP process, there will be adequate safeguards for the area.

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

By complying with the Wetland Conservation Act and securing the NPDES Permit, there will be adequate access roads to serve the area.

- (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 not contribute any excessive odor, fumes, dust, noise or vibration and this will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #606:

1. Comply with Mower County Subdivision Ordinance.
2. Easements as requested by Utilities & others will be shown on the plat.
3. No access for lots directly on to CSAH 29. Access for lots shall be from an internal road.
4. Developer will pay all costs associated with roads and driveway installations including culverts and fill.
5. Developer will install road according to Township and County specifications.
6. Comply with setback requirements of the current Mower County Feedlot Ordinance as it exists on 10/30/01.
7. Comply with State and Local requirements in regard to wells and individual sewage treatment systems.

8. 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.
9. Any cost for residential signing for rural addressing shall be born by the developer.

Summary of Roll Call: 5 Yeas; 0 Nays. Motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, June 4, 2002 meeting at 1:10 p.m. at the Mower County Courthouse.

CUP #607 – Larry Sheely: Conditional Use Permit #607 to make and sell lawn ornaments in accessory buildings pursuant to Section 14-51(aa) of the Mower County Zoning Ordinance on property located at: E 333 ft. N 280 ft. NE ¼ NW ¼ , Section 5, Windom Township (PIN #20-005-0050) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Vance Larson on May 22, 2002. The Staff Report was presented with conditions and background information noted. Digital photos of the site were shown.

Applicant's Presentation: Mr. Sheely explained he has been doing this work for a couple years and he would now be doing it on a full-time basis and wanted to get a permit. He explained that he pours the cement and then the products are painted with latex paint.

Statement from the Public: Larry Holmgren, neighbor, spoke and was concerned about the impact on property values. He is concerned that it may be a fire hazard and is concerned about traffic and the visual impact of the materials there. He also questioned the tanker truck that was on the property and wanted to know how waste disposal is handled. Mr. Sheely explained with regard to waste, they simply have concrete, sand and water and after the concrete is mixed up it is dumped in the mold. The remaining sand is then put into the wheel barrow and dumped on the back property. This is a mixture of sand, cement and water. He stated that all the paint products used were simply a latex paint product that an average person would use.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Vance Larson and seconded by Bev Weness to recommend approval of CUP #607 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.

LARRY SHEELY - CUP #607

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 issuing of the Conditional Use Permit to Larry Sheely for a home occupation in an accessory building will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted. They will be using an existing buildings and only family members will be working. The only items outside will be lawn ornaments ready for sale.

- (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 normal and orderly development of property in the Sheely area is scattered residential and farmland. This is an existing farmstead and existing buildings will be used. Therefore, it will not impede the normal and orderly development and improvement of 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.

This is an existing farmstead. There is a large area for working and maneuvering. There is a large garage where the making and painting of the concrete lawn ornaments will be done. The red barn will also be used for display and sales of the items.

- (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 size of the existing buildings, there is ample room for off-street parking and loading space.

- (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 home occupation in the accessory buildings will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties. There will not be lighted signs on the property.

The following are conditions of Conditional Use Permit #607:

1. The employees are limited to members of the family.
2. The operation is limited to the existing structures on the site.

Summary of Roll Call: 4 Yeas; 1 Nays. Motion passed on a 4 – 1 vote.
Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, June 4, 2002 meeting at 1:10 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:50 p.m. on a motion by Sheldon Lukes, seconded by Vance Larson. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director

DWF:km