

Mower County Planning Commission

Minutes of the Mower County Planning Commission – January 21, 2003

Members Present: Dave Hillier, Myles Bendtsen, Sheldon Lukes, Vance Larson, Brian McAlister, Diane Benson

Members Absent: Harold Boverhuis, Barb Hovde

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the special meeting to order at 7:00 p.m. on Tuesday, January 21, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the December 17, 2002, meeting were approved as mailed on a motion made by Vance Larson and seconded by Brian McAlister. The motion passed unanimously.

Election of Vice-Chair: A motion was made by Brian McAlister and seconded by Diane Benson to appoint Myles Bendtsen to continue as Vice-Chair of the Mower County Planning Commission. The motion passed unanimously.

CUP #620 – Mel Harrington (Petitioner) and Pearl Lovstad (Owner): Conditional Use Permit #620 to allow an additional dwelling in a wooded area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: NE ¼ NE ¼ Exc. 2.38 Ac. Rd. & Exc. 1.56 Ac. Hwy., Section 15, Racine Township (PIN #15-015-0010) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on Jan. 15, 2003. They felt the proposal would clean up an eyesore and that it should be approved. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Mel Harrington spoke and talked about the proposal.

Statement from the Public: Dick Capella spoke and was concerned about drainage and the field tile.

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 #620 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.

**MEL HARRINGTON (PETITIONER) AND PEARL
LOVSTAD (OWNER) – CUP #620**

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 this single parcel 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.

- (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 development of this single residential parcel 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.

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

By complying with the Mower County conditions of the CUP, there will be adequate utilities, access roads, and drainage 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 area for off-street parking and loading spaces.

- (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 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 #620:

1. Each new dwelling is to retain a separate lot.
2. Each lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
5. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
6. The use of the property shall not have an adverse impact on existing waterways and underground tile lines.

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 Monday, February 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #621 – Mary Schmitz: Conditional Use Permit #621 to plat property into residential lots pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: That part of the NE ¼ NE ¼ containing 11.81 acres more or less, Section 9, Adams Township; Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on Jan. 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site.

Applicant's Presentation: Mary Schmitz spoke and talked about the proposal and that it is the third and last phase of platting the Schmitz' Golfview Acres Subdivision.

Statement from the Public: None

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 #621 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.

MARY SCHMITZ – CUP #621

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 Mary Schmitz 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 may 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 plat is the third phase of the Golf View Acres Subdivision 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 following the Mower County conditions of the CUP, there will be adequate utilities, access roads, and drainage 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 area 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, 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 #621:

1. Comply with Mower County Subdivision Ordinance.

2. Floodway, the flood fringe, and shoreland shall be delineated on preliminary plat and final plat.
3. 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 and report filed in the Mower County Environmental Services Department.
4. Easements when requested will be shown on plat.
5. Developer will install all roads per County specifications.
6. Developer will pay all costs associated with driveway installations.
7. Comply with the Minnesota Wetland Conservation Act. (Contact Mower County Soil and Water Conservation District for requirements).
8. Provide a recorded Certificate of Location of Government Corner for any section corners found and used as part of a plat, unless the corner is already so recorded.

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 Monday, February 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

Preliminary Plat – Mary Schmitz: Plat property into residential lots on property located at: that part of the NE ¼ NE ¼ containing 11.81 acres more or less, Section 9 of Adams Township, Mower County, MN.

The above CUP request to allow platting was recommended to be approved.

After some discussion, a motion was made by Brian McAlister and seconded by Myles Benson to approve the preliminary plat of Schmitz's Golf View Acres Third Addition. The motion passed unanimously.

The following are conditions of the Preliminary Plat:

1. Comply with all conditions of Conditional Use Permit #621.

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

It was stated that the County Board would be acting on this petition at the Monday, February 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

Recognition of Vance Larson: Vance Larson was recognized for his service on the Mower County Planning Commission. This is Vance's last meeting as

he is moving out of the area. Vance was presented with a plaque and cake and coffee were served.

There being no further business, the meeting adjourned at 7:45 p.m. on a motion by Vance Larson, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director