

Mower County Planning Commission

Minutes of the Mower County Planning Commission – March 25, 2003

Members Present: Garry Ellingson, Myles Bendtsen, Brian McAlister, Diane Benson, Harold Boverhuis, Barb Hovde, Sheldon Lukes

Members Absent: Margaret Kirchner

Others Present: Daryl W. Franklin, Citizens

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, March 25, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 25, 2003, meeting were approved as mailed on a motion made by Harold Boverhuis and seconded by Diane Benson. The motion passed unanimously.

CUP #623 – Thomas Mullenbach: Conditional Use Permit #623 to allow the construction of a home in a wooded area with healthy and mature trees on land not currently used for agricultural purposes or suitable for economical agricultural use because of poor soils, rough or steep topography or other natural features on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: E 290.4 ft. W 621.7 ft. SW ¼ NW ¼ & 4.14 Ac. NW ¼ SW ¼ N of Hwy., Section 12, Adams Township (PIN #01-011-0030) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Diane Benson on March 19, 2003. 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: Thomas Mullenbach spoke and talked about the proposal.

Statement from the Public: None

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Brian McAlister to recommend approval of CUP #623 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.

THOMAS MULLENBACH – CUP #623

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 #623:

1. Each lot shall contain a minimum of 1 ½ acres (excludes road right-of way).
2. Each lot shall contain 150 feet along the publicly dedicated road.
3. A Zoning Permit and ISTS Permit must be obtained prior to construction.
4. 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.
5. Petitioner must apply for and receive a “No Loss Exemption Application for Wetland Conservation Act” and submit it to the Mower County Planning Department.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, April 1, 2003 meeting at 2:30 p.m. at the Mower County Courthouse.

CUP #624 – Brian & Dawn Marcks: Conditional Use Permit #624 to allow the construction of a home in a wooded area with healthy and mature trees on land not currently used for agricultural purposes or suitable for economical agricultural use because of poor soils, rough or steep topography or other natural features on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: 11.75 Ac. Bldg. Site NE Cor E ½ SW ¼ , Section 15, Lansing Township (PIN #08-015-0270) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Diane Benson on March 19, 2003. 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: Brian Marcks spoke and talked about their proposal.

Statement from the Public: Harold Boverhuis stated the decision to require a CUP instead of a variance was a good one.

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Myles Bendtsen to recommend approval of CUP #624 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.

BRIAN & DAWN MARCKS – CUP #624

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 #623:

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. Prior to selling or building on the new parcel, a floodplain survey needs to be done by a registered land surveyor or engineer delineating the 100-year floodway.
6. 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.
7. Petitioner must apply for and receive a “No Loss Exemption Application for Wetland Conservation Act” and submit it to the Mower County Planning Department.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, April 1, 2003 meeting at 2:30 p.m. at the Mower County Courthouse.

Rezoning of Property – Mower County Board of Commissioners: Rezone certain areas in Lansing Township to R-1, Business and Industrial to correct an oversight when the Zoning Ordinance was adopted on September 10, 2002. Daryl Franklin presented background information. A power point presentation was shown, including pictures of the surrounding site.

After some discussion, a motion was made by Harold Boverhuis and seconded by Brian McAlister to rezone certain areas in Lansing Township (see attached map). The rezoning is in accordance with the Mower County Zoning Ordinance.

Harold Boverhuis stated that Lansing Township will be meeting with rural property owners to discuss the rezoning of the residential area in Lansing Township.

It was stated that the County Board would be acting on this request at their Tuesday, April 1, 2003 meeting at 2:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:45 p.m. on a motion by Brian McAlister, seconded by Barb Hovde. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director