

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – January 27, 2004

Members Present: Garry Ellingson, Myles Bendtsen, Brian McAlister, Barb Hovde, Margaret Kirchner,

Members Absent: Sheldon Lukes

Others Present: Daryl W. Franklin, Lee Bonorden, Citizens

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, January 27, 2004, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the December 30, 2003, meeting were approved as mailed on a motion made by Barb Hovde and seconded by Brian McAlister. The motion passed unanimously.

Chair Garry Ellingson explained the hearing procedure.

**Election of Vice-Chair:** A motion was made by Barb Hovde and seconded by Margaret Kirchner to elect Myles Bendtsen as Vice-Chair of the Mower County Planning Commission. The motion passed unanimously.

**CUP #660 – Mark & Teresa Hanson:** Conditional Use Permit #660 to construct a detached 45 x 54 foot accessory building with 14 foot sidewalls in an R-1 zone on property pursuant to Section 14-12 of the Mower County Zoning Ordinance on property located at: 2 Ac. Out Lot 9 in W ½ Bk 307 Pg 117, Section 23, Lansing Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on January 21, 2004. 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:** Mark Hanson spoke and talked about the proposal. He explained that the white shed on the north side of the property will be removed.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by

Barb Hovde to recommend approval of CUP #660 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.

## **MARK & TERESA HANSON – CUP #660**

### **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 construction of the storage shed 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 size of the lot and vegetative screening will help the structure fit in.**

- (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 construction of this storage shed 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 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 #660:**

1. A Zoning Permit must be obtained prior to construction.
2. 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.

The motion passed unanimously. Chair Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, February 3, 2004 meeting at 1:15 p.m. at the Mower County Courthouse.

**Final Plat – Michael Olson (Petitioner) and Laverne Kehret (Owner):** Final Plat of property into residential lots pursuant to Section 14-67(f) of the Mower County Zoning Ordinance on property located at: OL 9 Exc. North Meadow 2<sup>nd</sup> & 3<sup>rd</sup>, Exc. 4 Ac. SW Cor & Exc. 3.56 Ac. in NE ¼, Section 23, Lansing Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on January 21, 2004. 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. Myles Bendtsen, Planning Commission Member, stated he didn't see a problem with the request.

**Applicant's Presentation:** Michael Olson spoke and talked about the proposal. The first phase of the plat will include 16.2 acres. He stated he is working with a designer on planning a central sewage treatment system for the lots.

**Statement from the Public:** Jim Campbell, who lives south of the property, spoke and is in favor of the plat. Paul Hirsch, adjoining property owner also was in favor of the final plat.

**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 the Final Plat with the following condition:

1. Comply with all conditions of Conditional Use Permit #638 which was approved by the Mower County Board of Commissioners.

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

**CUP #661 – Michael Schubert (Petitioner) and Bradley Walter/Tara Kenyon and Land-O-Lakes, Inc. (Owner):** Conditional Use Permit #661 to construct an additional dwelling in the property, have a home occupation in an accessory building (custom finishing) and operate a go-cart track on property pursuant to Section 14-51(bb), 14-51(p) and 14-51(aa) of the Mower County Zoning Ordinance on property located at: N 500 ft. W 434.7 ft. E 535 ft. SE ¼ NE ¼ and N 800 ft. W 634.7 ft. E 735 ft. S ½ NE ¼ Exc. N 500 ft. E 434.7 ft., Section 16 , Red Rock Township, Mower County, Minnesota.

It was explained that each item of the petition would be acted upon separately.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on January 21, 2004. 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:** Michael Schubert spoke and talked about the proposal for an additional dwelling on the property.

**Statement from the Public:** A letter from Red Rock Township was presented.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Barb Hovde to recommend approval for the additional dwelling of CUP #661 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.

**MICHAEL SCHUBERT (PETITIONER) AND BRADLEY  
WALTER/TARA KENYON & LAND-O-LAKES (OWNERS)  
CUP #661 (ADDITIONAL DWELLING)**

**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 and home occupation 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 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 #661 for an Additional Dwelling:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction of the new home.
2. 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.
3. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.

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

**Applicant's Presentation:** Michael Schubert spoke and talked about the proposal for a home occupation on the property.

**Statement from the Public:**

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Barb Hovde to recommend approval for a home occupation of CUP #661 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.

**MICHAEL SCHUBERT (PETITIONER) AND  
BRADLEY WALTER/TARA KENYON & LAND-O-  
LAKES (OWNERS) CUP #661 (HOME OCCUPATION)**

**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 home occupation on 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 and home occupation 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 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 #661 for a Home Occupation in an Accessory Building:**

1. A Zoning Permit must be obtained prior to construction of the new home.
2. All finishing must be conducted within an enclosed building.
3. Secure all applicable State and Federal permits required for finishing operation.
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.

**Applicant's Presentation:** Michael Schubert spoke and talked about the proposal to operate a go-cart track on the property.

**Statement from the Public:** John Mueller, Red Rock Township Supervisor, presented a letter from Red Rock Township dated January 26, 2004, stating their concerns.

Janet Low, wanted to know how many go-carts there would be and Mr. Schubert stated 6-8 go-carts.

Philip Sanvick wanted to know if Mr. Schubert intended on having family friends only on the go-carts and wanted to know the hours of operation and if there would be any lighting.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded to deny the request to operate a go-cart track on the property because, from his perspective, the race track as being proposed would not require a CUP. The motion was seconded by Margaret Kirchner. Barb Hovde felt we need to address the situation and not simply let a nuisance or complaint drive the situation. There was also concern about noise and dust. After some discussion a vote was taken and a roll call was taken as follows:

Myles Bendtsen – Nay  
Barb Hovde - Nay

Brian McAlister - Aye  
Margaret Kirchner - Aye

Therefore, the motion goes to the County Board as a 2 – 2 vote.

It was stated that the County Board would be acting on these requests for this petition at their Tuesday, February 3, 2004 meeting at 1:15 p.m. at the Mower County Courthouse.

**Appointment of Planning Commission Member to Serve on Mower County Board of Adjustment:** A motion was made by Margaret Kirchner and seconded by Barb Hovde that Planning Commission Member Brian McAlister be recommended to serve on the Mower County Board of Adjustment. The motion passed unanimously.

There being no further business, the meeting adjourned at 8:15 p.m. on a motion by Barb Hovde, seconded by Brian McAlister. The motion passed unanimously.

Respectfully submitted,

Daryl Franklin

Mower County Planning Director