

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – June 29, 2004

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

Members Absent: None

Others Present: Daryl W. Franklin, Citizens

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, June 29, 2004, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 25, 2004, meeting were approved as mailed on a motion made by Brian McAlister and seconded by Sheldon Lukes. The motion passed unanimously.

### **CUP #671 – Brad Johnson (Petitioner) and Lloyd Johnson (Owner):**

Conditional Use Permit #671 to allow the construction of a home 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 ½ NW ¼ Exc. N 4 Rds., Section 1, Lodi Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on June 22, 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. Barb Hovde and Myles Bendtsen stated they felt it would be a good building site.

**Applicant's Presentation:** Brad & Lloyd Johnson spoke and talked about the proposal for their new home.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Brian McAlister to recommend approval of CUP #671 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.

# BRAD AND LLOYD JOHNSON - CUP #671

## 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 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 #671:**

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. There can only be one dwelling on this parcel. No additional dwellings or platting of this property will be allowed.
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 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.
7. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:

- a. A "No Loss Determination" (no wetlands on site).
  - b. A "Wetland Exemption" (the act does not apply).
  - c. A "Wetland Replacement Plan" approval.
8. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.

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, July 13, 2004 meeting at 10:00 a.m. at the Mower County Courthouse.

**Change of One Non-Conforming Use to Another Non-Conforming Use - William Bertrand:** Change of Non-Conforming Use to establish a sandblasting business and sales office in the old Nicol Garage on property pursuant to Section 14-16(d) of the Mower County Zoning Ordinance on property located at: W ½ Sub Out Lot 2 OL's 10 & 11 W ½ SE ¼ , Section 33, Red Rock Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on June 22, 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 stated that from his perspective, this was an appropriate reuse of the property.

**Applicant's Presentation:** William Bertrand spoke about his proposed business. He stated that he talked with the neighbors and they are pleased to have his business in the building.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Myles Bendtsen to recommend approval of the Change of Non-Conforming Use because it is in accordance with Section 14-31 of the Mower County Zoning Regulations.

**The following are conditions of the Change of Non-Conforming Use:**

1. All sandblasting must be done within an enclosed building.
2. The outside display area is limited to the West and South sides of the building and must be outside the road right-of-way.
3. Follow the requirements of Red Rock Township.

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, July 13, 2004 meeting at 10:00 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:18 p.m. on a motion by Brian McAlister, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director