

Mower County Planning Commission

Minutes of the Mower County Planning Commission – September 28, 2004

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

Members Absent: Myles Bendtsen,

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

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, September 28, 2004, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 31, 2004, meeting were approved as mailed on a motion made by Barb Hovde and seconded by Sheldon Lukes. The motion passed unanimously.

CUP #673 – Robert Nord: Conditional Use Permit #673 to allow platting of property into a residential subdivision pursuant to Section 14-56 & 14-51(t) of the Mower County Zoning Ordinance on property located at: 13.49 Ac. N ½ SW ¼ W of Hwy., Section 26, Racine Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on September 23, 2004. The Staff Report was presented with conditions and background information noted. Sheldon Lukes stated he was concerned about agricultural land being taken out of production. Garry Ellingson stated he didn't want to have a later problem like Bellman's Addition is now experiencing with sewage treatment system problems.

Applicant's Presentation: Robert Nord spoke and talked about the proposal for the proposed subdivision. He stated it was not cost effective to extend city sewer from the City of Racine to the property.

Statement from the Public: No one was present to speak about the CUP request. A letter was received prior to the meeting from Robert Mathias, City of Racine, stating the City of Racine was opposed to the CUP request to plat property into a residential subdivision.

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Gary Ellingson to recommend approval of CUP #673 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

ROBERT NORD – CUP #673

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 Robert Nord 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 proposed plat is located between two subdivisions 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 #673:

1. Comply with Mower County Subdivision Ordinance.
2. Site evaluations, including a minimum of two soil borings and two percolation tests will be conducted on the “primary” sewage treatment system site for each lot. The site evaluations shall be submitted to the Mower County Environmental Services Office prior to selling any lots. A replacement site for the sewage treatment system will be designated on each lot for each cluster system on a common lot.
3. No access for lots directly on MN Hwy. 63. Access for lots shall be from internal roads.

4. Developer will pay all costs associated with roads and driveway installations including culverts and fill and pay for all 911 signs.
5. Developer will install road according to Township and County specifications.
6. Complete wetland inventory and evaluation, according to the 1987 Army Corps. Of Engineers Wetland Delineation Manual (NPDES) of area and submit with preliminary plat to the Mower County Environmental Services Office.
7. The platting must be completed by December 31, 2007, if not the CUP is void.
8. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity. Developer will be responsible for all costs.
9. Comply with setback requirements of the current Mower County Feedlot Ordinance as it exists on 10/30/01.

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, October 5, 2004 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:40 p.m. on a motion by Sheldon Lukes, seconded by Margaret Kirchner. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director