

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – November 30, 2004

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

Members Absent: Barb Hovde,

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

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, November 30, 2004, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the September 28, 2004, meeting were approved as mailed on a motion made by Brian McAlister and seconded by Sheldon Lukes. The motion passed unanimously.

### **CUP #674 – Charlie Uthke (Petitioner) and Larry & Karen Wilson (Owner):**

Conditional Use Permit #674 to operate a farm tractor and equipment restoration, repair and sales business, design and manufacture parts and shop equipment, rebuild farm tractor components and storage of antique tractors and equipment pursuant to Section 14-51(L) of the Mower County Zoning Ordinance on property located at: 1.87 Ac. NE ¼ Bk 255-413, Section 6, Windom Township, Mower County, Minnesota (Parcel #20-006-0130).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on November 23, 2004. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

**Applicant's Presentation:** Charlie Uthke spoke and talked about the proposal for the CUP request.

**Statement from the Public:** Larry Wilson, owner of the property, spoke and recommends approval of Mr. Uthke's proposal.

Arnie Wiste, neighbor, spoke and was concerned about vehicles being stored outside. He felt there should be a limit to the number of vehicles stored outside.

Brian McAlister and Myles Bendtsen both spoke in favor of the CUP request.

**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 CUP #674 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.

**CHARLIE UTHKE (PETITIONER) AND LARRY &  
KAREN WILSON (OWNER) – CUP #674**

**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 existing property around the proposed location of the farm tractor and equipment restoration, repair and sales business is residential. This proposal is a compatible land use with these activities. Therefore, it will not have an impact on the property values and hurt the use and enjoyment of other property for purposes already permitted.**

- (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.

***Vacant property will not be hampered by the development of the farm tractor and equipment restoration, repair and sales business for residential purposes.***

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

***There will be adequate access from CSAH 46 (220<sup>th</sup> Street). Drainage will be into the ditch of CSAH 46 (220<sup>th</sup> Street).***

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

***Sufficient off-street loading and parking space will be provided for the proposed farm tractor and equipment restoration, repair and sales business..***

- (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.

**The establishment of the farm tractor and equipment restoration, repair and sales business will not contribute any excessive odor, fumes, dust, noise or vibration; therefore it will not constitute a nuisance to adjoining properties. The only lights will be the nominal security light.**

**The following are conditions of Conditional Use Permit #674:**

- 1) Comply with MPCA Rules and Regulations for this type of facility.
- 2) Any floor drain must:
  - a. be discharged to the surface in an area that does not drain to a natural waterway or ditch;
  - b. be discharged to a holding tank and not connected to an Individual Sewage Treatment System, or
  - c. be discharged to a system approved as a Class V injection system by the EPA.
- 3) Batteries, used oil, antifreeze, etc. All business waste must be stored, recycled or disposed of in accordance with applicable MPCA solid and hazardous waste rules.
- 4) Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal System" dated November, 2000.
- 5) For aesthetics, the business may not accumulate more than 5 tractors waiting to be repaired outside at any given time. Junk is not allowed to accumulate on the property as well.

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 Thursday, December 2, 2004 meeting at 2:15 p.m. at the Mower County Courthouse.

**CUP #675 – Lance Pogones (Petitioner) and Scott & Lisa Johnson (Owner):** Conditional Use Permit #675 to plat property into a residential subdivision and to have the lots less than the required 1 ½ acres each since the lots will be connected to a community individual sewage treatment system on property pursuant to Section 14-62 of the Mower County Zoning Ordinance on property located at: 27.73 Ac. NE ¼ NW ¼, Section 5, Austin Township, Mower County, Minnesota (Parcel #02-002-0110).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on November 23, 2004. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

**Applicant's Presentation:** Lance Pogones spoke and talked about the proposal for the CUP request.

**Statement from the Public:** Robert Pepper and Dr. Collier spoke and were concerned about losing wildlife with the property being developed. Lance Pogones stated they will only be removing trees that will be necessary.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Margaret Kirchner to recommend approval of CUP #675 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.

## **LANCE POGONES & SCOTT AND LISA JOHNSON CUP #675**

### **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 Mr. Pogones 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 which may also 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 property in the area is mixed usage of single-family homes 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 Wetland Conservation Act, the NPDES Permit and Mower County Subdivision Regulations, there will be adequate access roads to serve the area. The floodplain issues will also be addressed.***

(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 access 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 and MPCA, there will be adequate measures taken to limit any excessive odor, fumes, dust, noise or vibration so these will not constitute a nuisance to adjoining properties.***

**The following are conditions of Conditional Use Permit #675:**

1. Comply with Mower County Subdivision Ordinance.
2. All lots must be serviced by a community individual sewage treatment system.
3. Easements as requested by Austin Utilities & others will be shown on plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly on 31<sup>st</sup> Street N.W. Access for lots shall be from internal roads.
6. Developer will pay all costs associated with road installations including culverts and fill, driveway and all 911 signage.
7. Developer will install road according to Township and County specifications.
8. 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 Planning Department.
9. The platting must be completed by December 31, 2006, if not the CUP is void.
10. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the County.
11. 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.
12. Comply with State and Local requirements in regard to wells.
13. Complete and submit NPDES Permit for subdivision.
14. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute

**Recognition Award:** Garry Ellingson presented an award to Brian McAlister for his service on the Mower County Planning Commission. Mr. McAlister's term expires on December 31, 2004. Members present enjoyed cake and coffee and congratulated Brian on his years of service.

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

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director