

Mower County Planning Commission

Minutes of the Mower County Planning Commission – February 22, 2005

Members Present: Dave Hillier, Myles Bendtsen, Barb Hovde, Jim Risius

Members Absent: Margaret Kirchner, Sheldon Lukes

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, February 22, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the November 30, 2004, meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Barb Hovde. The motion passed unanimously.

Dave Hillier introduced and welcomed Jim Risius to the Mower County Planning Commission. Mr. Risius was appointed by the Mower County Board of Commissioners and replaces Brian McAlister, as his term expired last December.

Election of Vice-Chair of the Mower County Planning Commission: It was explained that the Vice-Chair of the Planning Commission goes to the on-site investigation each month. A motion was made by Barb Hovde and seconded by Jim Risius to elect Myles Bendtsen as Vice-Chair of the Mower County Planning Commission. The motion passed unanimously.

Recommendation of Planning Commission Member to also Serve on the Mower County Board of Adjustment: It was explained that a replacement for Brian McAlister is needed to also serve on the Mower County Board of Adjustment. The Board of Adjustment meets on the last Wednesday of each month and holds their meetings during the afternoon. Jim Risius volunteered to serve on the Mower County Board of Adjustment. This information will be forwarded to the Mower County Board of Commissioners for their appointment.

CUP #676 – Mower County Board of Commissioners (Petitioner) and Robert & Grace Hanson (Owner): Conditional Use Permit #676 to construct a 400-foot guyed communications tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: NW ¼ NW ¼ NW ¼ (5 Acres), Section 7, Clayton Township, Mower County, Minnesota (Parcel #04-007-0030).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on February 16, 2005. 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: Dave Hillier spoke and talked about the need for a communications tower.

Statement from the Public: None

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Myles Bendtsen to recommend approval of CUP #676 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.

Mower County Board of Commissioners (Petitioner) and Robert & Grace Hanson (Owner) – CUP #676

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 installation of the communications tower in Section 7 of Clayton Township will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish and impair property values.

- (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 communications tower will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area which will primarily be used for agricultural activities. The vacant property can still be used for farm land or other uses and this will not adversely impact it.

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

The tower location is on a township road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.

- (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 of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.

- (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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.

The following are conditions of Conditional Use Permit #676:

- 1) The Conditional Use Permit is permanent.
- 2) Petitioner must secure appropriate FCC and FAA permits and licenses.

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

It was stated that the County Board would be acting on this petition at their Tuesday, March 1, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

Rezoning of Propety – Matthias & Viola Klassen: Rezoning of Property to Planned Unit Development (PUD) to allow platting of property into a residential subdivision on property pursuant to Division 11 of the Mower County Zoning Ordinance on property located at: E ½ NW ¼ Exc. E 332 ft. N 374 ft. S 592 ft. SE NW, Section 12, Frankford Township, Mower County, Minnesota (Parcel #06-006-0060).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on February 16, 2005. 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: John Schulte V, Jones Haugh & Smith Engineering, was present and spoke about the rezoning request and plans for the Planned Unit Development. He gave background information, including proposed covenants.

Statement from the Public: Linda Stevens spoke and felt that the lots that were being proposed were much smaller were much smaller than the lots in the existing area.

Diane Benson, Frankford Township Board Supervisor, had several questions:

- 1) She wanted to know who would maintain the roads. The Township has met with the Klassen's and stated to them that they would not maintain the roads.
- 2) There was also concern about access on to 795th Avenue. She felt it may be appropriate to have a cul-de-sac.
- 3) The Town Board would like a vegetative barrier around the site to keep debris from farm fields from blowing into it.
- 4) She felt the County should consider regulations similar to Fillmore County alerting people to the concerns about the area.

Brian Wolfgram was concerned about the retention ponds on the property and who would maintain those.

Joey Fox was concerned about the stormwater ponds discharging on to his property.

Rick Hyland was also concerned about the water retention ponds and wanted to know who would repair them.

Commissioner Hillier then called for people supporting or opposed to it. Matt Klassen spoke and stated that from his perspective this was a good area, not the best for farming and was appropriate for a subdivision.

Robert Capelle stated that they had saved their wooded property right to the west of this so one or two homes there would be built for their family. He was also concerned on the impact of spreading manure might have on the people.

Rick Hyland spoke that the people of twelve homes could be 24 voters and they would take over Frankford Township.

Barry Novinger spoke against it, saying they moved out of the City to get away from people and now people were moving out to the area. He felt the development should start from the City out and not start out and go towards the City.

Joey Fox presented a petition of signed names of people opposed to the development.

Vincent Mangan wanted to know how these people were going to help our area.

Lisa Fox was concerned about the potential of dogs barking and stated they could cause problems with their cattle and if the cattle got loose, the City people wouldn't know what to do with them. She was also concerned about the area being impacted because people will no longer be able to hunt turkeys on the area.

Craig Douglas, a Fillmore County resident and Township official, applies manure on the site and is concerned about it. He also provided copies of the Fillmore County notice that is given to property owners when they build in the rural area.

Dave Stevens spoke and was concerned that if this is the Klassen First Subdivision, would they be building another in the area?

The hearing was then closed. Myles Bendtsen stated the Klassen's have done a lot of work in reviewing the property. He stated they don't look at feelings, but look at the Mower County Ordinance.

Jim Risius stated that he was a new member and hears what people are saying with their concerns.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Myles Bendtsen to recommend approval to rezone the property to Planning Unit Development. Chair Hillier called for a second three times and the motion died for lack of a second. Barb

Hovde spoke and felt she would be more comfortable if the Planning Commission visited the site. Barb Hovde made a motion to do a site visit and the motion passed unanimously. The site visit was scheduled for Monday, March 7, 2005 at 1:35. The Planning Commission will then hold a special meeting on Monday, March 14, 2005 to reconsider the rezoning request.

There being no further business, the meeting adjourned at 8:35 p.m. on a motion by Myles Bendtsen, seconded by Jim Risius. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director