

Mower County Planning Commission

Minutes of the Mower County Planning Commission – August 30, 2005

Members Present: Dave Hillier, Myles Bendtsen, Barb Hovde, Jim Risius, Sheldon Lukes, Margaret Kirchner

Members Absent: None

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

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, August 30, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 2, 2005, special meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Myles Bendtsen. The motion passed unanimously.

CUP #686 – Brian Plath: Conditional Use Permit #686 to display and sell up to ten vehicles and motorcycles on property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: N 165 S 660 SW ¼ NW ¼ SW ¼, Section 13, Austin Township, Mower County, Minnesota (Parcel #02-010-0050).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on August 24, 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: Brian Plath was present and spoke about the CUP request and stated that if the CUP is granted he is looking forward to opening his business.

Statements from the Public: The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Terry Plath, neighbor, spoke and stated he is okay with the CUP request.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Sheldon Lukes to recommend approval of CUP #686 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.

BRIAN PLATH - CUP #686

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 display and sale of vehicles and motorcycles 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 displaying and selling of vehicles and motorcycles 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 #686:

1. Secure the necessary State and Federal permits.
2. No more than ten (10) cars, trucks, trailers or motorcycles outside on display for sale shall be located outside on the property at one time.
3. All vehicles for sale shall be currently licensed and operable.

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

It was stated that the County Board would be acting on this petition at their Tuesday, September 6, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #687 – Mitchell & Sarah Glynn: Conditional Use Permit #687 to display and sell up to ten vehicles on property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: W 640 ft. E 1043 ft. S 454 ft. SE ¼ NE ¼ , Section 21, Frankford Township, Mower County, MN (Parcel #06-015-0030).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on August 24, 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: Mitchell Glynn was present and spoke about the CUP request.

Statements from the Public: The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Myles Bendtsen to recommend approval of CUP #687 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

MITCHELL & SARAH GLYNN - CUP #687

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 display and sale of vehicles 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 displaying and selling of vehicles 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 #687:

1. Secure the necessary State and Federal permits.
2. No more than ten (10) vehicles outside on display for sale shall be on the property at one time.
3. All vehicles for display or sale shall be licensed and operable.

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

It was stated that the County Board would be acting on this petition at their Tuesday, September 6, 2005 meeting at 1:15 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:25 p.m. on a motion by Barb Hovde, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director