

Mower County Planning Commission

Minutes of the Mower County Planning Commission – January 24, 2006

Members Present: Ray Tucker, Myles Bendtsen, Jim Risius, Barb Hovde, Margaret Kirchner & Harlen Peck

Members Absent: None

Others Present: Daryl W. Franklin, Citizens,

Ray Tucker called the special meeting to order at 7:00 p.m. on Tuesday, January 24, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Ray introduced Harlen Peck, newly appointed Planning Commission member. Minutes of the December 20, 2005, special meeting were approved as mailed on a motion made by Harlen Peck and seconded by Margaret Kirchner. The motion passed unanimously.

Election of Vice-Chair of 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.

CUP #693 – John & Lori Smith: Conditional Use Permit #693 to construct an additional dwelling in the quarter section of land on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: SE ¼ SW ¼, Section 16, Adams Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on January 18, 2006. 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 Smith was present at the meeting and spoke about the CUP request. He stated that in the future he plans on getting power and sewer to the site. It is just recreational now and the size of the cabin is 14 x 24.

Margaret Kirchner and Myles Bendtsen, Planning Commission Members that visited the site, both felt it was a good location and that it meets the criteria of our Ordinance.

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: Ray Tucker closed the public hearing. After some discussion, a motion was made by Myles Bendtsen and seconded by Margaret Kirchner to recommend approval of CUP #693 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.

JOHN & LORI SMITH - CUP #693

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 wooded 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 #693:

1. The new dwelling is to retain a separate lot.
2. A Zoning Permit and ISTS Permit must be obtained prior to construction.
3. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
4. 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.
5. 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.
6. 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.
7. Owner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

The motion passed unanimously. Chair Ray Tucker does not vote. It was stated that the County Board would be acting on this petition at their Tuesday, February 7, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #694 – James & Debra Garrison (Petitioner) and Charles & Leah Budde (Owner): Conditional Use Permit #694 which would amend a previous CUP to display and sell up to thirty vehicles on property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: N 265 ft. W 627.34 ft. S ½ N ½ NW ¼ , Section 13, Austin Township, Mower County, MN.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on January 18, 2006. 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: Dennis Bettin, partner of the Garrison's, was present and spoke about the CUP request. He stated they do not want to be judged by what the other car lots in the area look like.

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.

Myles Bendtsen spoke and felt the site was too small for 30 vehicles.

Kevin & Sue Mullenbach spoke and are concerned about the increased traffic on Hwy. 218 and about access to the site. They also worry about the future impact on the sale of their property. They feel Hwy. 218 is becoming a car lot alley.

Mr. & Mrs. Francis Roden spoke and had similar concerns as the Mullenbach's.

Conclude the Public Hearing: Ray Tucker closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Barb Hovde to recommend approval of CUP #694 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.

JAMES & DEB GARRISON (PETITIONER) AND CHARLES & LEAH BUDDE (OWNER) - CUP #694

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 parcel as a vehicle sales lot 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 parcel as a vehicles sales lot will not impede the normal and orderly development. The property in the area is a mixed usage of commercial, 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 #694:

1. Apply for and receive a variance from the Mower County Board of Adjustment to sell and display up to thirty vehicles.
2. No more than ten vehicles may be stored inside or outside fenced area unless the variance is approved.
3. No inoperable vehicles will be allowed on the site.

The motion passed unanimously. Chair Ray Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, February 7, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:00 p.m. on a motion by Myles Bendtsen, seconded by Harlen Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director