

Mower County Planning Commission

Minutes of the Mower County Planning Commission – October 30, 2007

Members Present: Tolly Tollefson, Myles Bendtsen, Jim Risius, Harlen Peck and Barb Hovde

Members Absent: Margaret Kirchner

Others Present: Daryl W. Franklin, Lee Bonorden, John Mueller & Citizens

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, October 30, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 28, 2007, regular meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Harlen Peck. The motion passed unanimously.

CUP #731 – Brian Meyerhofer: Conditional Use Permit #731 to move a mobil home or additional dwelling on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: N ½ SE ¼ , Section 11, Pleasant Valley Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Harlen Peck on October 24, 2007. Harlen Peck stated he felt it was a good location. Copies of a letter written by Margaret Kirchner were handed out. Margaret also felt the site was a good location. 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 Meyerhofer 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: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Barb Hovde seconded by Jim Risius to recommend approval of CUP #731 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 MEYERHOFER - CUP #731

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 part of a larger farmstead 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 the recommended conditions of CUP #731:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on November 5, 2009 if no construction has begun or the use has not been established. However, the County Board may extend the CUP for an additional twelve (12) months by a motion if the conditions are the same as the approved CUP.
3. 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.
4. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

The motion passed unanimously. Chair Tolly Tollefson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

Amend Mower County Comprehensive Plan / Future Land Use Plan:

Amend the Mower County Comprehensive Plan & Future Land Use Plan for property in Section 9, Red Rock Township from the current "Agricultural" to "Industrial" uses. The following are the legal descriptions of each property:

Parcel #16-009-0153

Approximately 27.12 Acres

Legal Description: W 1596 ft. N 907.5 ft. S ½ NW ¼ Exc. E 200 ft. W 863 ft. N 185 ft., Section 9, Red Rock Township

And

Parcel #16-009-0155

Approximately .85 Acres

Legal Description: E 200 ft. W 863 ft. N 185 ft. SW ¼ NW ¼ , Section 9, Red Rock Township

Discussion took place regarding the amendment to the Comprehensive Plan / Future Land Use Plan for the two parcels in Section 9 of Red Rock Township. Harlan Peck stated he felt it was an logical action. Margaret Kirchner stated in a letter handed out to Commission members that she supported the rezoning.

The Planning Commission felt that the changes were reasonable and the future uses would be compatible with the existing and proposed land uses in the area.

John Mueller, representing Red Rock Township, said the Township supports the amendment to the Comprehensive Plan and the rezoning request.

After some discussion, a motion was made by Harlan Peck and seconded by Jim Risius to amend the Mower County Comprehensive Plan/Future Land Use Plan for the two above parcels in Red Rock Township. The motion passed unanimously.

It was stated that the County Board would be acting on this request at their Tuesday, November 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

Rezoning of Property – RM Enterprises, LLP: Rezone property in Section 9 of Red Rock Township from Agricultural to Industrial to allow the expansion of the Akkerman, Inc. business pursuant to Section 14-38 of the Mower County Zoning Ordinance on property located at the following:

Parcel #16-009-0153

Approximately 27.12 Acres

Legal Description: W 1596 ft. N 907.5 ft. S ½ NW ¼ Exc. E 200 ft. W 863 ft. N 185 ft., Section 9, Red Rock Township

And

Parcel #16-009-0155

Approximately .85 Acres

Legal Description: E 200 ft. W 863 ft. N 185 ft. SW ¼ NW ¼ , Section 9, Red Rock Township

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Harlen Peck on October 24, 2007. Both felt the request was reasonable and the change would be compatible with the existing and proposed land uses. 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: Terry Lewis, RM Enterprises, LLP, was present at the meeting.

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: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Barb Hovde to recommend approval of the rezoning of the property with the following conditions because it is in accordance with Section 14-38 of the Mower County Zoning Regulations.

The following are conditions of the Rezoning of Property:

1. The rezoning is exclusive for the RM Enterprises, LLP (Akkerman, Inc.) operation and any other permitted or conditional uses in the Industrial zone will not be allowed unless the Mower County Board of Commissioners approves a change.
2. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

The motion passed unanimously. Chair Tolly Tollefson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:16 p.m. on a motion by Harlen Peck, seconded by Barb Hovde. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director