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# Le Sueur County, MN

Tuesday, December 20, 2016

Board Meeting

## Item 2

**4:31 p.m. Kathy Brockway, P&Z Administrator (2 min)**

*Request for Action-2 Conditional Use Permits*

Staff Contact: Kathy Brockway - Environmental and P & Z Director

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**December 8, 2016**

**MEMBERS PRESENT:** Don, Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke

**MEMBERS ABSENT:** Betty Bruzek, Pam Tietz

**OTHERS PRESENT:** Kathy Brockway, Commissioner Connolly.

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

**ITEM #1: ROSS & RUTH HEILMAN, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 43 cubic yards of material within the shore impact zone for a rip rap project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township.

Kathy Brockway presented power point presentation. Ross and Ruth Heilman were present for application.

TOWNSHIP: Notified through the application process, no comments. DNR: Granted a DNR permit received in order to do work below the ordinary high water level. LETTERS: Joshua Mankowski, LSC Resource Specialist, see file.

PUBLIC COMMENT: none.

Discussion was held regarding: applicants tried to correct the erosion problem with other alternatives but they failed, only option left is to place rip rap along the shoreline, loss of trees on the property due to the erosion problem, would like to complete the project during the winter, will match up with the current rip rap along the property, variance for more than 200' of rip rap was granted in October, buffer along shoreline.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity. Agreed*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Not applicable.*
5. *Adequate measures will be taken to prevent and 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. Agreed*

Motion was made by Don Reak to approve the application as presented with the condition that they abide the condition that they maintain the 7' no-mow buffer to help reduce the possibility of future erosion issues. Seconded by Doug Krenik. Motion approved. Motion carried.

**ITEM #2: R & C LOGISTICS LLC, NEW PRAGUE, MN, (APPLICANT); DAVID & MORGAN CHUMPER, NEW PRAGUE, MN, (OWNER);**

Permit to allow the applicant to establish and operate a Contractor Company along with shop and yard in an Agriculture "A" District. Property is located in the NE 1/4, Section 22, Lanesburgh Township.

Kathy Brockway presented power point presentation. David Culver was present for application.

TOWNSHIP: Notified through the application process, no comments. DNR: N/A  
LETTERS: None

PUBLIC COMMENT: Tim Tupy, landowner, questioned road tonnage. Trailers will be empty when coming onto the site.

Discussion was held regarding: Applicants propose to operate the business as R & C Logistics LLC. Main hub, dispatch, and offices located out of Boise, Idaho. The site consists of 8 acres and will serve as the drop off/storage and maintenance hub of the empty tractor/trailers. The business is a refrigerated transportation company that owns 4 semi-tractors. They haul refrigerated goods in the Midwest states area. When the occasional vehicle is not over the road, the vehicle will be parked at this location. Routine maintenance of the vehicles is done every 5-6 weeks. Routine maintenance will be performed at the site consisting of changing oil/tires. The oil will be collected in a waste oil container and taken to Lakes Sanitation in New Prague for the proper disposal. Any major repairs will be completed by an ASE Certified Repair Shop. Minimal day to day traffic at the site. 4 drivers of the tractor/trailers will park their personal vehicles on site. If future expansion were necessary applicant would need to locate elsewhere. Access approved by County Highway Department off County Road 3, 9 ton road, 7 ton road.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity. Agreed*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed*
5. *Adequate measures have been or will be taken to prevent and 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. Agreed*

Motion was made by Doug Krenik to approve the application as requested. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Chuck Retka to approve the minutes with changes from the November 10, 2016 meeting. Seconded by Al Gehrke. Motion approved. Motion carried.

Motion to adjourn meeting by Don Reak. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Kathy Brockway  
for Shirley Katzenmeyer.

*Tape of meeting is on file in the Le Sueur County Environmental Services Office*

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**December 20,2016**

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**

**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following items:

**ITEM #1: ROSS & RUTH HEILMAN, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 43 cubic yards of material within the shore impact zone for a rip rap project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township.

**Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:**

Therefore, the Planning Commission recommends approval of the application with the following condition:

- That a 7' no-mow buffer is maintained to help reduce the possibility of future erosion issues.

**ITEM #2: R & C LOGISTICS LLC, NEW PRAGUE, MN, (APPLICANT); DAVID & MEGAN CULVER, NEW PRAGUE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a Contractor Company along with shop and yard in an Agriculture "A" District. Property is located in the NE 1/4, Section 22, Lanesburgh Township.

**Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:**

Therefore, the Planning Commission recommends approval of the application as requested.

ACTION: ITEM #1: \_\_\_\_\_

ITEM #2: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, ROSS & RUTH HEILMAN, CLEVELAND, MN, (APPLICANTOWNER):** has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 43 cubic yards of material within the shore impact zone for a rip rap project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on December 8, 2016 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

1. *With the imposition of the condition, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of the condition, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of the condition, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the condition, adequate measures will be taken to prevent and 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.*
5. *With the imposition of the condition, the Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
6. *With the imposition of the condition, the Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

**WHEREAS,** On December 20, 2016 at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **ROSS & RUTH HEILMAN, CLEVELAND, MN, (APPLICANTOWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the December 20, 2016 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of the condition, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of the condition, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of the condition, adequate utilities, access roads, drainage, and other facilities are being provided.*
4. *With the imposition of the condition, adequate measures will be taken to prevent and*

*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.*

5. *With the imposition of the condition, the Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals, and objectives in the Ordinance.*
6. *With the imposition of the condition, the Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 43 cubic yards of material within the shore impact zone for a rip rap project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Jefferson. Property is located in Government Lot 5, Section 2, Washington Township.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, R & C LOGISTICS LLC, NEW PRAGUE, MN, (APPLICANT); DAVID & MEGAN CULVER, NEW PRAGUE, MN, (OWNER):** has applied for a Conditional Use Permit to allow the applicant to establish and operate a Contractor Company along with shop and yard in an Agriculture "A" District. Property is located in the NE 1/4, Section 22, Lanesburgh Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on December 8, 2016 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approved of the application due to the following findings:

- 1. 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 diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures will be taken to prevent and 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.*
- 6. The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

**WHEREAS,** On December 20, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **R & C LOGISTICS LLC, NEW PRAGUE, MN, (APPLICANT); DAVID & MEGAN CULVER, NEW PRAGUE, MN, (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the December 20, 2016 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. 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 diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading*

*space to serve the proposed use.*

5. *Adequate measures will be taken to prevent and 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.*
6. *The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish and operate a Contractor Company along with shop and yard in an Agriculture "A" District. Property is located in the NE 1/4, Section 22, Lanesburgh Township, is APPROVED/DENIED.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_