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# **Le Sueur County, MN**

**Thursday, March 10, 2016**

**Regular session**

## **Item 3**

**Jacob Prchal Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/ OWNER:** Jacob Prchal

**911 ADDRESS:** 19351 326<sup>th</sup> Lane, New Prague Mn 56071

**PROJECT DESCRIPTION:** Establish and operate an Agriculture & Industrial Machinery Sales and Service in an Agriculture "A" District.

### ZONING DISTRICT PURPOSE

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

### CONDITIONAL USES

Conditional Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of this Ordinance. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

**ZONING ORDINANCE SECTIONS:** 8,19,21

**GOALS AND POLICIES:** The current Land Use Plan as adopted in 2009 does not make reference to establishing an agriculture and industrial machinery sales and service business within the Agricultural Zoning District.

## SITE INFORMATION

**LOCATION:** 5.1 acres located in the NE1/4 SE1/4, Section 25, Derrynane Township

**ZONING:** Agricultural "A"

**GENERAL SITE DESCRIPTION:** Existing Building Site

**ACCESS:** Existing

### EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Ag
East:	Ag	West:	Ag

## BACKGROUND INFORMATION

See narrative

## TOWNSHIP BOARD NOTIFICATION

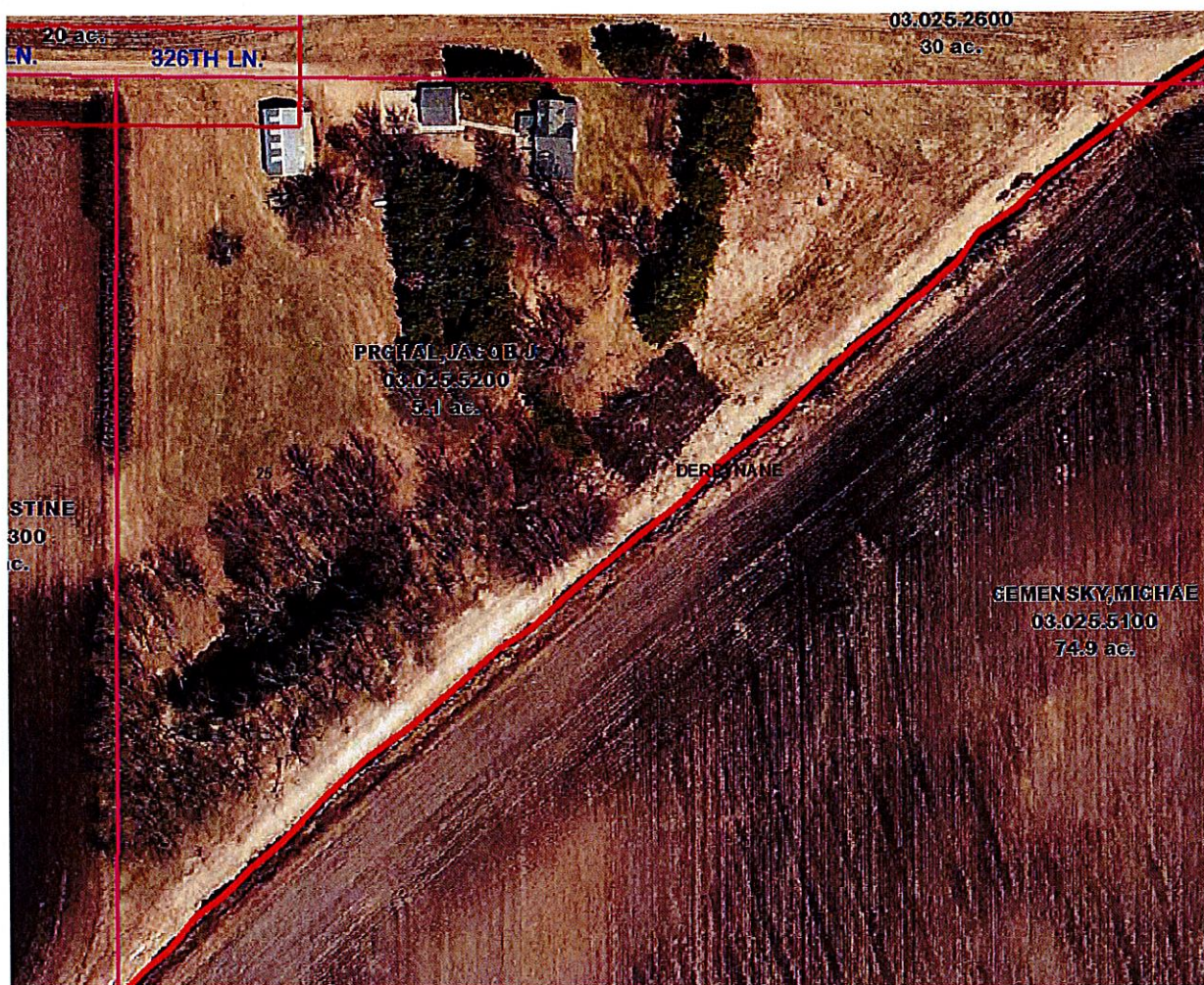
The applicant attended the Derrynane Township Board meeting on 01-25-16.

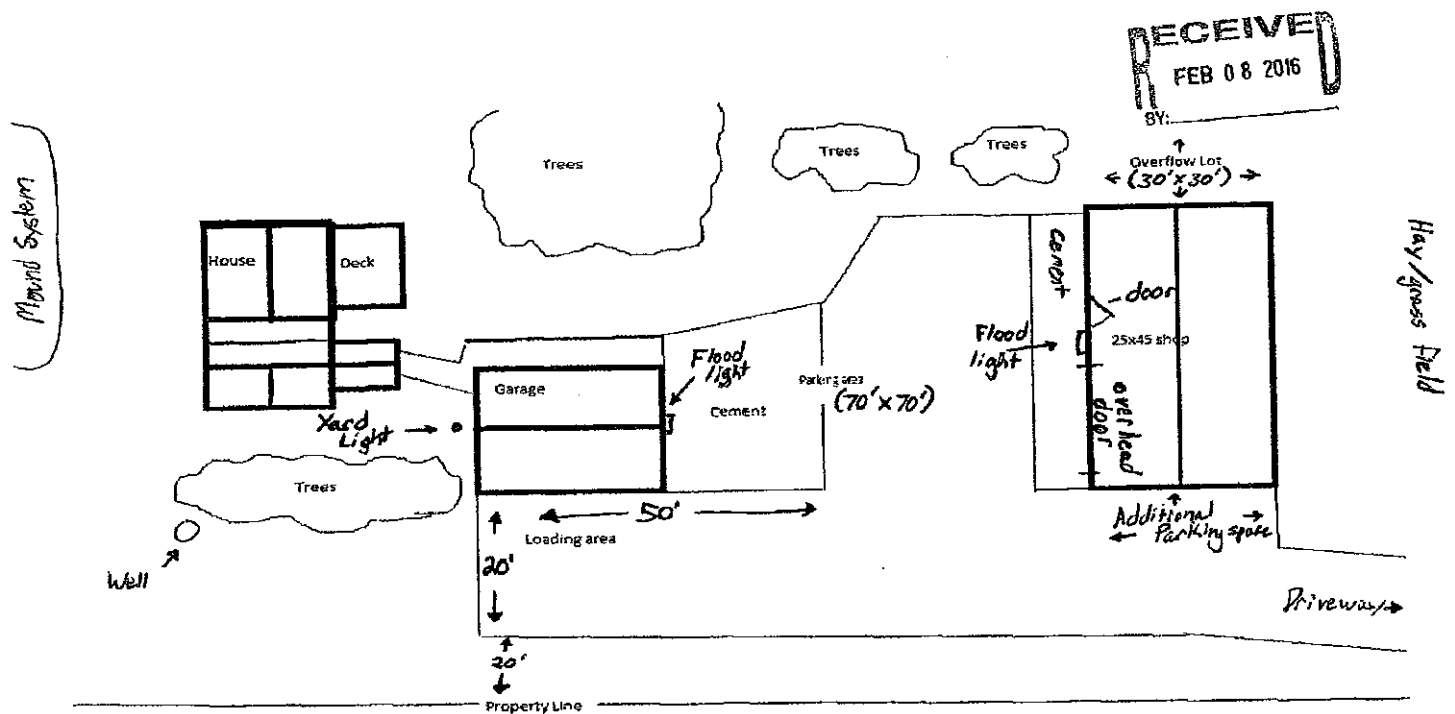
## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, Type I Wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN/AERIAL PHOTO





- \* All structures are existing
- \* drawing not to scale

N  
↑

## ATTACHMENTS

### Application, Narrative, Site Plan, Township Notification

NOTE: Insurance information is on file with the Environmental Services Department.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

## PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

<b>PLANNING AND ZONING COMMISSION FINDINGS</b>
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Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:  
*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

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.    **A   D   NA**
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.    **A                      D   NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided.    **A   D   NA**
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.    **A   D   NA**
5. The 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.    **A                      D   NA**

*Recommend (circle one) approval / denial / table / of Conditional Use Permit.*

**LE SUEUR COUNTY  
CONDITIONAL USE PERMIT CRITERIA**

**PERMIT # 16012**

**Applicant: JAKE PRCHAL**      **Date: 03/10/15**

**Conditional Use Permit Request:** Establish and operate an Agriculture & Industrial Machinery Sales and Service in an Agriculture "A" District. Property is located in the NE1/4 SE1/4, Section 25, Derrymane Township.

**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.*
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 have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
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.*

	CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL
1.											
2.											
3.											
4.											
5.											

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ PZ CHAIRPERSON \_\_\_\_\_

COUNTY BOARD MEETING DATE: \_\_\_\_\_



# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Jacob J Prchal  
Mailing Address 19351 326th LN  
City New Prague State MN Zip 56071  
Phone # 612-756-3290 Phone # \_\_\_\_\_

### II. Landowner:

Name Jacob Prchal  
Mailing Address 19351 326th LN  
City New Prague State MN Zip 56071  
  
Property Address 11 11  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # 612-756-3290 Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 03.025.5200 Parcel Acreage 5.10  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Derrynane Section 25  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Derrynane Township notified on 1-25-16  
(Township Name) (Date)

Board Member Cindy Jirak regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.
- Applications will not be accepted by mail.

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



## VII. Type of Request:

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other used ag. Equipment sales  
(skid loaders, compact tractor, utility vehicle)

## VIII. Description of Request:

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: Monday - Friday 8am - 5pm
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 3 - weekly average
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Well
  - ii. Toilet facilities: N/A for customers
  - iii. Solid Waste Collection: Lakers New Prague Sanitary
4. FIRE PREVENTION: fire extinguisher & fire blanket
5. SECURITY PLANS: In-Shop security system & video surveillance
6. RETAIL SALES: used ag and industrial equipment
7. FOOD OR ALCOHOL SERVED OR FOR SALE: None
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)  
none
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:  
none
10. EXTERIOR LIGHTING: on shop & garage, yard light
11. PARKING AND LOADING: roughly 100x100 space
12. SIGNAGE: if allowed - sign at end of 191st ave & 28 hwy.
13. ROAD ACCESS: (Approved by the road authority) see attached approval
14. CERTIFICATE OF INSURANCE: yes, attached
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) If CUP is approved I will obtain dealers license.

## IX. Site Plan: Shall include but not limited to the following:

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)





**X. Attachments: shall include but not limited to:**

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☐ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☒ h. **Floor plans and/or blue prints** -Existing Structures

**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**XII. Signatures:**

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

Jacob J. Pothol  
Applicant signature

2-1-16  
Date

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

Jacob J. Pothol  
Property Owner signature

2-1-16  
Date

**OFFICE USE ONLY**

**Request:** Agri Ind Sales + Svcs

Pre-App Date 2/8/16  
Meeting Date 3/10/16  
60 Day 4/8/16  
Zoning District A

Lake Classification -  
Lake -  
FEMA Panel # 27079C0 175  
Flood Zone X-Outside

Feedlot 500' 1000' N  
Wetland Type 1-2 3-8 N  
Water courses Y N - Ditch #42  
Bluff Y N

- ☒ Request Description
- ☒ Site Plan
- ☒ Full Legal
- ☒ Ordinance

- ☒ Access Approval
- ☐ Erosion Control Plan
- ☐ Blue Prints
- ☐ Other

- ☒ Septic
- ☒ Meeting
- ☒ Fee
- ☐ Penalty

**Comp Insp / Design**  
**Reg / ATF / Spec**  
\$ 746

COC 5-8-13

☒ Application Complete

Michelle R. Math  
Planning & Zoning Department Signature

2-8-16  
Date

16812  
Permit #



## Conditional Use Permit (Description of Request)

Owner: Jacob J Prchal

Address: 19351 326<sup>th</sup> Lane

New Prague, MN 56071

### Description of Request:

- This is NOT a building request, this is merely an approval for our business to be at our residence.

I am requesting a conditional use permit for my business TNC Fabricating, LLC. I am wishing to become an agricultural and industrial equipment dealer selling strictly used items such as Skid loaders, utility vehicles, compact tractors and forklifts on a small scale. I will be purchasing repossessed and theft recovered equipment and selling the items on online sites with my property as merely a pick up, inspection and transaction location.

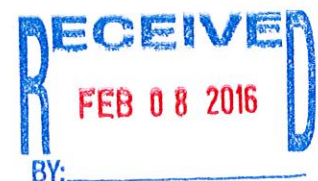
My location will not be an open dealership, customers may view by appointment if needed – seeing as the items are listed online only. There should not be any semi-trucks picking equipment up and if there is it will be limited to once a month. UPS/Fedex would visit our shop, about 1-3 times a week, with small deliveries of parts. I would be bringing the equipment back to the property with my ¾ pick-up truck and gooseneck trailer, never weighing more than 20-25,000 pounds. (I am aware of road restriction regulations in the spring and will follow all regulations)

We will not be housing more than 5 used items for sale at a time on the property.

There will not be people frequenting the property, therefore there is not any customer rooms such as bathrooms, viewing areas, etc, besides the 25 x 45 shop area.

I am fully licensed and insured and currently offer mobile welding services to the agricultural industry, please see the attached insurance certificate. We are the first property/driveway on the gravel road so the very minimal traffic increase will not affect any neighboring land owners.

Signage would be preferred if it is able to be approved for a certain location but not necessary.





### Description of Layout and Day to Day Business practices

**Parking and Loading:** Our parking area will be located between our shop and garage. (Shown on layout). It is an existing gravel lot with an area of approximately 5000 square ft.

Our loading location will be located directly on the North most end of the garage with an area measuring 20'x50'. (Shown on drawing).

**Outdoor Lighting:** All existing lights are located as follows. One Flood light directly above entrance door on shop. One flood light located directly above garage overhead door. Yard light located on east side of garage.

**Waste Disposal:** All waste materials will be handled accordingly and in a correct manner. They will then be contained in enclosed containers and will drop off at a location that meets all county, state, and federal regulations.

Lakers New Prauge Sanitary will be handling all of our garbage disposal needs.

Locations we may drop off waste materials: East Side Oil Companies, Minnetonka MN

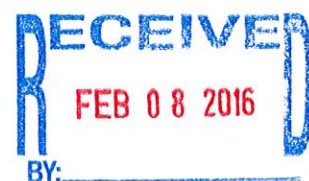
Liberty Tire Recycling, Savage MN

Some examples of waste materials we will encounter; Oils, fuels, grease, tires, and batteries.

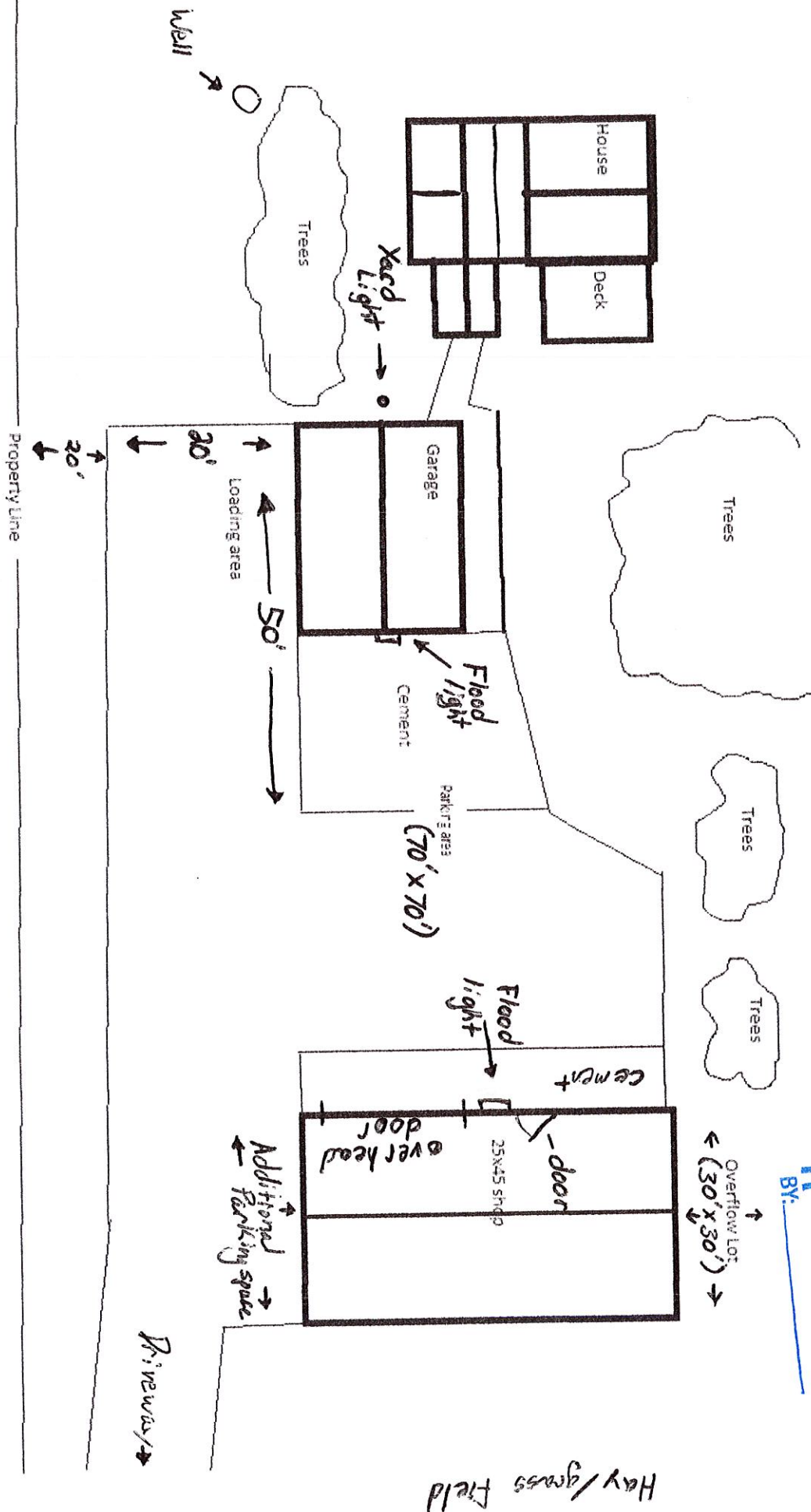
All fluids will be caught in catch pans in the shop on the cement floor, this will enable us to properly clean up any materials that potentially could drip or spill. (note: there are no floor drains located in the shop)

**Overflow Lot:** We will have an area designated for parking at most 2-4 items (skid loader, forklift, compact tractor, utility vehicle) located directly south of the shop in an area measuring 30'x30'. This area will only be for items that are waiting to be cleaned, inspected, or picked up.

We believe that a clean and neat shop as well as exterior appearance has a lot of say in care and general running of a business to a customer. With that being said we will maintain a very organized area where we do business. We also live on this property and I do not enjoy a ("mess") anywhere on our property.



Mound System



RECEIVED  
FEB 08 2016  
BY: \_\_\_\_\_

\* All structures are existing  
\* drawing not to scale

N  
↑



# Township

Jirak, Cindy

Thu 1/28/2016 3:31 PM

To: 't&tfabricating@hotmail.com' <t&tfabricating@hotmail.com>;

Jake – this e-mail is to verify that you did attend the 1-25-16 meeting of the Derrynane Township board and spoke with them regarding the conditional use permit you will be requesting from the county. The board did approve your proposed business with the condition that there be no more than five vehicles at a time that you are working on at your property.

