

Le Sueur County, MN

Thursday, August 18, 2016 Regular session

Item 1

Nelson Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Joshua Nelson

911 ADDRESS: 34450 446th St, St. Peter MN 56082

PROJECT DESCRIPTION: Rezone 2.71 acres from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish a site to operate an Auto Repair Shop and Used Auto Sales business.

ZONING DISTRICT PURPOSES: 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.

The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

ZONING ORDINANCE SECTIONS: Section 8, Section 11, Section 23

GOALS AND POLICIES:

Goal #1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

Objective 1: The County will protect the best of its agricultural land as a resource for long term agricultural use.

• Action 1: The County will continue using an Agricultural District with the ultimate aim being to preserve large contiguous agricultural land tracts for agricultural use.

SITE INFORMATION

LOCATION: 2.71 acre parcel located in the NW1/4SE1/4, Section 28, Kasota Township.

CURRENT ZONING: AGRICULTURE "A" District/ Mineral Extraction Overlay District.

REQUESTED CHANGE: GENERAL INDUSTRY "I" DISTRICT

GENERAL SITE

DESCRIPTION: Existing single family dwelling with business

ACCESS: Existing access off 446th St.

EXISTING LAND USE WITHIN 1/2 MILE:

North: Industrial South: Scattered Residential/Industrial

East: Industrial West: Scattered Residential

TOWNSHIP BOARD NOTIFICATION

The applicant notified Joe Kienlen, Kasota Township Board Member on June 20, 2016.

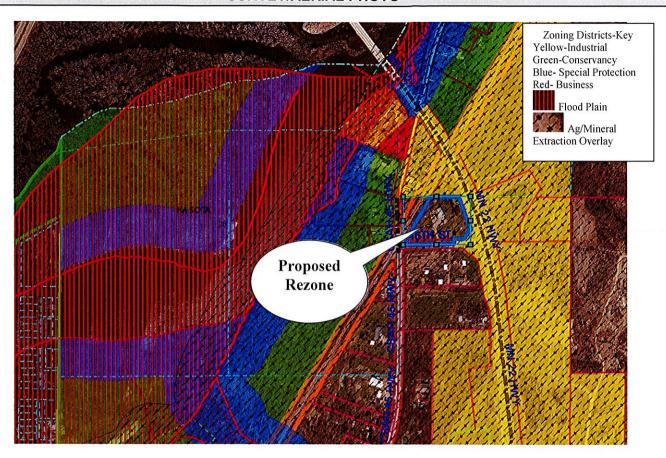
NATURAL RESOURCES INFORMATION

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

WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section

where the project is proposed.

SURVEY/AERIAL PHOTO





ATTACHMENTS

Application, Survey, Surrounding Zoning Map, Narrative, Legal Description (Certificate of Insurance on file with the Department, Septic Certificate of Compliance on file with the Department)

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed Rezone request 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 zoning district will negatively affect surrounding properties in the area in which it is proposed.
- 4. The character of the surrounding area.
- 5. Whether such zoning district would inherently lead to or encourage disturbing influences in the neighborhood.
- 6. Other factors impacting the public health, safety and welfare.

If the rezone is approved, the applicants will be required to go through the conditional use permit process for the use proposed on the property.

PLANNING AND ZONING COMMISSION FINDINGS

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 proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan. A D NA
- 2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. A D NA
- 3. The proposal will not have an adverse effect on the value of adjacent properties. A D NA
- 4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. A D NA
- 5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. A D NA
- 6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. A D NA
- 7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. A D NA
- 8. Soil conditions are adequate to accommodate the proposal. A D NA
- 9. The proposal will not create a potential pollution hazard. A D NA
- 10. The proposal will not degrade the water quality of the County. A D NA
- 11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. A D NA
- 12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. A D NA

Recommend (circle one) approval / denial / table / of the Rezone Request

Le Sueur County

Kę	zone Application
I.	Applicant: Name $3056 \sqrt{9}$ 5 6050 Mailing Address 34450 446 5460 5460 6050 City 54 6050 6050 Phone # $507-931-0078$ Phone # $507-398-8038$
II.	Name Joshus J. Welson Mailing Address 34450 446 M Street City St. Peter State MN Zip 56082
	Property Address 34450 #46 # Street City 51. Peter State MW Zip 56082 Phone # 507-931-0078 Phone # 507-398-8038
III.	Parcel Information: Parcel Number
	Attach Full Legal Description (NOT abbreviated description from tax statement)
	Township Kasata (110) Section 28
	Subdivision Lot Block
IV.	Township Notification: Township must be notified of proposed rezone prior to application.
	Township notified on 5000 2016 (Township Name) Board Member 500 Kiewlev regarding the proposed rezone. (Name)
٧.	Quantities and Submittal Formats:
	a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
	b. If any documentation is in color, an aerial photo, photographs, or larger than 8 ½ x 11, then twenty three (23) copies must be submitted.
	c. Electronic version of any supporting documents if available.
	c. Additional copies may be requested as deemed necessary by the Department.
	d. Application must be made <u>in person</u> by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
	e. Appointment is necessary.
	f. Applications will not be accepted by mail.
VI.	Fees: Must be paid at the time of application.
	Rezone \$ 750 Filing Fee \$ 46
	Special Meeting \$ 2,000 (Additional fee)

VII.	Rez	on	e Request:								
	2.	2.71 acres from Agricultural District to Tudustrial District									
VIII.	Des	escription of Request:									
	a. A specific written description of the area to be rezoned must be attached.										
	b. Complete the following in relationship to the proposed rezone request.										
	13	1.	PRESENT ZONING DISTRICT CLASSIFICATION: The current zoning is Agridfural								
	:	2.	PROPOSED ZONING DISTRICT CLASSIFICATION:								
		3.	PROPOSED USE OF THE LAND: Auto Repair Shop, Used								
		4.	CONCEPT PLAN: (attach) See 4 Hacked								
	ļ	5.	COMPATABILTY WITH THE LAND USE PLAN AND STATEMENT OF CONDITIONS WARRANTING CHANGES IN ZONING: See affected								
	,	6.	COMPATABILITY WITH THE OVERALL CHARACTER OF EXISTING DEVELOPMENT IN THE IMMEDIATE VICINITY: See Attached								
	7. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, AND OTHER NECESSARY INFRASTRUCTURE:										
	8. SOIL CONDITIONS ADEQUATE TO ACCOMMODATE THE PROPOSED REZONE:										
			See Attached								
		9.	WILL THE PROPOSAL CREATE A POLLUTION HAZARD OR DEGRADE WATER QUALITY? (describe):								
	0	10.	DESCRIBE THE IMPACT ON NATRUARL RESOURCES (bluffs, wellands, water bodies, ag land, woodlands, aggregate resources, etc):								
	W.	11.	WILL THE PROPOSAL NEGATIVELY AFFECT THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE?:								
	15, MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) See Attacked										
IX.	 Site Plan: A certified land survey of the property to be rezoned shall include but not limited to: Existing uses and structures of adjacent properties within 500 feet in the incorporated area and within ½ mile in the unincorporated area. 										
	 Zoning of adjacent properties Existing Structures 										
	 Location Lot Dimensions Well 										
		• N	orth point • Water feature (if any)								
			etbacks roperty Lines • Access (size & location) Easements • Easements								
			load Right-Of-Way								

X. Attachments: shall include but not limited to: Description of Request - See Part VIII for full details and requirements. Site Plan - See Part IX for full details and requirements. b. 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. Septic System Compliance Inspection **Concept Plan** XI. Procedure: The Planning & Zoning Commission shall hold a public hearing on the proposed Rezone 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 County Board decision 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. 7-6-16 Applicant signature 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, JUL 0 7 Property Owner signature OFFICE USE ONLY Rezone 2.71 AC Lake Classification Feedlot 1000' N

Request: Pre-App Date 7-7-10
Meeting Date 8-18-10 Meeting Date 6 Wetland Type Lake 60 Day FEMA Panel # 27079C0 Water courses Zoning District Flood Zone Bluff X-outside Request Description Comp Insp / Design Access Approval ☑ Septic ☐ Site Plan Meeting Reg Concept plan Spec Full Legal □ Other Fee ☑ Ordinance ☐ Application Complete Planning & Zoning Department Signature Date

ROLL CALL VOTE

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA PERMIT # 16201

Applicant: Joshua Nelson Date: 08-18-2016

Rezone Request:

- The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan.
- 2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
- 3. The proposal will not have an adverse effect on the value of adjacent properties
- 4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
- 5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
- **6.** The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
- Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
- Soil conditions are adequate to accommodate the proposal.
- The proposal will not create a potential pollution hazard.

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- 10. The proposal will not degrade the water quality of the County.

 The proposal will not have a pegative impact upon natural resource areas.
- 11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
- 12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

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DATE: the general welfare of the public. If all answers are ""YES" by a majority of the Planning Commission, the criteria for granting of the Rezone request have been met. The Rezone will main the goals of safety, health and APPROVED: COUNTY BOARD MEETING DATE: DENIED PZ CHAIRPERSON

DESCRIPTION OF RECORD

Le Sueur County, Minnesota, containing 4.78 acres more or less and subject to Easements of record, except Westerly of the Westerly Right of Way line of the Chicago, St. Paul, Minneapolis and O.R.R and Easterly Acres of the Northwest Quarter of the Southeast Quarter of Section 28, Township 110, Range 26, Le Sueur County, Minnesota, except that portion described as follows: That part of the North The North One Quarter of the Northwest Quarter of the Southeast Quarter of Section 28, Township 110, the Easterly Right of Way line of the County Road, and further excepting the Easterly 5 Acres thereof, all in as shown in Document No. 272456, Le Sueur County, Minnesota. Range 26 Lying of 10

PROPOSED DESCRIPTION

a distance of 262.53 feet along a non-tangential curve concave to the southwest, having a radius of right—of—way line of MNDOT Right—of—Way Plat No. 40—10; thence North 02 degrees 01 minutes 07 seconds degrees 20 minutes 47 seconds East on said south line, a distance of 377.40 feet to the westerly of the Southeast Quarter; thence North 89 degrees 20 minutes 47 seconds East on the south line of said Quarter, a distance of 2305.16 feet to Southwest Corner of said North One Quarter of the Northwest Quarter based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the west line of said Southeast South Quarter Corner of said Section 18; thence North 00 degrees 18 minutes 38 seconds East (bearings right—of—way line of the Union Pacific Railroad; thence South 31 degrees 10 minutes 20 seconds West on degrees 22 minutes 13 seconds West on said north line, a distance of 209.69 feet to the easterly North 21 degrees 04 minutes 06 seconds West to the north line of said Southeast Quarter; thence minutes 23 seconds East on said westerly right-of-way line, a distance of 83.58 feet; thence northwesterly seconds East on said westerly right-of-way line, a distance of 78.74 feet; thence North 35 degrees 53 easterly right—of—way of the Union Pacific Railroad also the point of beginning; thence continuing North 89 North One Quarter of the Northwest Quarter of the Southeast Quarter, a distance of 45.20 feet to the Township 110 North, Range 26 West, 2788.71 feet, a central angle of 5 degrees 23 minutes 38 seconds and a 262.44 foot chord which bears West on said westerly right—of—way line, a distance of 16.01 feet; thence North 89 degrees 22 minutes 14 That part of the North One Quarter of the Northwest Quarter of the Southeast Quarter of Section 18 said easterly right—of—way line, a distance of 387.40 feet to the point of beginning Le Sueur County, Minnesota, described as follows: Commencing at the South 89

Said parcel contains 2.71 acres of land.

3BD1.DWG 06-13-2016 3:45p.m



SDB111948

VII. Rezone Request

2.71 acres from Agricultural District to Industrial District

VIII. Description of Request

- a. A specific written description of the area to be rezoned must be attached.
 Entire parcel on record for a total of 2.71 acres of land (as determined by the survey).
- b. Complete the following in relationship to the proposed rezone request.
- 1) PRESNT ZONING CLASSIFICATION: The current zoning is Agricultural
- 2) PROPOSED ZONING DISTIRCT CLASSIFICATION: Industrial
- 3) PROPOSED USE OF THE LAND: Auto Repair Shop, Used Auto Sales
- 4) **Concept Plan** My current business is European Auto Service. I am grandfathered in with a conditional use permit for auto body and auto service. I plan to expand my current business by adding European used auto sales. My current zoning prohibits used auto sales.
- 5) Compatibility with the land use plan and statement of conditions warranting changes in zoning:

A majority of the property surrounding my parcel is zoned industrial, current use as agricultural prohibits proposed use of auto sales.

- 6) Compatibility with the overall character of existing development in the immediate vicinity:

 I am mostly surrounded by industrial properties. To the north of me is Brandt's Junk Yard. To the east of me is the SMC Gravel Pit. I also have Minnesota highway 22 boarding my easterly property line and the Union Pacific Railroad bordering my northerly property line.
- 7) Adequate utilities, access roads, drainage, and other necessary infrastructure:

 My property already has adequate unities including electric, septic systems, water, garbage and natural gas. The existing access road from county Road 45 can also be used for the proposed auto sales business. My property has a drainage ditch on the easterly property line that runs parallel to MN Highway 22. The direction of flow for the drainage ditch is from south to north.
- 8) Soil conditions adequate to accommodate the proposed rezone:

 Yes, soil samples have been completed recently for sewage treatment. Soil samples were taken when drawings for installation of new septic system were created on 10-7-2014.
- 9) Will the proposal create a pollution hazard or degrade water quality? No, existing business plans are adequate. The proposed auto sales business will not be a pollution hazard or degrade water quality.
- 10) Describe the impact on natural resources.

The proposed auto sales concept will not affect aggregate resources. No excavating required or property changes needed to accommodate new business plan.

11) Will the proposal negatively affect the protection of the public health, safety and general welfare? No it will not. There isn't anything in my business plan that could potentially endanger the public in anyway.

15) **Meet all applicable county state & federal regulations:** Application for Minnesota dealer license pending rezoning application.



VIII. Description of Request:

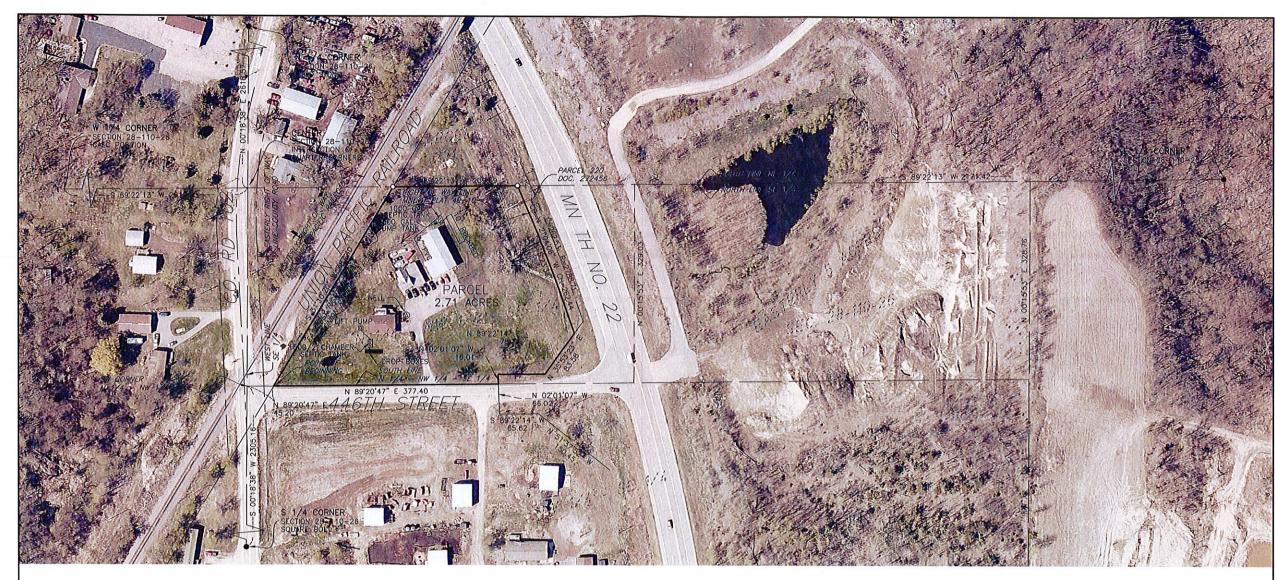
a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

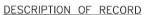
The purposed operations for my property are auto sales and auto service. I would like to offer services for European auto repair and used vehicle sales. Neither of these proposed operations will require equipment.

- b. Complete the following in relationship to the proposed Conditional Use Permit.
 - **1. Environmental Impact :** The proposed businesses of auto sales and service will not be a pollution hazard or degrade water quality.
 - 2. Adverse impact on surrounding areas: There will be no adverse impact on surrounding areas. Most properties bordering me are also industrially zoned and have similar uses.
 - 3. Stormwater runoff: My property currently has adequate storm water runoff. There is a ditch on the easterly property line that runs parallel to Minnesota highway 22 and sheds water from south to north.
 - **4. Does any part of the project extend below OHWL :** No part of the project extends below the ordinary high water level.
 - 5. Wetland Impact: There is not wetland impact as there are no wetlands near my property.
 - **6. Slope stability :** Water sheds appropriately without erosion. The slopes can withstand movement without erosion. All slopes are conditionally stable.
 - 7. Certificate of Insurance:
 - **8. Meet all applicable county, state & federal regulations :** My property currently meets all standards and regulations required by the county, state and federal government. A Minnesota dealers license application will be submitted upon approval of zoning change.









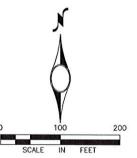
The North One Quarter of the Northwest Quarter of the Southeast Quarter of Section 28, Township 110, Range 26, Le Sueur County, Minnesota, except that portion described as follows: That part of the North 10 Acres of the Northwest Quarter of the Southeast Quarter of Section 28, Township 110, Range 26 Lying Westerly of the Westerly Right of Way line of the Chicago, St. Paul, Minneapolis and O.R.R and Easterly of the Easterly Fight of Way line of the County Road, and further excepting the Easterly 5 Acres thereof, all in Le Sueur County, Minnesota, containing 4.78 acres more or less and subject to Easements of record, except Road, as shown in Document No. 272456, Le Sueur County, Minnesota.

PROPOSED DESCRIPTION

That part of the North One Quarter of the Northwest Quarter of the Southeast Quarter of Section 28, Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as follows: Commencing at the South Quarter Corner of said Section 28; thence North 00 degrees 18 minutes 38 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the west line of said Southeast Quarter, a distance of 2305.16 feet to Southwest Corner of said North One Quarter of the Northwest Quarter of the Southeast Quarter; thence North 89 degrees 20 minutes 47 seconds East on the south line of said North One Quarter of the Northwest Quarter of the Southeast Quarter, a distance of 45.20 feet to the easterly right-of-way of the Union Pacific Railroad also the point of beginning; thence continuing North 89 degrees 20 minutes 47 seconds East on said south line, a distance of 377.40 feet to the westerly right-of-way line of MNDOT Right-of-Way Plat No. 40-10; thence North 02 degrees 01 minutes 07 seconds West on soid westerly right-of-way line, a distance of 16.01 feet; thence North 89 degrees 22 minutes 14 seconds East on soid westerly right-of-way line, a distance of 78.74 feet; thence North 35 degrees 53 minutes 23 seconds East on said westerly right-of-way line, a distance of 83.58 feet; thence northwesterly a distance of 262.53 feet along a non-tangential curve concave to the southwest, having a radius of 2788.71 feet, a central angle of 5 degrees 23 minutes 38 seconds and a 262.44 foot chord which bears North 21 degrees 04 minutes 06 seconds West to the north line of soid Southeast Quarter; thence South 89 degrees 22 minutes 13 seconds West on said north line, a distance of 209.69 feet to the easterly right-of-way line of the Union Pacific Railroad; thence South 31 degrees 10 minutes 20 seconds West on said easterly right-of-way line, a distance of 387.40 feet to the point of beginning.

Said parcel contains 2.71 acres of land.





Horizontal Datum: 1996 Le Sueur County Coordinate System

LEGEND O 3/4" IRON PIPE MONUMENT SET

MARKED BY REG. NO. 19789

MONUMENT FOUND

SURVEYOR'S CERTIFICATION hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the

7-7-16

This survey was performed, and the survey map prepared, without benefit of either a title insurance commitment or an attorney's title opinion. The record boundary and easement information (if any) shown hereon is based on information provided by the client. Research of documents affecting title to the property surveyed or adjoining properties has been limited to a cursory review of record information and it is recommended that all title matters affecting this property and survey be reviewed by an attorney or other title professional.



LE SUEUR COUNTY, MINNESOTA

CERTIFICATE OF SURVEY

BOLTON & MENK, INC. Consulting Engineers & Surveyors

1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171

THAT PART OF THE N 1/4 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 28, TOWNSHIP 110 NORTH. RANGE 26 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: JOSH NELSON

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JOB NUMBER: M31.111948 FIELD BOOK: N/A

DRAWN BY: JLA

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