



Le Sueur County, MN

Thursday, October 13, 2016

Regular session

Item 3

Ryan TDR1

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: ROBERT & CONNIE RYAN

911 ADDRESS: NEW 410TH ST. ST. PETER MN 56082

PROJECT DESCRIPTION: Transfer the development right from the SE 1/4 NW 1/4 to the NW 1/4 NE 1/4 in a Conservancy "C" District and a Special Protection "SP" Shoreland District on an Unnamed Creek

ZONING ORDINANCE SECTIONS: 7, 13.1, 19

DISTRICT PURPOSE: The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity with the Conservancy (C) District. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided 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.

Lands within Special Protection District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing 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.

GOALS AND POLICIES:

Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

SITE INFORMATION

LOCATION: Property is located in the N 1/2 Section 11, Kasota Township.

ZONING: Conservancy (C), Special Protection (SP)

GENERAL SITE DESCRIPTION: AG land/Wooded area

EXISTING LAND USE WITHIN ¼ MILE:

North:	Wooded /Unnamed Creek	South:	Wooded
East:	Ext. Bldg Site/Wooded	West:	Ag Land/Wooded

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Joe Kienlen, Kasota Township Board Member on August 23, 2016.

NATURAL RESOURCES INFORMATION

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

WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Criteria Form, Narrative, Septic Contractor statement, Site Survey, Aerial Photo

SITE PLAN/AERIAL PHOTO



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.

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 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.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

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

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16292

Name of Applicant: ROBERT & CONNIE RYAN

Conditional Use Permit #: 16292

Name of Property Owner: ROBERT & CONNIE RYAN

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NW/NE TO THE NE/NE

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.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.											
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Explain _____

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.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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

5.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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 maintain 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 Robert & Connie Ryan
Mailing Address 41245 Ottawa Rd.
City St. Peter State MN Zip 56082
Phone # 507-469-0117 Phone # 507-995-9626

II. Landowner:

Name Robert & Connie Ryan
Mailing Address 41245 Ottawa Rd.
City St. Peter State MN Zip 56082
Property Address 41245 Ottawa Rd.
City St. Peter State MN Zip 56082
Phone # 507-469-0117 Phone # 507-995-9626

III. Parcel Information:

Parcel Number 05-011-3300 Parcel Acreage 52.37
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Kassota Section 11
Subdivision _____ Lot _____ Block _____

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

Kassota Township notified on Aug 23, 2016
(Township Name) (Date)

Board Member Joe Kienlen 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:

- | | |
|--|---|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc. |
| <input type="checkbox"/> School/Church/Cemetery | <input checked="" type="checkbox"/> Other <u>TDR</u> |

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: _____
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: _____
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: well on site
 - ii. Toilet facilities: 235TB Locations
 - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: _____
5. SECURITY PLANS: _____
6. RETAIL SALES: _____
7. FOOD OR ALCOHOL SERVED OR FOR SALE: _____
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) _____
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: _____
10. EXTERIOR LIGHTING: _____
11. PARKING AND LOADING: _____
12. SIGNAGE: _____
13. ROAD ACCESS: (Approved by the road authority) See Attached
14. CERTIFICATE OF INSURANCE: _____
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

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

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • 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**

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.

Francis Repas
Applicant signature

9/7/2016
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.

Francis Repas
Property Owner signature

9/7/2016
Date

OFFICE USE ONLY

Request: TDR to NW/NE to NE/NE

Pre-App Date 9-7-16
Meeting Date 10-13-16
60 Day 10-30-16
Zoning District C

Lake Classification
Lake
FEMA Panel # 27079C0 235 D
Flood Zone X-outside

Feedlot 500' 1000' N
Wetland Type 1-2 3-8 N
Water courses Y N
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
\$ 796

☒ Application Complete

Michelle Mitt
Planning & Zoning Department Signature

9-7-16
Date

16292
Permit #

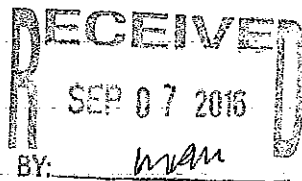
To Whom it may Concern:

9/7/2016

We are requesting
two permits. We would like to transfer
the building rites from the SE/NW to NW/NE.
This would be the first permit.

The second permit would be to transfer
building rites from the NW/NE to the
quarter NE/NE.

Thank-You!
Sincerely,
Robert Charlie Rife



Mettler, Michelle

From: St. Peter Well Drilling [spwell2@gmail.com]
Sent: Wednesday, July 13, 2016 4:33 PM
To: Mettler, Michelle
Subject: RE: Bob Ryan

Le Sueur County Environmental Services department,

According to the surveyor's record (document number 307317):

Parcel one (5.00 acres) has enough room for a primary and a secondary site for a SSTS (Subsurface Sewage Treatment System).

Parcel two (5.45 acres) has enough room for a primary and a secondary site for a SSTS.

Parcel three (8.00 acres) also has enough room for a primary and a secondary site for a SSTS.

The transferring of building rights can be allowed based on all three parcels having adequate room for at least two SSTS sites.

Thank you,
Glen Schilling

St. Peter Well Drilling
45823 State Highway 22
Kasota, MN 56050
507-931-1340
spwell2@gmail.com

