



Le Sueur County, MN

Thursday, May 11, 2017

Regular session

Item 2

Item #2: Patrick and Randi Mc Cabe

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: PATRICK AND RANDI MC CABB

911 ADDRESS: NEW off 261st AVE

PROJECT DESCRIPTION: Transfer the development right from the in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19

ZONING DISTRICT PURPOSES: 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.

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: SE1/4 SE1/4, Section 14, Cleveland Township (120 acre parcel)

ZONING: Agriculture "A" District

GENERAL SITE DESCRIPTION: Ag land

ACCESS: New off 261st Ave. (approved by Township)

EXISTING LAND USE WITHIN ¼ MILE:

North: Farmsite, Ag Land

South: Ag Land, wetlands

East: Single Family Dwelling, Ag Land

West: Ag Land

TOWNSHIP BOARD NOTIFICATION

The applicant notified John Kluntz, Cleveland Township Board member on March 31, 2017. Approved driveway request.

NATURAL RESOURCES INFORMATION

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

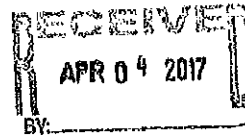
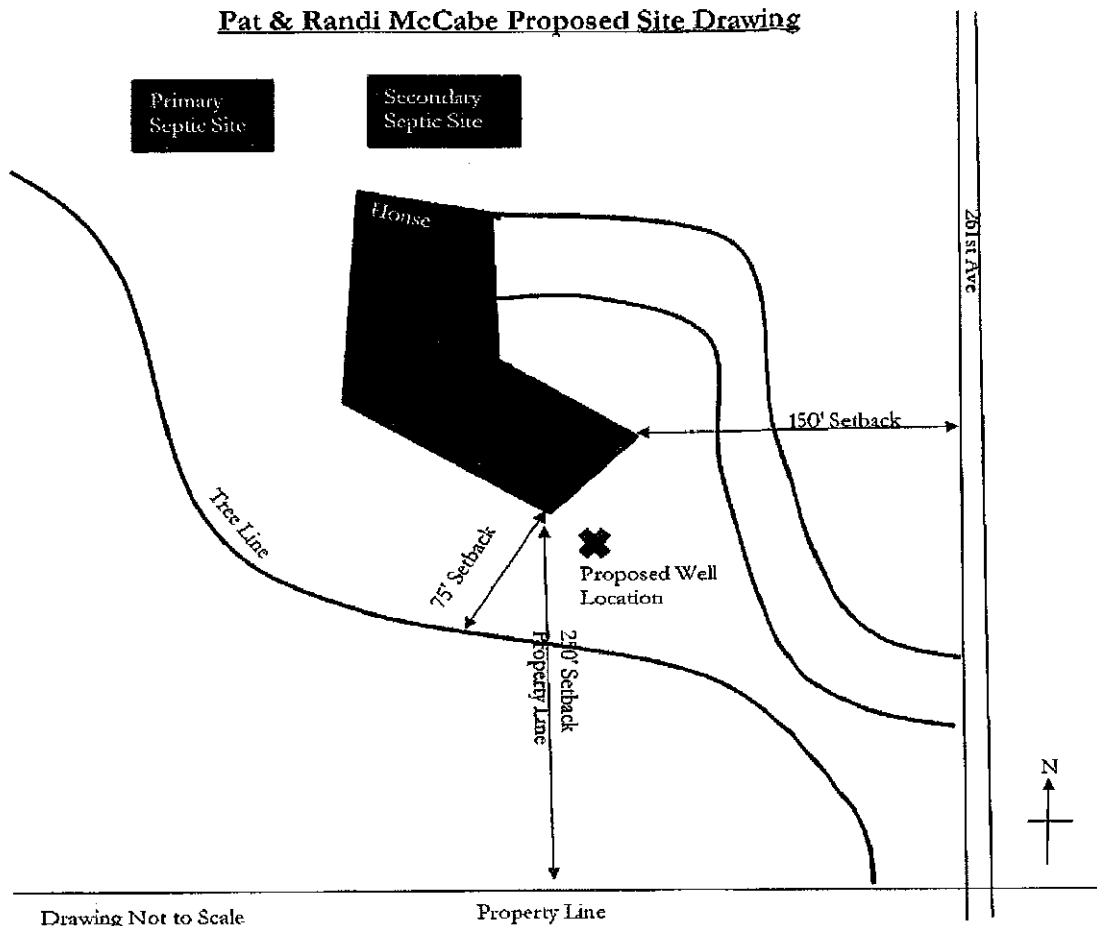
WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Site Plan, Description of Request, Adequate space for a Septic System



Pat & Randi McCabe Proposed Site Drawing



LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agricultural District, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

Right to Farm-Per Section 19, Subdivision 11.

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 Application

I. Applicant:

Name Pat + Randi McCabe
Mailing Address 42754 261st Ave
City Cleveland State MN Zip 56017
Phone # 507 381-1830 Phone # _____

II. Landowner:

Name Pat McCabe
Mailing Address _____
City _____ State _____ Zip _____
Property Address new 261st Ave. Cleveland
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 01.014.5000 Parcel Acreage 120

Attach Full Legal Description (NOT abbreviated description from tax statement)

Township C N 1/2 of SE 1/4 + SE 1/4 of SE 1/4 Section 14-110-25
Subdivision _____ Lot _____ Block _____

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

Cleveland Township notified on 3/31/17
(Township Name) (Date)

Board Member John Kluntz 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.
- If any documentation is in color, an aerial photo, photographs, or larger than 8 1/2 x 11, then ~~twenty-three (23)~~ copies must be submitted.
- 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 (**Additional fee**)
After-The-Fact Penalty \$1500 OR 10% of the improvement whichever is greater.

VII. Type of Request:

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

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

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: New well N/A
 - ii. Toilet facilities: N/A
 - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) N/A
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) Cleveland Township
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
- 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**

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.

Pat McCabe
Applicant signature

4-5-17
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.

Property Owner signature

Date

OFFICE USE ONLY

Request:

Pre-App Date <u>3/31</u>	Lake Classification <u>/</u>	Feedlot	500'	1000'	N
Meeting Date <u>5/11/17</u>	Lake <u>/</u>	Wetland Type	1-2	3-8	(N)
60 Day	FEMA Panel # 27079C0	Water courses		Y	(N)
Zoning District <u>A6</u>	Flood Zone	Bluff		(Y)	N
<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval <u>TWP</u>	<input type="checkbox"/> Septic	Comp Insp / Design		
<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Erosion Control Plan	<input type="checkbox"/> Meeting	(Reg) / ATF / Spec		
<input type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>796.00</u>		
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other	<input type="checkbox"/> Penalty	\$		

☒ Application Complete

K Brockway
Planning & Zoning Department Signature

4/5/17
Date

Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17063

Applicant: PATRICK AND RANDI MC CABE

Land Owner: PATRICK AND RANDI MC CABE

Conditional Use Permit Request: TO ALLOW THE APPLICANTS TO TRANSFER THE DEVELOPMENT RIGHT FROM ONE QUARTER QUARTER TO ANOTHER.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____



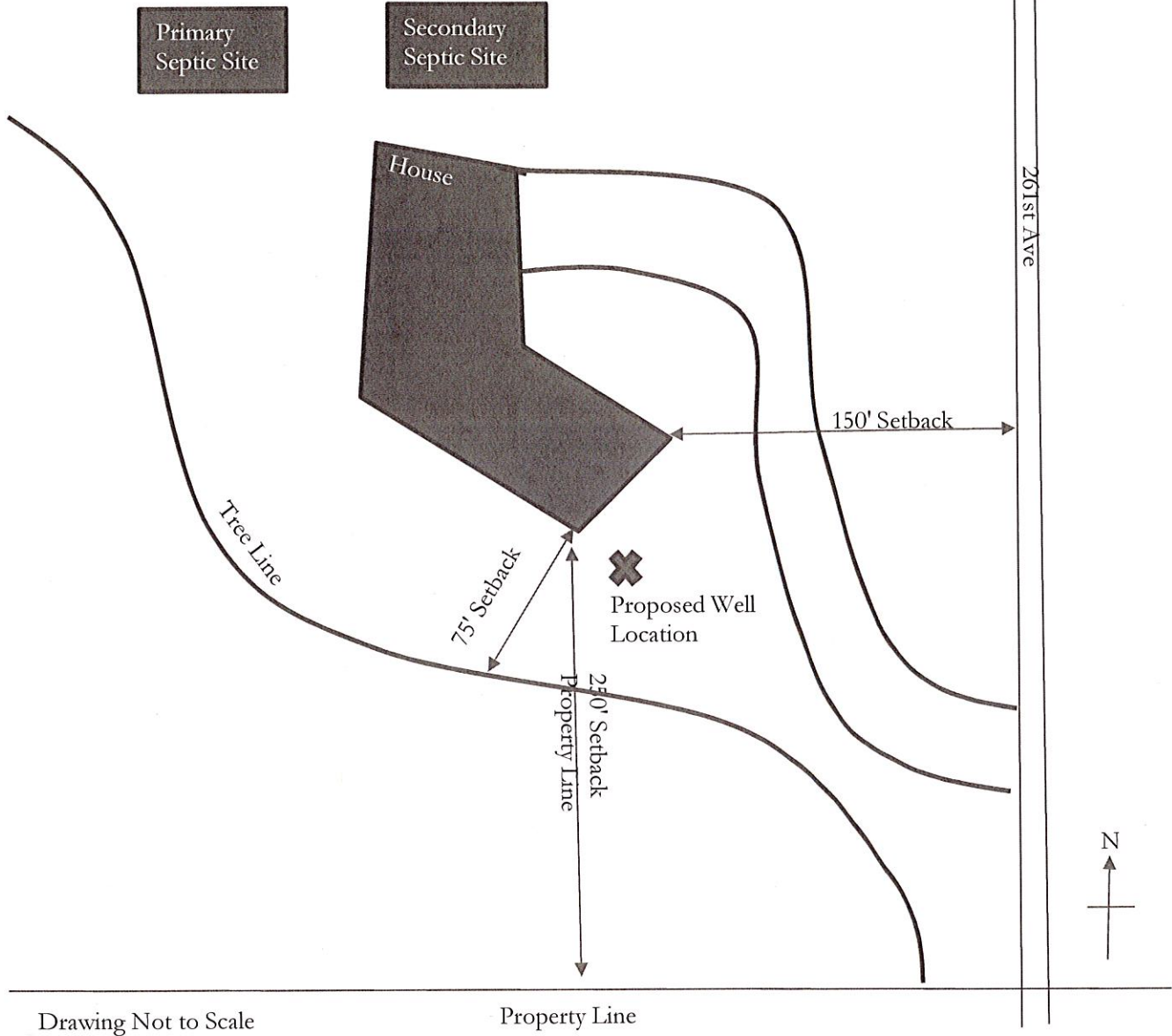
Description of Request:

Request transfer of development rights to allow to build new house in the SE ¼ of the SE ¼ 14-110-25.

Thank You,

Pat & Randi McCabe

Pat & Randi McCabe Proposed Site Drawing



RECEIVED
APR 04 2017
BY: _____

RECEIVED
APR 04 2017
BY: _____

42754 261St Ave
Cleveland, MN 56017
507.381.1836
morgs02@hotmail.com

DATE April 4, 2017

TO Conditional Use Permit Application

[illegible]

THANK YOU FOR YOUR BUSINESS!