



Le Sueur County, MN

Thursday, June 8, 2017

Regular session

Item 3

Ti Zack Concrete/Steve Rutt Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: TI ZACK CONSTRUCTION **OWNER:** STEVE RUTT

911 ADDRESS: 39352 221ST AVE, Le Center MN 56057

PROJECT DESCRIPTION: Operate a construction company in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: 8, 19

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.

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 does not make reference to the establishment and operation of Contractors and Construction Companies along with Shops and Yards.

SITE INFORMATION

LOCATION: Property is located in the NE 1/4, Section 33, Lexington Township.

ZONING: "A"

GENERAL SITE DESCRIPTION: Existing site

ACCESS: Utilize the existing access--Approval from the County Hwy Department

EXISTING LAND USE WITHIN ¼ MILE:

North: Type 1 Wetlands

South: AG

East: Wetlands, Residence

West: Wetlands, Residence, Ag Land

TOWNSHIP BOARD NOTIFICATION

The applicant notified Darryl Wondra, Lexington Township Board member on May 3, 2017.

NATURAL RESOURCES INFORMATION

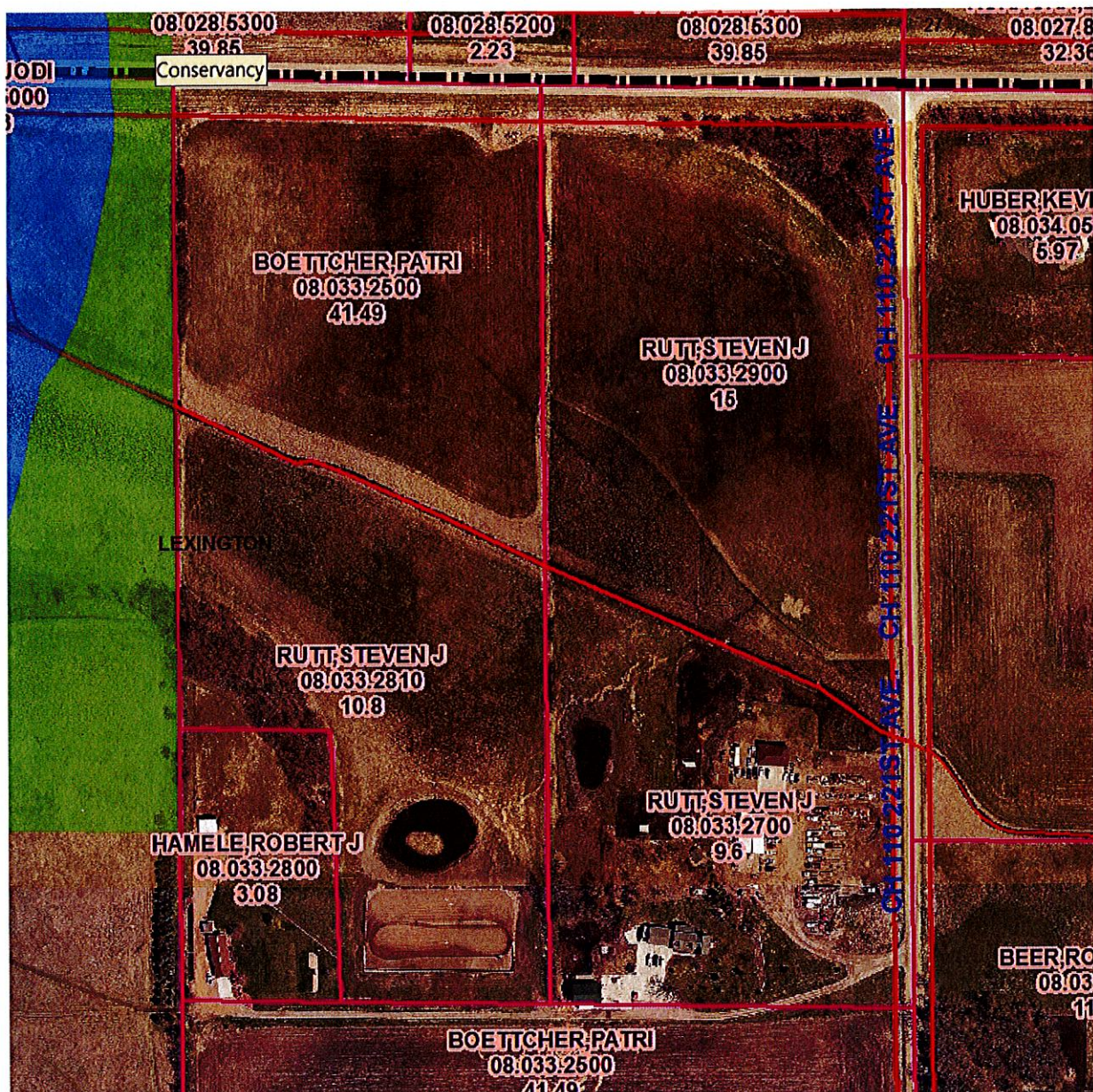
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Types 1 & 3 wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Criteria Form, Narrative, Driveway Approval, Site Plan, Aerial Photo

SITE PLAN/AERIAL PHOTO



PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

No specific performance standards listed for construction sites therefore refer to the following subdivisions in Section 19.

- Subdivision 6. Landscaping and Screening
- Subdivision 9. Nuisance Control (A. B. D.E.F.)
- Additional Standards- Outdoor storage of automotive parts is prohibited.
- All repairs shall be performed within a structure.
- Additional controls may be established to control noise during the operation of the facility, including control of hours of operation for repair and service.

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

Conditional Use Permit #: 17113

Applicant: TI ZACK CONCRETE INC

Land Owner: STEVE RUTT

Conditional Use Permit Request: O ALLOW THE APPLICANT TO OPERATE A CONSTRUCTION COMPANY.

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 _____

Le Sueur County

Conditional Use Permit Application



I. Applicant:

Name Ti-Zack Concrete Inc.
Mailing Address 39352 221st Ave.
City Le Center State MN Zip 56057
Phone # 507-357-6463 Phone # 507-420-5354

II. Landowner:

Name Steve Rutt
Mailing Address 39352 221st Ave
City Le Center State MN Zip 56057
Property Address 39352 221st Ave
City Le Center State MN Zip 56057
Phone # 507-420-5354 Phone # _____

III. Parcel Information:

Parcel Number 08.033.2700 Parcel Acreage 9.6

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

Township 111 North, Range 24 West, Le Sueur Cty Section 33
Subdivision _____ Lot _____ Block _____

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

Lexington Township notified on 5/3/17
(Township Name) (Date)

Board Member Darryl Wondra 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 ½ 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:

- | | |
|--|--|
| <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 Line etc. |

☒ Other Construction company in agricultural zone

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: Mon-Fri from 7:00-5:00
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 6
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: Shared well
 - ii. Toilet facilities: 2 restrooms
 - iii. Solid Waste Collection: Waste Management
4. FIRE PREVENTION: Le Center fire department
5. SECURITY PLANS: I live on site
6. RETAIL SALES: None
7. FOOD OR ALCOHOL SERVED OR FOR SALE: No
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)
No
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:
No
10. EXTERIOR LIGHTING: Yard lights
11. PARKING AND LOADING: Loading & unloading of construction equipment
12. SIGNAGE: No
13. ROAD ACCESS: (Approved by the road authority) 221st Ave
14. CERTIFICATE OF INSURANCE: Yes
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) Yes

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)

VII. Type of Request:

- ☐ Self Service Storage
☐ School/Church/Cemetery
☐ Retail Nursery/Greenhouse
☒ Other Construction company in agricultural zone
- ☐ Value Added Agriculture
☐ Antique Sales/Service/Repair
☐ Substation/Transmission Line etc.

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 - iii. Solid Waste Collection: Waste Management
4. FIRE PREVENTION: LeCenter fire department
5. SECURITY PLANS: I live on site
6. RETAIL SALES: None
7. FOOD OR ALCOHOL SERVED OR FOR SALE: no
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10. EXTERIOR LIGHTING: yard lights
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12. SIGNAGE: NO
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- North point
- Setbacks
- Property Lines
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- 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.

Ti-Zack Concrete Inc. by *Stump Paul* 5/2/17
Applicant signature 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.

Stump J. Paul 5/2/17
Property Owner signature Date

OFFICE USE ONLY

Request:

Pre-App Date <u>5/17</u>	Lake Classification <u> </u>	Feedlot <u>500' 1000' N</u>
Meeting Date <u>6/8</u>	Lake <u> </u>	Wetland Type <u>1-2 3-8 N</u>
60 Day <u> </u>	FEMA Panel # <u>27079C0115 D</u>	Water courses <u>Y N</u>
Zoning District <u>A</u>	Flood Zone <u>X outside</u>	Bluff <u>Y N</u>
<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>1796.</u>
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u> </u>	<input type="checkbox"/> Penalty \$ <u> </u>
		<input checked="" type="checkbox"/> Comp Insp / Design
		<input checked="" type="checkbox"/> Reg / ATF / Spec

☒ Application Complete *H. Brockway* 5/8/17 17113
Planning & Zoning Department Signature Date Permit #

Ti-Zack

CONCRETE INC.

39352 221st Ave. * Le Center, MN 56057 ♦ Office 507-357-6463 * Fax 507-357-6096 * Email: crutt@frontier.com

May 2, 2017

I am requesting a Conditional Use Permit to operate a construction company in an agricultural zoned area. Ti-Zack Concrete, Inc is a concrete company that started in 1999. We mostly do city and state contracts as a prime contractor with roughly 5% of our work subcontracting. The general area that we work in throughout the summer months is in the 4 state area including Minnesota, Iowa, North Dakota and South Dakota. We generally head south for winter and work in the state of Texas. The operations that occur on site are loading and unloading equipment with a a fulltime mechanic on site. Office personnel consists of 5 full time employees. The hours of operation are generally 7:00 am to 5:00 pm Monday thru Friday with some mechanic work done on Saturday. We have approximately 70 more employees that work on job sites and go directly to those sites. It is very seldom that they travel to and from the shop.

Thank you for your consideration.

Sincerely,



Steven J Rutt
Ti-Zack Concrete, Inc.

Ti-Zack

CONCRETE INC.

39352 221st Ave. * Le Center, MN 56057 ♦ Office 507-357-6463 * Fax 507-357-6096

May 2, 2017

To: Le Sueur County Planning and Zoning

Subject: Submittals for Conditional Use Permit

The purpose of this memo is to satisfy Items 1 thru 11 of the requirements for a full description of this request as stated under section IX of the Conditional Use Application. This memo is further revised to include information required to satisfy Section 19, Subdivision 2, Part A, Paragraph 4, items a thru r.

- 1.) Burden of Public Facilities: Not Affected
 - a.) Daily employees are Chris Hartwig, Jason Eager, Cathy Rutt, Susan Simmonette and Jim Leary in the office. One mechanic Will Schmidhuber works in the shop.
 - b.) No Change as far as an increase or decrease in traffic.
- 2.) Compatibility with surrounding uses: Not Affected
 - a.) No change from the previous years.
- 3.) Appearance Not Affected
 - a.) No change except improvements to exterior of office for appearance.
- 4.) Zoning District Purposes: Not Affected
 - a.) Zoned Agricultural
- 5.) Comprehensive Plan: Not Affected
 - a.) No change to my knowledge.
- 6.) Traffic, Access and Parking: Not Affected
 - a.) There are 5 office employees and 1 shop employee that come and go daily. There has been no change for the past several years. We also receive deliveries. We load

and unload equipment periodically but because we are traveling much of the time this is not a daily occurrence.

- 7.) Erosion Control and Storm Water Not Affected
 - a.) No Change.
- 8.) Sewer and Water Not Affected
 - a.) Updated septic in 2016
- 9.) County Needs: Not Affected
 - a.) We moved in a building for office personnel in approximately 2009. We have been operating out of this office since that time. It was no longer possible to run our office out of the shop area due to the dust and noise.
- 10.) Nuisance Mitigation: Not Affected
 - a.) Office facilities impose no known nuisances
- 11.) Additional Criteria: None

The following pertains to Section 19, Subdivision 2, Part A, Paragraph 4, Items a thru q:

- a.) Applicant is Ti-Zack Concrete, Inc, 39352 221st Ave, Le Center, MN 56057. Landowner is Steven J Rutt.
- b.) Legal Description Is: See attached
- c.) Office days of operation are Monday thru Friday 7:00 am to 5:00 pm. Shop days of operation are Monday thru Saturday during the months of April thru November with hours from 8:00 am thru 9:00 pm. Hours of shop operation during December thru March is 8:00 am thru 6:00 pm.
- d.) Estimated number of personnel is 6 full time employees to come and go daily.
- e.) The water supply is a deep well on the property. The solid waste collection is a newly installed mound system. There are 2 toilets in the office and 1 in the shop area.
- f.) Fire prevention and emergency medical service plans do not apply.
- g.) Security plans are not applicable.
- h.) No retail sales take place at either location.
- i.) Food or alcohol is not served.
- j.) The applicant has no need for the alteration of vehicular or pedestrian traffic patterns.
- k.) The applicant has no need for the county to provide any services or county personnel relative to its operations.
- l.) The operation has no sound amplification, public address system, music or musical instruments to be used.
- m.) Exterior lighting is installed at the shop and office. The yard light that is installed has existed for several years without concerns.
- n.) Shop location parking (20+ spaces) exists in the gravel based area of the yard near the shop. Office location parking (5+ spaces) exists on the concrete driveway and parking area near the office.
- o.) The shop location has one sign identifying the business.
- p.) Existing driveway access has been established for decades and continues to suffice for both locations, nothing altered.

- q.) A certificate of insurance is attached.
- r.) To the knowledge of the applicant and owner, the business is in compliance with all other applicable county, state, and federal regulations.

Regards,



Steven J Rutt

Brockway, Kathy

From: Tiegs, David
Sent: Thursday, May 04, 2017 7:47 AM
To: Brockway, Kathy
Subject: Parcel 08.033.2700

Kathy, I was contacted by Steve Rutt to review the entrance to parcel 08.033.2700. The existing entrance for this parcel has adequate sight distance as well as width to support the business activity that the parcel is currently being used for. If any more information is needed please let me know.

Thanks,
Dave Tiegs
Le Sueur County Highway Department

S

house

shop
75+40

office

Parking

221st Ave (COR 110)

N

