



Le Sueur County, MN

Thursday, August 17, 2017

Regular session

Item 2

Heyda Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: ANTHONY HEYDA

911 ADDRESS- 255 & 371 Maple Lane SE, New Prague MN 56071

PROJECT DESCRIPTION: Rezone approximately 2.04 acres from General Industry "I" District to an Urban/Rural Residential District "R1" District.

ZONING DISTRICT PURPOSES:

CURRENT ZONING: 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.

REQUESTED CHANGE: The **Urban/ Rural Residential (R1) District** is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

ZONING ORDINANCE SECTIONS: Sections 9, 11 and 23

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: SW 1/4 SE 1/4, Section 10, Lanesburgh Township.

GENERAL SITE DESCRIPTION: Island of Industrial between Residential Properties. Existing Outbuilding

ACCESS: Existing

EXISTING LAND USE WITHIN 1/2 MILE:

North: Agricultural/Residential	South: Residential
East: Residential	West: Residential

TOWNSHIP BOARD/CITY OF NEW PRAGUE NOTIFICATION

The applicant contacted Mark Verhoeven, Lanesburgh Township Board Member on June 16, 2017.

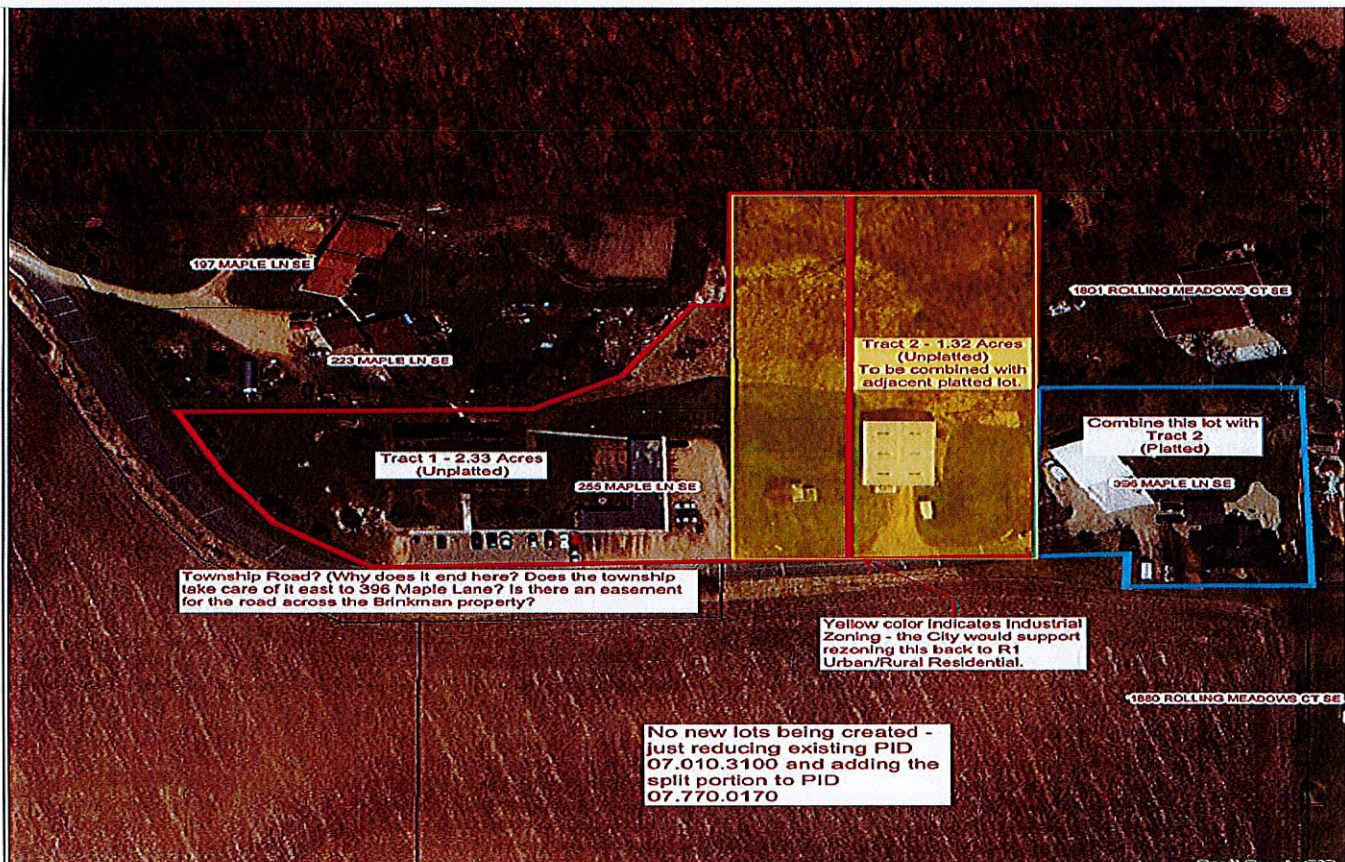
NATURAL RESOURCES INFORMATION

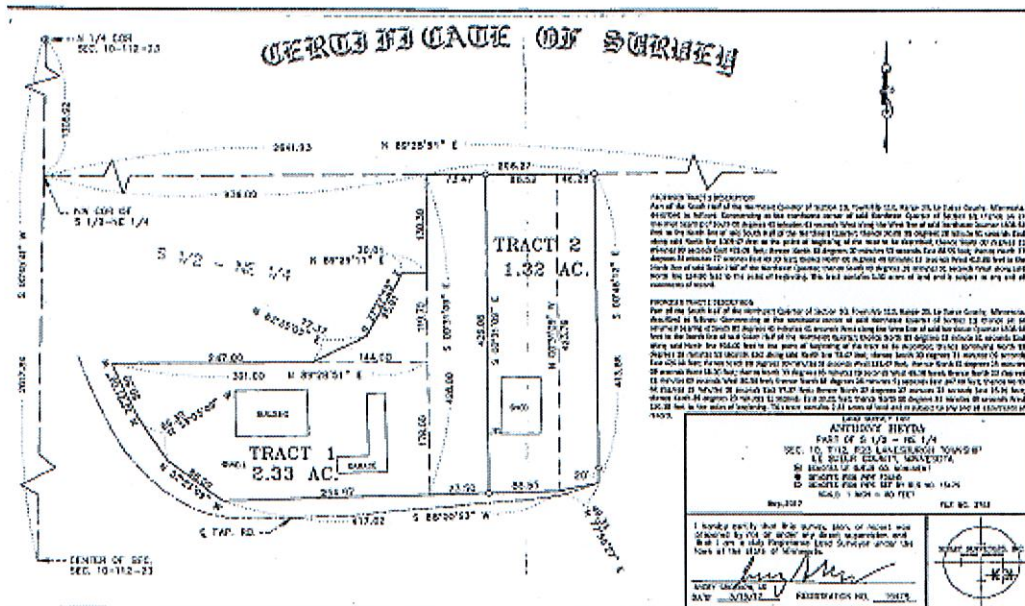
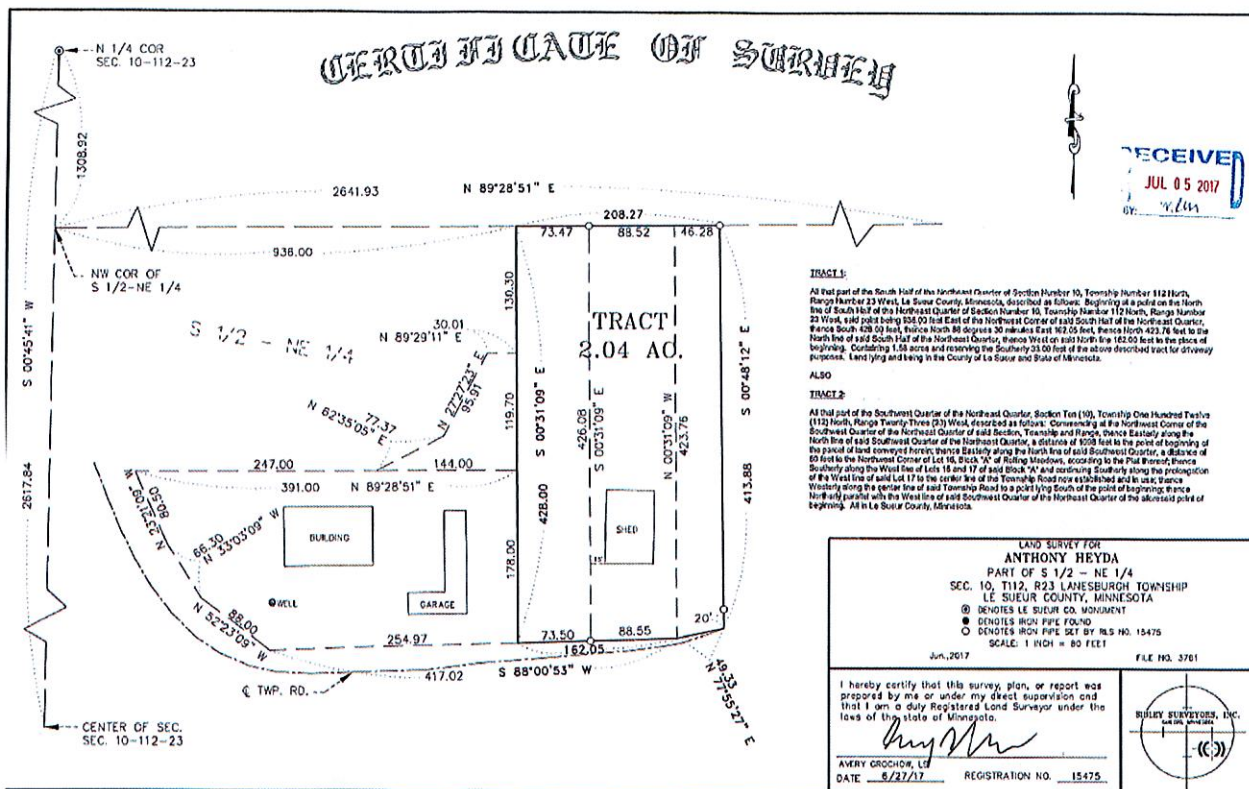
SHORELAND: The proposal is not located within the Shoreland District.

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

ATTACHMENTS

Application, Narrative, Map, Survey, Concept Plan





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. Does the rezoning request for land have access to a suitable public road(s) as determined by the Road Authority.
7. Does other factors impacting the public health, safety and welfare.

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.
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.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
10. The proposal will not degrade the water quality of the County.
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.

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

LE SUEUR COUNTY
 REZONE CRITERIA
 PERMIT # 17211

ROLL CALL VOTE

Applicant: ANTHONY HEYDA

Date: 08-10-2017

Rezoning Request:

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	AG	PT	DR	JD	SK	DK	DRY	TOTAL
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If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Rezoning request have been met. The Rezoning will main the goals of safety, health and the general welfare of the public.

DATE: _____ APPROVED: _____ DENIED _____ PZ CHAIRPERSON _____

COUNTY BOARD MEETING DATE: _____

Rezone Application

I. Applicant:

Name Anthony Christopher Heyda
Mailing Address 32654 Eggert Lake Road
City New Prague State MN Zip 56071
Phone # (952) 758-4555 Phone # (952) 994-7529

II. Landowner:

Name Anthony Christopher Heyda
Mailing Address 32654 Eggert Lake Road
City New Prague State MN Zip 56071
Property Address 255 Maple Lane Southeast
City New Prague State MN Zip 56071
Phone # (952) 758-4555 Phone # (952) 994-7529

III. Parcel Information:

Parcel Number 07.010.3100 Parcel Acreage 2.04 acres

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

Township Lanesburgh Section 10

Subdivision Lot Block

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

Lanesburgh Township notified on June 16th, 2017

Board Member Mark Verhoven regarding the proposed rezone.

V. 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 1/2 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 in person 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. Rezone Request:

2.04 acres from Industrial District to R1 Residential District

VIII. Description 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.

1. PRESENT ZONING DISTRICT CLASSIFICATION: Industrial
2. PROPOSED ZONING DISTRICT CLASSIFICATION: R1 Residential
3. PROPOSED USE OF THE LAND: Residential shed / Garage Storage
4. CONCEPT PLAN: (attach) _____
5. COMPATABILITY WITH THE LAND USE PLAN AND STATEMENT OF CONDITIONS WARRANTING CHANGES IN ZONING: Make it more compatible with current zoning, there is no industrial property near it.
6. COMPATABILITY WITH THE OVERALL CHARACTER OF EXISTING DEVELOPMENT IN THE IMMEDIATE VICINITY: All other lots in the area are zoned R1 Residential
7. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, AND OTHER NECESSARY INFRASTRUCTURE: Exceeds requirements for residential.
8. SOIL CONDITIONS ADEQUATE TO ACCOMMODATE THE PROPOSED REZONE: Yes, considering that zoning will be dropped from Industrial to R1
9. WILL THE PROPOSAL CREATE A POLLUTION HAZARD OR DEGRADE WATER QUALITY? (describe): No, it would reduce it as no industrial buildings would be built.
10. DESCRIBE THE IMPACT ON NATURAL RESOURCES (bluffs, wetlands, water bodies, ag land, woodlands, aggregate resources, etc): There would be no change to natural resources.
11. WILL THE PROPOSAL NEGATIVELY AFFECT THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE?: No, there will be no change.
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes.

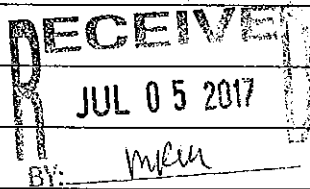
IX. Site Plan: A certified land survey of the property to be rezoned shall include but not limited to:

- Existing uses and structures of adjacent properties within 500 feet in the incorporated area and within 1/2 mile in the unincorporated area.
- Zoning of adjacent properties
- Location
- Lot Dimensions
- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Existing Structures
- Septic system
- Well
- Water feature (if any)
- Access (size & location)
- Easements

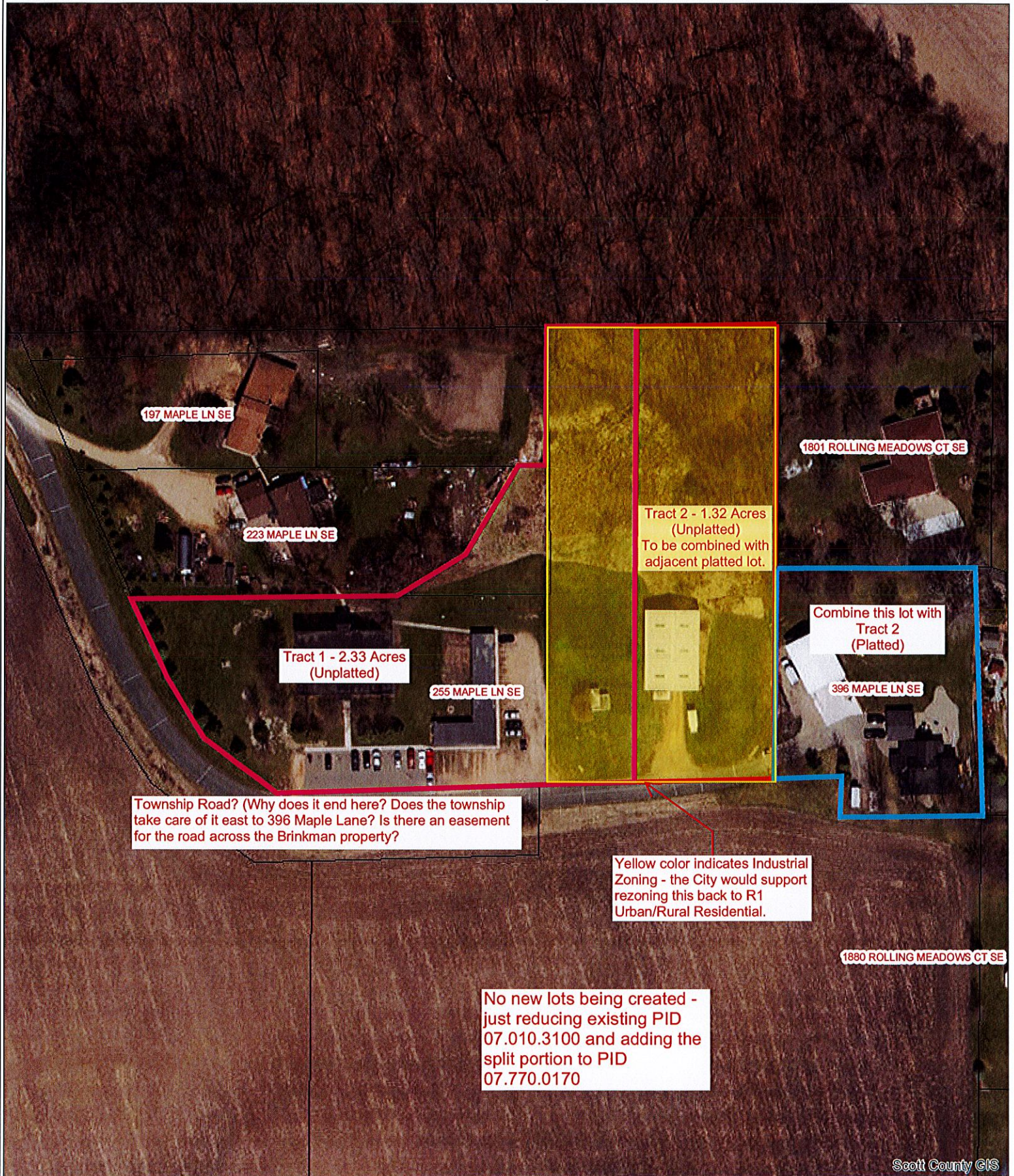
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 BY: mkm

Concept Plan

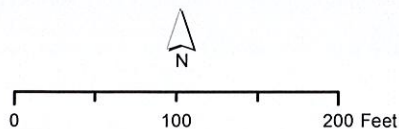
I purchased the 255 Maple Lane Southeast property on June 28th, 2016. The 2.04 acres that are described in the property's legal description were zoned industrial to better serve the previous owner's needs. However, I have no need for the property to be zoned industrial and it would better suite the surrounding area for this to be zoned R1 residential.



Site Map

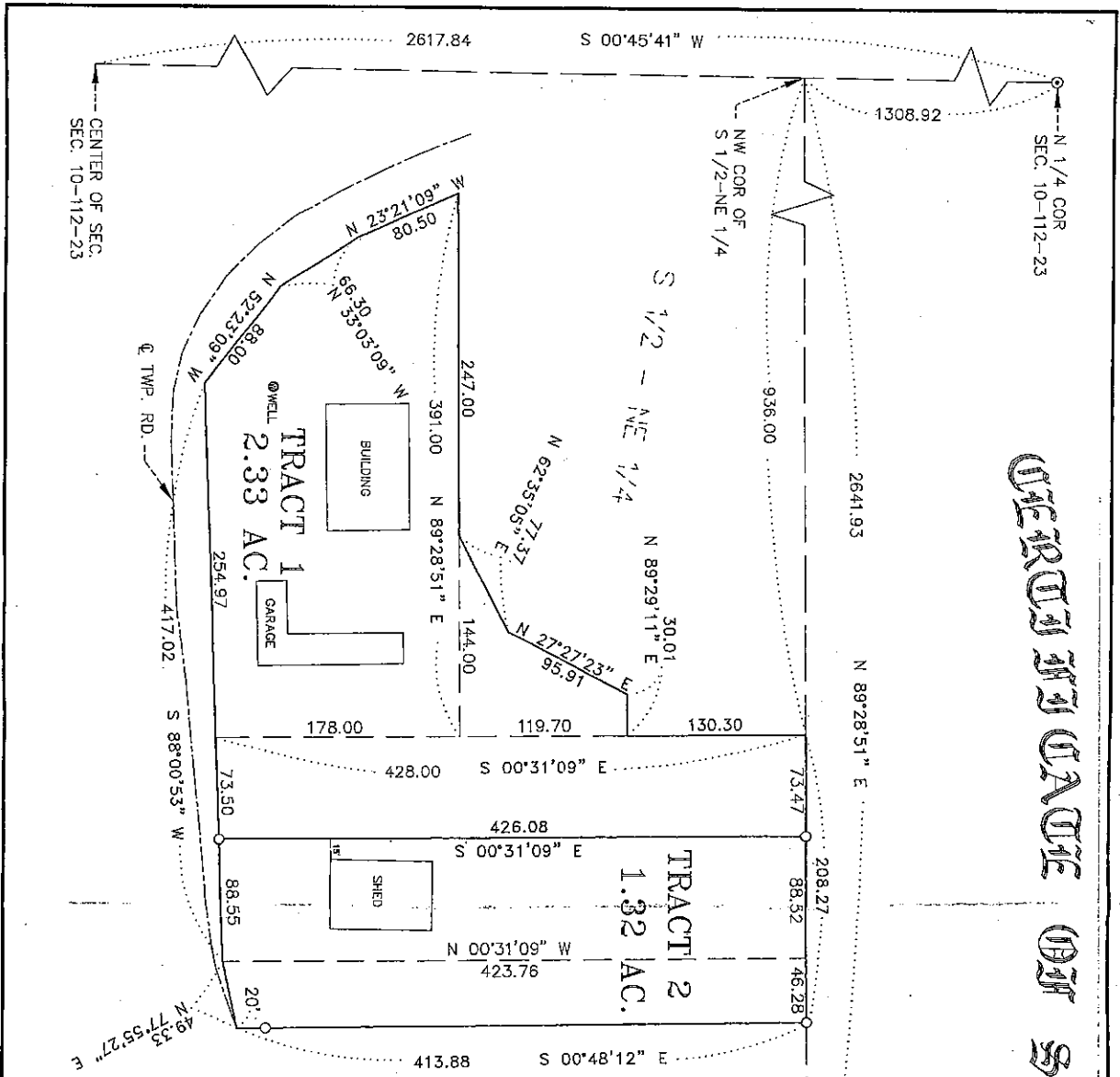


Prepared by:
City of New Prague
Planning Department
Date: 6/19/17
Disclaimer: For Reference Purposes Only.



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Data maintained by the County and City. While the City believes that the data is accurate, the City does not warrant that data in the GIS is error free and the City does not represent that the GIS data can be used for purposes such as navigation or any other purpose requiring the exact measurement of distance and direction or the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes 466.03 Subd. 21. The user of this map acknowledges that the City shall not be liable for any damages that may arise from this map or the information it contains.

CERTIFIED TRUE COPY



PROPOSED TRACT 1 DESCRIPTION
 Part of the South half of the Northeast Quarter of Section 10, Township 112, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the northwest corner of said Northeast Quarter of Section 10; thence on an assumed bearing of South 00 degrees 45 minutes 42 seconds West along the West line of said Northeast Quarter 1308.92 feet to the North line of said South half of the Northeast Quarter; thence North 89 degrees 28 minutes 51 seconds East along said North line 1009.47 feet to the point of beginning of the tract to be described; thence South 00 degrees 31 minutes 09 seconds East 426.08 feet; thence North 88 degrees 00 minutes 53 seconds East 417.02 feet; thence North 77 degrees 55 minutes 27 seconds East 49.33 feet to the point of beginning. This tract contains 2.33 acres of land and is subject to any and all easements of record.

PROPOSED TRACT 2 DESCRIPTION
 Part of the South half of the Northeast Quarter of Section 10, Township 112, Range 23, Le Sueur County, Minnesota, described as follows: Commencing at the northwest corner of said Northeast Quarter of Section 10; thence on an assumed bearing of South 00 degrees 45 minutes 42 seconds West along the West line of said Northeast Quarter 1308.92 feet to the North line of said South half of the Northeast Quarter; thence North 89 degrees 28 minutes 51 seconds East along said North line 1009.47 feet to the point of beginning of the tract to be described; thence South 00 degrees 31 minutes 09 seconds East 426.08 feet; thence North 88 degrees 00 minutes 53 seconds East 417.02 feet; thence North 77 degrees 55 minutes 27 seconds East 49.33 feet to the point of beginning. This tract contains 1.32 acres of land and is subject to any and all easements of record.

LAND SURVEY FOR
ANTHONY HEYDA
 PART OF S 1/2 - NE 1/4
 SEC. 10, T112, R23, LANESBURGH TOWNSHIP
 LE SUEUR COUNTY, MINNESOTA

DENOTES IRON PIPE FOUND
 DENOTES IRON PIPE SET BY RLS NO. 15475
 SCALE: 1 INCH = 80 FEET

FILE NO. 3761

May, 2017

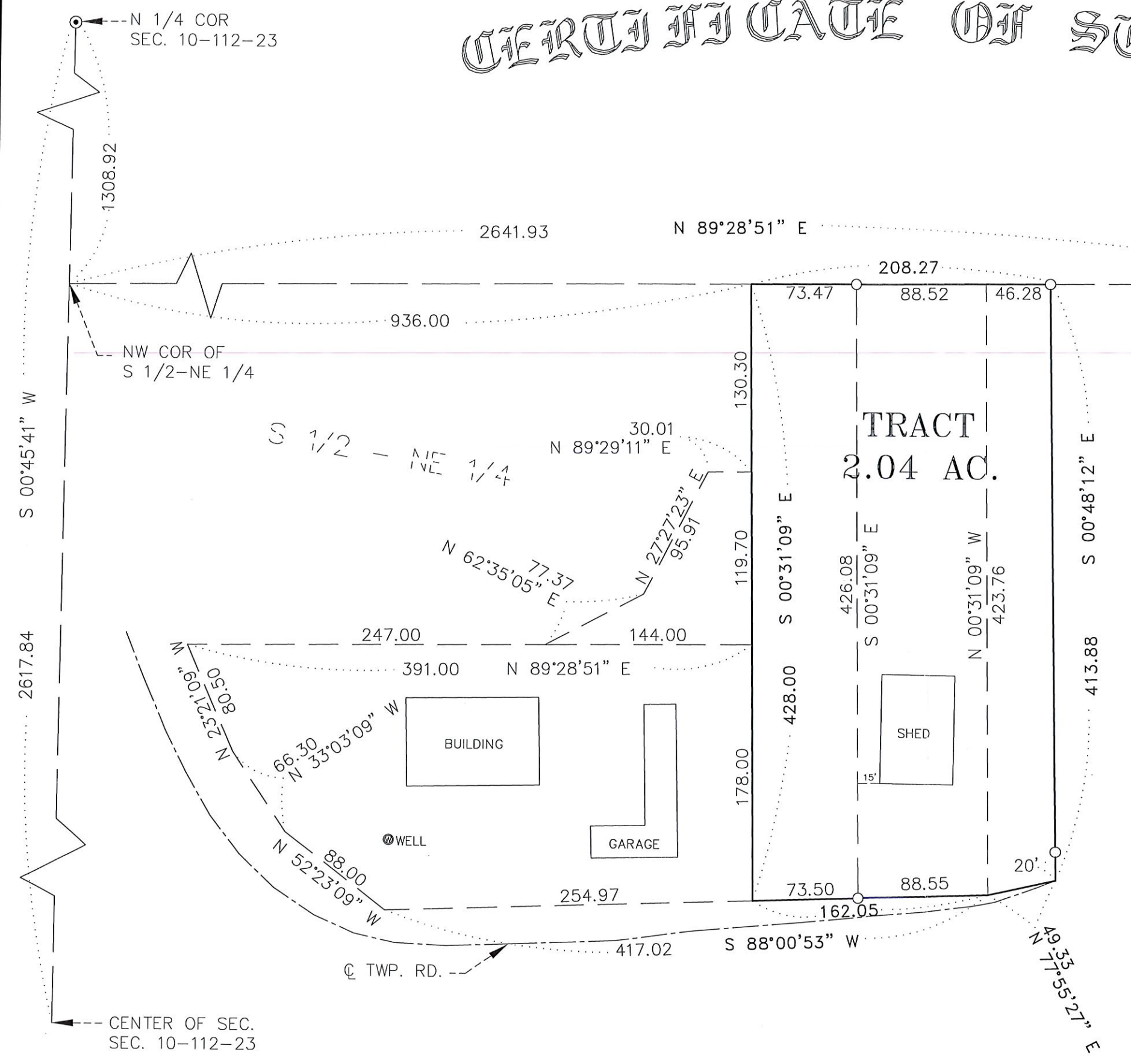
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

AVERY PROCKNOW, LS
 DATE 5/15/17
 REGISTRATION NO. 15475

SUEUR SURVEYORS, INC.
 1111 1/2 W. 1st St.
 Le Sueur, MN 56051
 (507) 435-3333

CERTIFICATE OF SURVEY

RECEIVED
 JUL 05 2017
 BY: *mlm*



TRACT 1:

All that part of the South Half of the Northeast Quarter of Section Number 10, Township Number 112 North, Range Number 23 West, Le Sueur County, Minnesota, described as follows: Beginning at a point on the North line of South Half of the Northeast Quarter of Section Number 10, Township Number 112 North, Range Number 23 West, said point being 936.00 feet East of the Northwest Corner of said South Half of the Northeast Quarter, thence South 428.00 feet, thence North 88 degrees 30 minutes East 162.05 feet, thence North 423.76 feet to the North line of said South Half of the Northeast Quarter, thence West on said North line 162.00 feet to the place of beginning. Containing 1.58 acres and reserving the Southerly 33.00 feet of the above described tract for driveway purposes. Land lying and being in the County of Le Sueur and State of Minnesota.

ALSO

TRACT 2:

All that part of the Southwest Quarter of the Northeast Quarter, Section Ten (10), Township One Hundred Twelve (112) North, Range Twenty-Three (23) West, described as follows: Commencing at the Northwest Corner of the Southwest Quarter of the Northeast Quarter of said Section, Township and Range, thence Easterly along the North line of said Southwest Quarter of the Northeast Quarter, a distance of 1098 feet to the point of beginning of the parcel of land conveyed herein; thence Easterly along the North line of said Southwest Quarter, a distance of 60 feet to the Northwest Corner of Lot 16, Block "A" of Rolling Meadows, according to the Plat thereof; thence Southerly along the West line of Lots 16 and 17 of said Block "A" and continuing Southerly along the prolongation of the West line of said Lot 17 to the center line of the Township Road now established and in use; thence Westerly along the center line of said Township Road to a point lying South of the point of beginning; thence Northerly parallel with the West line of said Southwest Quarter of the Northeast Quarter of the aforesaid point of beginning. All in Le Sueur County, Minnesota.

LAND SURVEY FOR
ANTHONY HEYDA
 PART OF S 1/2 - NE 1/4
 SEC. 10, T112, R23 LANESBURGH TOWNSHIP
 LE SUEUR COUNTY, MINNESOTA

● DENOTES LE SUEUR CO. MONUMENT
 ● DENOTES IRON PIPE FOUND
 ○ DENOTES IRON PIPE SET BY RLS NO. 15475
 SCALE: 1 INCH = 80 FEET
 Jun., 2017 FILE NO. 3761

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

Anthony Heyda

AVERY GROCHOW, LS
 DATE 6/27/17 REGISTRATION NO. 15475

