



Le Sueur County, MN

Thursday, October 12, 2017

Regular session

Item 1

Approved October 12, 2017 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
October 12, 2017

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Commissioner Wetzel

MEMBERS ABSENT: Al Gehrke, Pam Tietz

OTHERS PRESENT: Michelle Mettler, Joshua Mankowski, Commissioner Gliszinski

The meeting was called to order at 7:00 by Chairperson Jeanne Doheny

ITEM #1: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); PATRICK TRAXLER, LE CENTER, MN, AND STEVEN RUTT, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 3,064 cubic yards of material for a wetland enhancement project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 16 and Outlot A, Block 2, Lake Volney Estates, and part of Government Lot 1, Section 1, Cordova Township.

Michelle Mettler presented power point presentation. Joshua Mankowski, on behalf of SWCD, and Ryan Jones, engineer, were present for application. Lake Volney Grant project. Highly degraded wetland restore hydrology.

TOWNSHIP: Cordova Township notified through the application process. **DNR:** No response
LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: Not part of the development. Constructed outlet with rip rap. Mostly on Traxler property, a little onto Rutt property. Existing culvert under road. Completion in fall or spring. Grant is done next year. Outflows to an existing ditch. Surface area drainage of approximately 237 acres. Will help with low flow. SWCD has 10-year contract with landowner. O & M plan, rodents, tree roots, sediment, etc. Grass waterway drains into. Water quality of lake Volney. Lake Volney TMDL, samples taken will look at sources, external loading vs. internal what is already there. Will help filter what goes into the lake. Wetlands absorb nutrients. Heavy rain falls will flow right through. Keep shallow because of size, keep natural looking. Storm water ponds tend to be deeper.

Findings by majority roll call vote:

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 or are being provided.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures 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. *The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*

7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Doug Krenk to approve the application as written. Seconded by Don Reak. Motion approved. Motion carried.

ITEM #2: MIKE WEINANDT, NEW PRAGUE, MN, (APPLICANT); WILDLIFE HAVEN LLC, NEW PRAGUE, MN, (OWNER): Request that the County grant a rezone of 33.08 acres from an Agriculture "A" District to an Urban/Rural Residential "R1" District. Property is located in Sections 1 and 12, Lanesburgh Township.

Michelle Mettler presented power point presentation.

Michael Weinandt was present for application. Rezone marginal farmland and corner. County Road 29 dissected property. Best use to put houses on. Small part in corner best purpose to rezone and put houses. New Prague school district wants more money, will increase taxes for county and township, will generate tax revenue.

TOWNSHIP: LanesburghTownship notified through the application process. CITY OF NEW PRAGUE: Notified through the application process. Email from Ken Ondich, City of New Prague Planner, see file. DNR: N/A LETTERS: Email from Joe and Sue Wondra- see file.

PUBLIC COMMENT:

Dave Halvorson-Right next to Mike's property. Who is going to engineer? Who is building houses? Opposed to rezone. Has a mess, needs to clean up and annex to the City of New Prague.

David Tupy-Across the road in section 12. Some of the property is CRP. If marginal enough for CRP may not be efficient for residential. If rezone, rule following may be stretched without permission. Too far out for rural subdivision. Was farmed for many years. Doesn't think the demand is there.

Jenny Witt- Has property that doesn't have a house on it. Has been out there since about 98. Wetland used to be farmed. Ditch is full of tree stumps, drainage problem, adjacent to CRP. Used to be profitable farmland. Enough room on lots to meet setbacks from well and septic? Rezone area used to be farmland, now its semi-trailers and tires.

Nancy Witt-Witt Construction had a new development in New Prague. Phase 2 of that haven't sold a city lot in the new development this year. There are about 150 lots in New Prague for sale. Live south of 29, liked the low-density area. Opposed to adding additional dwellings and how Mike handles property. Like low-density.

Denis Rohloff-Lives in the area. Against rezone. Land value will go down because of land Mike is involved with. Covenants only work if enforced.

Rory Jensen-If rezone is approved, goes before the City of New Prague, is a public hearing, there are covenants, probably will split outlot in half.

Discussion was held regarding: Applicant met with Ken from City of New Prague helped with plat for Wildlife Haven, designed lots to meet 9000 sq ft lot size in future. Clarification, Wildlife Haven is not a residential subdivision. Area is zoned agriculture, City of New Prague requires platting in the 2-mile jurisdiction for splits. Property referred to in Joe Wondra email was a bank repo, brought house in, water is a problem, working on improving. Urban/Rural Residential is to the West of the rezone request. Triangle piece does not have a house on it, house is to the east in Rice County. 10 acre lot in concept plan, might replat later. New Prague lot size 9,000 sq ft. If county rezones, plat through the city but must meet County Zoning requirements for lots size etc. Part of property is in CRP. If platted can have CRP. Similar density, nice subdivision vs. low income. Call and get on County Board agenda with complaints. Contact Environmental Services with complaints. Existing rural residential was done before the comp plan was done. City of New Prague wanted farm ground around city. Need to follow comp plan. Don't want to create islands of residential, area would be contiguous to R1, wouldn't be an island. Need to respect City of New Prague 2035 growth. Realtor stated 150 lots in New Prague already there, still development available in New Prague. Proximity to City of New Prague, protect city for future development, 2-mile

jurisdiction. Existing Rural residential was done before the Comp Plan, old subdivision new Comp Plan city requests not to rezone outside growth area within 2-mile jurisdiction.

Findings by majority roll call vote:

1. The proposal **does not** reflect and **is not** consistent with the goals and polices of the Le Sueur County Land Use Plan.
2. The proposal **is not** 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 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** impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal **is** greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. **Not applicable**-Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions **are not** 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** 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.

Motion was made by Don Reak to deny the application. Reason for denial: Rezone goes against the City of New Prague Comp Plan, 2-mile jurisdiction. Seconded by Shirley Katzenmeyer. Motion approved 4:1. Motion carried.

Motion was made by Shirley Katzenmeyer to approve the minutes from the September 14, 2017 meeting. Seconded by Don Reak. Motion approved. Motion carried.

Motion to adjourn meeting by Don Rynda. Seconded by Doug Krenik. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

Approved November 9, 2017

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*