



Le Sueur County, MN

Tuesday, August 22, 2017

Board Meeting

Item 2

9:05 a.m. Kathy Brockway, Zoning Administrator, (5 minutes)

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
August 17, 2017

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

MEMBERS ABSENT: Pam Tietz

OTHERS PRESENT: Kathy Brockway

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny. Due to lack of quorum at the regular August 10, 2017 meeting, the meeting was rescheduled to August 17, 2017.

ITEM #1: JERRY & CAROLINE LOADER, WATERVILLE, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 145 cubic yards of material for the construction of retaining walls for a bluff restoration project in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 14, 15, & 16 Auditor's Subdivision, Section 28, Waterville Township.

Kathy Brockway presented the power point presentation. Jerry Loader was present for the application.

TOWNSHIP: Notified through the application process. **DNR:** No Comments. **LETTERS:** Joshua Mankowski, LSC Resource Specialist-see file

PUBLIC COMMENT: none

Discussion was held regarding: built home in 1970, 1st retaining wall built in 1971, additional retaining walls built in the 80s, walls deteriorating, due to 11.6 inch rain fall in September of 2016, retaining walls are slumping into the hillside, tried to be proactive, surveyors could not get the job done, drainage issues, permeable pavers/blocks to be used, worked with environmental service staff, timeframe, a couple months, depends on weather, will work in stages, will not disturb areas if project cannot be completed, vegetation removal, working with Chris Meskan, an experienced landscaper.

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

Motion was made by Shirley Katzenmeyer to approve the application with the following conditions:

- *Use Minnesota, deep-rooted native vegetation to further provide site stability and to provide natural screening of the block walls;*
- *Have an engineer sign off on certified construction plans and provide a copy to the Department prior to beginning work on site.*

Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #2: ANTHONY HEYDA, NEW PRAGUE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to rezone approximately 2.04 acres from General Industry "I" District to an Urban/Rural Residential District "R1" District. Property is located in the SW 1/4 SE 1/4, Section 10, Lanesburgh Township.

Kathy Brockway presented power point presentation. Tony Heyda was present for application.

TOWNSHIP: Notified through the application process. **CITY OF NEW PRAGUE:** Notified through the application process. **DNR: LETTERS:** none

PUBLIC COMMENT: none

Discussion was held regarding: island of industrial within the urban residential zoning district, combining a portion of the property to an adjoining parcel, history of parcel-appliance business.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan. *Agreed.*
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. *Agreed.*
3. The proposal will not have an adverse effect on the value of adjacent properties. *Agreed.*
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. *Agreed.*
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. *Agreed.*
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. *Agreed.*
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. *Agreed.*
8. Soil conditions are adequate to accommodate the proposal. *Agreed.*
9. The proposal will not create a potential pollution hazard. *Agreed.*
10. The proposal will not degrade the water quality of the County. *Agreed.*
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. *Agreed.*
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. *Agreed.*

Motion was made by Doug Krenik to approve the application as requested. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the July 13, 2017 meeting with correction to Item #5. Township: No objections, by Seconded by Don Rynda. Motion approved. Motion carried.

Doug Krenik will not be attending September meeting.

Motion to adjourn meeting by Al Gehrke. Seconded by Don Reak. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway for
Pam Tietz

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

DRAFT

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
August 22, 2017

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: JERRY & CAROLINE LOADER, WATERVILLE, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 145 cubic yards of material for the construction of retaining walls for a bluff restoration project in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 14, 15, & 16 Auditor's Subdivision, Section 28, Waterville Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

- *Use Minnesota, deep-rooted native vegetation to further provide site stability and to provide natural screening of the block walls;*
- *Have an engineer sign off on certified construction plans and provide a copy to the Department prior to beginning work on site.*

ITEM #2: ANTHONY HEYDA, NEW PRAGUE, MN, (APPLICANT/OWNER): Requests that the County grant the Rezoning of approximately 2.04 acres from General Industry "I" District to an Urban/Rural Residential District "R1" District. Property is located in the SW 1/4 SE 1/4, Section 10, Lanesburgh Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application as requested.

ACTION: ITEM #1: _____

ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, JERRY & CAROLINE LOADER, WATERVILLE, MN, (APPLICANT\OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 145 cubic yards of material for the construction of retaining walls for a bluff restoration project in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 14, 15, & 16 Auditor's Subdivision, Section 28, Waterville Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 17, 2017 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 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 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.*

WHEREAS, On August 22, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **JERRY & CAROLINE LOADER, WATERVILLE, MN, (APPLICANT\OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the August 22, 2017 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. With the imposition of the condition, 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. With the imposition of the condition, 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. With the imposition of the condition, adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. With the imposition of the condition, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*

5. *With the imposition of the condition, 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. *With the imposition of the condition, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the condition, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 145 cubic yards of material for the construction of retaining walls for a bluff restoration project in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 14, 15, & 16 Auditor's Subdivision, Section 28, Waterville Township, is APPROVED/DENIED.

ATTEST:

Steve Rohlfig, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, ANTHONY HEYDA, NEW PRAGUE, MN, (APPLICANT/OWNER): Requests that the County grant the Rezoning of approximately 2.04 acres from General Industry "I" District to an Urban/Rural Residential District "R1" District. Property is located in the SW 1/4 SE 1/4, Section 10, Lanesburgh Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 17, 2017 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

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.*

WHEREAS, On August 22, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the REZONING request as requested by ANTHONY HEYDA, NEW PRAGUE, MN.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the August 22, 2017, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

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.*
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12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, the Rezoning of approximately 2.04 acres from General Industry "I" District to an Urban/Rural Residential District "R1" District. Property is located in the SW 1/4 SE 1/4, Section 10, Lanesburgh Township, is APPROVED/DENIED.

ATTEST:

Steve Rohlffing, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____