



Le Sueur County, MN

Tuesday, May 1, 2018

Board Meeting

Item 6

10:05 a.m. Joshua Mankowski, P&Z Administrator (15 min)

RE: RFA

RE: VRBO Update

RE: Sulp Fund Update

RE: Nuisance Control

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
April 4th, 2018

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: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian 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:

1. Plant deep rooted Minnesota native vegetation within the riprap. The vegetation will provide more stability and reduce soil erosion within the Shore Impact Zone and Bluff.

ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential “R1” District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota 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 written.

ACTION: ITEM #1: _____

ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR’S SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT/OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on April 12, 2018 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 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?*

WHEREAS, On May 1st, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **MATT MARGENTHALER & DAWN FAZIO.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the May 1st, 2018 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 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?*

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 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township., is APPROVED/DENIED.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 2 FINDINGS OF FACT

WHEREAS, DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\Owner) has applied for a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential “R1” District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on April, 12th, 2018 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:

8. *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.*
9. *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.*
10. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
11. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
12. *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.*
13. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
14. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

WHEREAS, On May 1st, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\Owner)**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the May 1st, 2018 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

8. *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.*
9. *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.*
10. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
11. *Adequate measures have been or will be taken to provide sufficient off-street parking and*

loading space to serve the proposed use.

12. 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.

13. Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

14. Is 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 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential “R1” District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township, is APPROVED/DENIED.

ATTEST:

Lance Wetzal, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE:_____

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 12, 2018

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Doug Krenik, Al Gehrke,
Pam Tietz, Commissioner John King

MEMBERS ABSENT: Don Reak, Shirley Katzenmeyer

OTHERS PRESENT: Joshua Mankowski, Michelle Mettler

1. The meeting was called to order at 7:00 p.m. by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Don Rynda. Approved.
3. Minutes from March 8, 2018 Meeting. Motion to approve minutes was made by Don Rynda. Second by Al Gehrke. Approved.
4. Applications

ITEM #1: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

Joshua Mankowski presented a power point presentation. Matt Margenthaler, Dawn Fazio, and Bryan Suemnick (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist, regarding recommendation for approval of the application with the conditions that the applicant plant deep rooted Minnesota native vegetation within the riprap.

PUBLIC COMMENT: Don Schuldt regarding concerns about how the project may impact the road because it is a private roadway owned by the residents. Don also voiced concern about an access easement to the lake that is located on the property. Jeanne Doheny stated that the lake access and Right of Way issues are not something that can be addressed at this level. Michelle Mettler stated that this is a private issue between landowners, this is not something Planning and Zoning can address.

Discussion was held regarding: Dawn Fazio stated that they purchased the property in November, the property was already in violation, and they would like to correct the issue. Matt Margenthaler informed the Board that they were notified before closing so they worked with the previous landowner to hold funds in escrow to help address the issue. Jeanne Doheny inquired about the planned start date for the project and access to the property. Brian Suemnick replied that he

plans to start early June. The area needs to dry out before they can start construction. Access to the site will not be an issue and they will use tracked equipment. Doug Krenik inquired about the neighbors to the east and west. Matt Margenthaler replied that the property to the east is okay and the property to the west is installing a new retaining wall. Doug Krenik inquired about the possibility of reusing the limestone from the failed wall to limit the amount of rock being brought in for the riprap. Joshua Mankowski state that limestone is not allowed to be used as riprap by the zoning ordinance. Doug then asked Matt Margenthaler if they had a chance to review the condition listed in Holly Kalbus' letter and if they would have issues meeting this condition. Matt Margenthaler stated that they had reviewed the letter and that they would be able to meet the condition. Commissioner John King asked if the property would be used as a primary residence or seasonally, to which Matt Margenthaler replied that it would be a primary residence.

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 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?*

Motion was made by Al Gehrke to approve the application with the condition listed in the letter from Holly Kalbus.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential "R1" District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

Joshua Mankowski presented a power point presentation. Denise and David Peters and Mitch Dietz (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Doug Krenik inquired about the ability to reuse the old foundation. Denise Peters stated that the old foundation is gone. It was damaged by the fire and removed. Doug Krenik then asked staff if a Condition Use Permit would be needed to fill in the hole from the

foundation. Joshua Mankowski stated that, because it is located in the Bluff Impact Zone and the amount of fill that would be required, it would require a Conditional Use Permit. Commissioner John King asked if the applicants were going to be any changes to the driveway. Being on the crew to put out the fire, the access was difficult to use. Denise Peters stated that they did not plan to change the driveway. Doug Krenik then asked the applicants about the planned timeline to begin work. Denise Peters state they will start as soon as possible. Pam Tietz asked about the plan to use diamond piers as footings. Denise stated that the one footing would be in the bluff and their contractor thought the use of the diamond piers in the bluff would be less impact. Mitch Dietz elaborated that the use of the pier would result in little to no digging in the bluff. Pam Tietz asked about the requested material movement in the bluff. Michelle Mettler then stated that a Conditional Use Permit is still required to put the deck in the bluff but the diamond piers would be less intrusive.

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.*
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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?*

Motion was made by Doug Krenik to approve the application.

Second by Don Rynda. Motion approved. Motion carried.

5. Discussion Items: None

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Pam Tietz. Second by Doug Krenik. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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