



Le Sueur County, MN

Thursday, February 8, 2018

Regular session

Item 1

Schaeffer Drash Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Joel & Melissa Schaefer

OWNER: Mike & Tracy Drash

911 ADDRESS: New address, Pearl St, Kasota, MN

PROJECT DESCRIPTION:
ZONING ORDINANCE SECTIONS: Transfer the development right from the SE 1/4 NW 1/4 to the SW 1/4 NW 1/4 , Section 34, Kasota Township

SITE INFORMATION

LOCATION: NW 1/4, Section 34, Kasota Township

ZONING DISTRICT & PURPOSE: Conservancy

The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District.

GENERAL SITE DESCRIPTION: Rural, rolling hills, ravine, wooded.

ACCESS: New access off Pearl Street, Kasota. City of Kasota approved access.

EXISTING LAND USE WITHIN ¼ MILE:

North: Agriculture
East: Agriculture

South: Shanaska Creek, Ravine
West: City limits/Winery

NATURAL RESOURCES INFORMATION

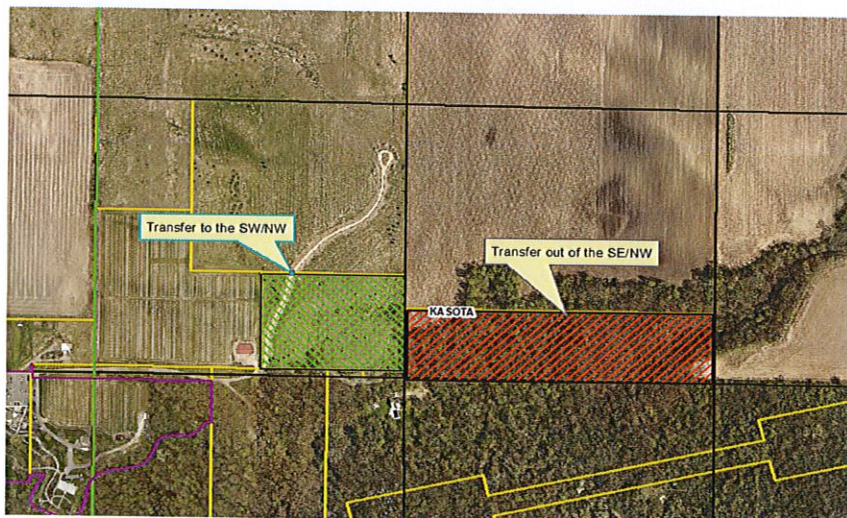
SHORELAND: The proposal is not located within the Shoreland District.

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

ATTACHMENTS

Application, Site plan, City of Kasota access approval, Aerial photo, Survey

AERIAL PHOTO



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:

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?*

Le Sueur County

Conditional Use Application

I. Applicant:

Name JOE AND MELISSA SCHAEFER
Mailing Address 46479 EVERGREEN LANE
City CLEVELAND State MN Zip 55017
Phone # _____ Phone # 907.931.1617

II. Landowner:

Name MIKE AND TRACY DRASH
Mailing Address 1201 PEARL STREET E
City KASOTA State MN Zip 56050
Property Address N/A
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 05.034.0120 Parcel Acreage 6.51
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township KASOTA Section 34
Subdivision N/A Lot _____ Block _____

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

KASOTA Township notified on 04 JAN 2018
(Township Name) (Date)

Board Member JOE KENLEN regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

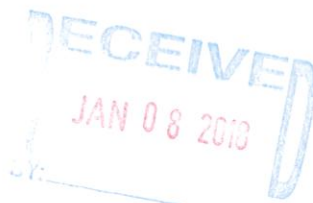
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may 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
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



VII. Type of Request:

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other TRANSFER OF DEVELOPMENT RIGHTS

VIII. Description of Request:

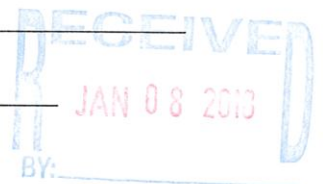
a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: PERSONAL RESIDENTIAL
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: PERSONAL RESIDENTIAL
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: PLANNED WELL
 - ii. Toilet facilities: OWTS
 - iii. Solid Waste Collection: WASTE MANAGEMENT COMPANY
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) N/A
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) EXISTING
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) N/A

IX. Site Plan: Shall include but not limited to the following:

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- 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)



A. 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.

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.

Property Owner signature

Date

OFFICE USE ONLY

Request: TDR SE/1W to SW/1W

Pre-App Date <u>1/8/18</u>	Lake Classification <u> </u>	Feedlot	500'	1000'	<u>N</u>
Meeting Date <u>2/8/18</u>	Lake <u> </u>	Wetland Type	1-2	3-8	<u>N</u>
60 Day <u>3/9/18</u>	FEMA Panel # 27079C0 <u>237</u>	Water courses		Y	<u>N</u>
Zoning District <u>C</u>	Flood Zone <u>Outside</u>	Bluff		Y	<u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic	Comp Insp / Design <u>New</u> Reg / ATF / Spec \$ <u>796</u> \$ <u> </u>
<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 checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u> </u>	<input type="checkbox"/> Penalty	

☒ Application Complete

Planning & Zoning Department Signature

Date

Permit #

January 4, 2018

Joel and Melissa Schaefer
46479 Evergreen Lane
Cleveland, MN 56017

Joel and Melissa Schaefer:

Application for the transfer of development rights from parcel 05.034.0400 to adjacent property 05.034.0120 for 1 residential dwelling.

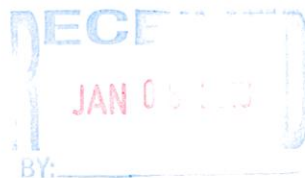
there is a desire for site 05.034.0400 to remain wooded and undeveloped due to terrain constraints.

Proper setback as well as primary and secondary sewage treatment sites exist.

Water supply will be by private well.

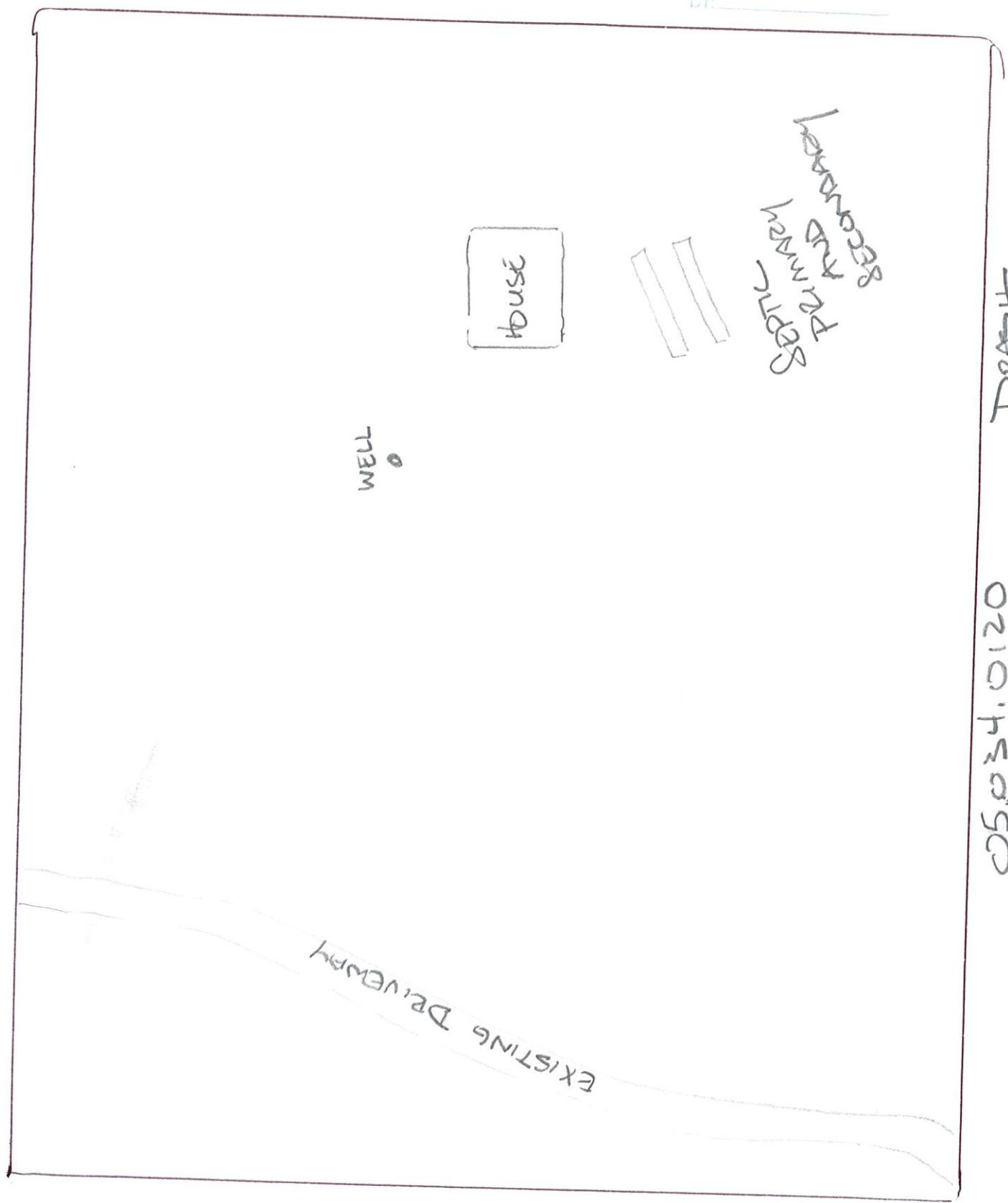
The City of Kasota has been notified and agrees to the additional access from one dwelling to city streets.

Kasota Township has been notified of the application.





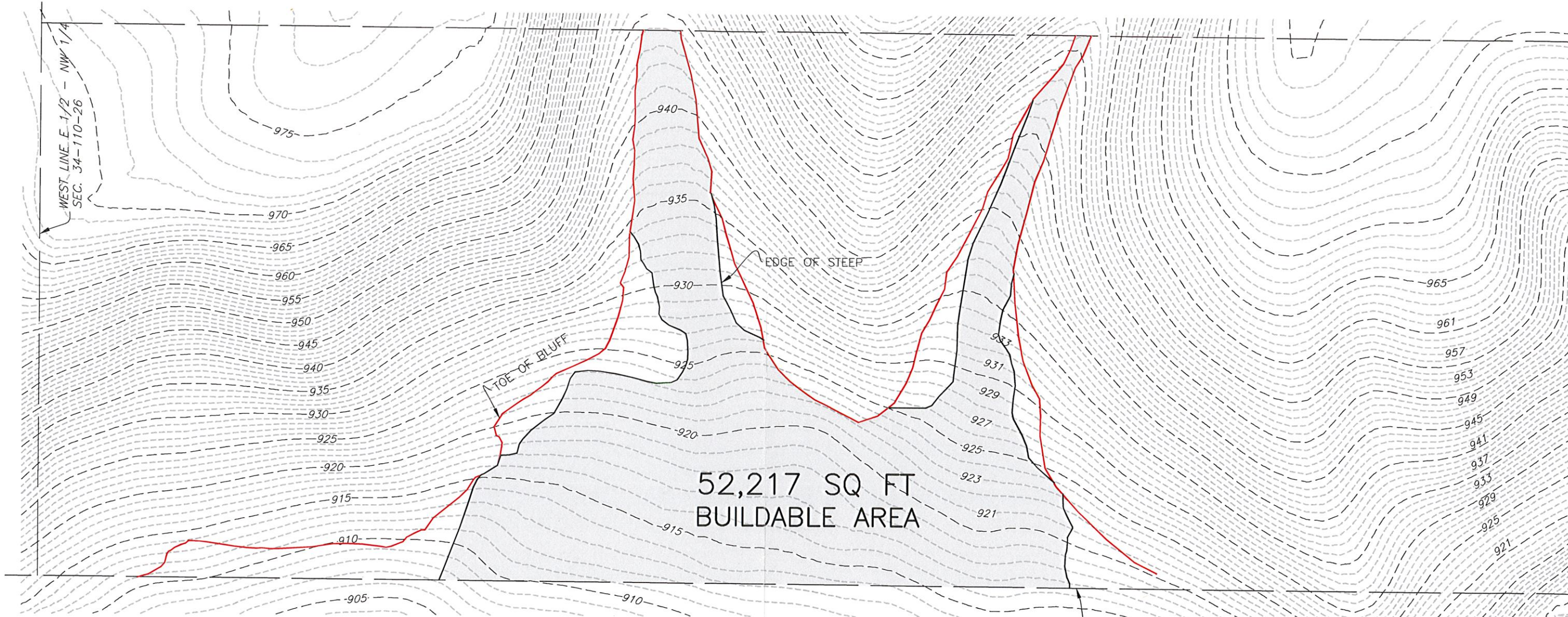
RECEIVED
JAN 08 2013
BY: _____



SEPT 1994
PRINCE GEORGE
8200000

DRAFT
RESIDENCE

05034.0120



RECEIVED
MAY 08 2015
BY: _____



0 60 120
SCALE IN FEET

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789

5-08-15
Date



EXHIBIT DRAWING
LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

THE S 10 ACRES OF THE E 1/2 OF THE NW 1/4,
OF SECTION 34, TOWNSHIP 110 NORTH, RANGE
26 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: JOEL SCHAEFER

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JOB NUMBER: M31.110021

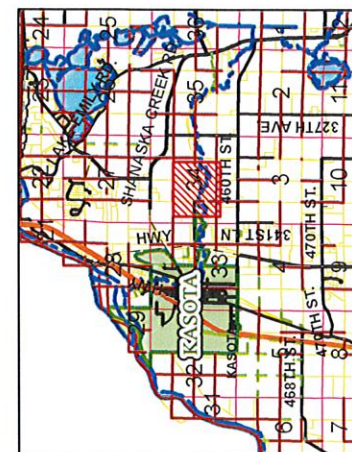
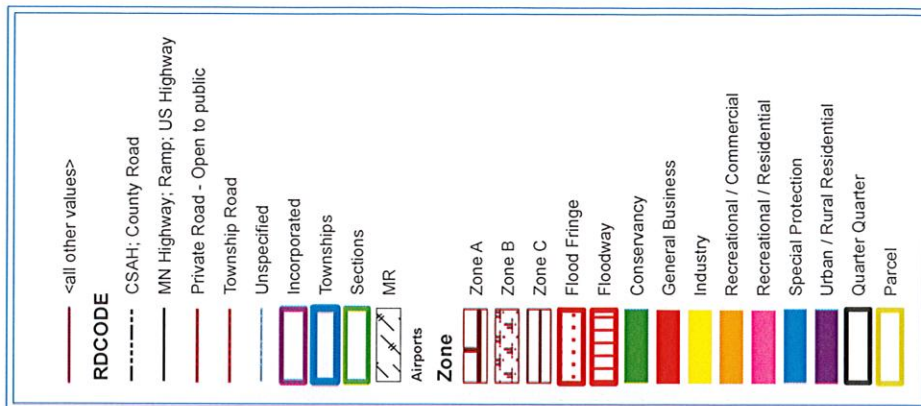
FIELD BOOK: N/A

DRAWN BY: JLA

4.0 S34-T110N-R26W

NAME: Drash Schaefer
PID: 05.034.0120
05.034.0400

DATE: 01-22-18
FIRM #: 27079C0 **237D**
F-Zone: X-Outside
RFPE: NA
District: Conservancy



Map Disclaimer

Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.

The maps are date specific and are intended for use only at the published scale.

The maps should not be used for navigational, engineering, legal, or any other site-specific use.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538