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# Le Sueur County, MN

Tuesday, February 24, 2015

Board Meeting

## Item 3

**9:10 a.m. Michelle Mettler (10 min)**

*Request for Action 2-CUP's Mc Gillen, Otero*

Staff Contact: Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**February 12, 2015**

**MEMBERS PRESENT:** Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

**MEMBERS ABSENT:** Don Reak, Chuck Retka,

**OTHERS PRESENT:** Michelle Mettler, Commissioner Connolly

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

**ITEM #1: JOHN MCGILLEN, KILKENNY, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 80.5 total cubic yards of material within a bluff and within a shore impact zone for a shoreland restoration project in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Gorman Lake. Property is located in the NE 1/4, Section 14, Cordova Township.

Michelle Mettler presented power point presentation. John McGillen, Rich Hacket of Hacket Construction were present for application.

TOWNSHIP: Notified per application process.

DNR: Email from Dan Giralamo, DNR, follow brochure for beach blanket and rip rap and no public waters permit is required.

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Timeframe-spring/summer; Silt fence in the water-DNR requirement; Demonstrated erosion problem in order to have rip rap, verified by staff onsite visit; Stairs-wood construction; Retaining wall-2'-3' high, 2'-3' wide made of field stone.

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.*

Motion was made by Al Gehrke to approve the application as written. Seconded by Don Rynda. Motion approved. Motion carried.

**TEM #2: JAIME MIRANDA OTERO, NEW PRAGUE, MN (APPLICANT); DOUG PINT, NEW PRAGUE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a contractor/construction company along with a shop/yard

in an Agriculture "A" District. Property is located in the NW 1/4 of Section 10, Lanesburgh Township.

Michelle Mettler presented power point presentation. Jaime Otero & Doug Pint were present for the application.

TOWNSHIP: Notified per application process.

DNR: N/A LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Highway Department approved access; Own 8 trucks now, plan to expand to 12-20 trucks, room for growth; East or Railroad tracks; New dwelling being constructed behind this property; Is currently a vacant lot; Drainage is to the south; 50' setback to the property line for the principle use; 75' setback to the wetland for structures and septic; No proposed fuel storage onsite, have a St. Paul company fuel the trucks at the jobsite; Waste oil is contained in totes & picked or delivered to a recycling facility; Mechanic work to be done on own as much as possible such as brakes, grease, etc, anything more would require to be taken to a mechanic; Security lighting all around the structure; Trucks are dump trucks, tandem, no semis; Not a lot of truck traffic; Water & sewer proposed; No construction material storage onsite, trucks only; No signage proposed; Hours of operation will be 6 am to 11pm for the shop, 8am to 5pm office hours; Proximity of dwellings to the businesses; Discussion regarding lighting, lot is in a low area; Discussion regarding permitted uses versus conditional uses; May put in a chain-link fence w/inserts for privacy; Lighting, ordinance requirements for lighting and surrounding properties, suggestion to keep lighting in mind.

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.**

Motion was made by Doug Krenik to approve the application as written. Seconded by Betty Bruzek. Motion approved. Motion carried.

Motion was made by Betty Bruzek to approve the minutes from the December 11, 2014 meeting by Seconded by Steve Olson. Motion approved. Motion carried.

DISCUSSION: Proposed ordinance revision workshop after March Planning Commission meeting. Carpool available for workshop in Mankato tomorrow.

Motion to adjourn meeting by Al Gehrke. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Shirley Katzenmeyer  
Michelle R. Mettler

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

DRAFT

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

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: JOHN MCGILLEN, KILKENNY, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 80.5 total cubic yards of material within a bluff and within a shore impact zone for a shoreland restoration project in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Gorman Lake. Property is located in the NE 1/4, Section 14, Cordova 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.

**ITEM #2: JAIME MIRANDA OTERO, NEW PRAGUE, MN (APPLICANT); DOUG PINT, NEW PRAGUE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a contractor/construction company along with a shop/yard in an Agriculture "A" District. Property is located in the NW 1/4 of 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 written with the hours of operation 6 am – 11 pm shop hours; 8 am to 5 pm office hours.

ACTION: ITEM #1: \_\_\_\_\_  
ITEM #2: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, JOHN MCGILLEN, KILKENNY, MN** has applied for a Conditional Use Permit to allow grading, excavating and filling of approximately 80.5 total cubic yards of material within a bluff and within a shore impact zone for a shoreland restoration project in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Gorman Lake. Property is located in the NE 1/4, Section 14, Cordova Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **February 12, 2014**, 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.**

**WHEREAS,** On February 24, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved the Conditional Use Permit application as requested by the **JOHN MCGILLEN**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the February 24, 2014 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.**

**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 80.5 total cubic yards of material within a bluff and within a shore impact zone for a shoreland restoration

project in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Gorman Lake. Property is located in the NE 1/4, Section 14, Cordova Township.

ATTEST:

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

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, JAIME MIRANDA OTERO, APPLICANT; DOUG PINT, OWNER:** have applied for a Conditional Use Permit to allow the applicant to establish and operate a contractor/construction company along with a shop/yard in an Agriculture "A" District. Property is located in the NW 1/4 of Section 10, Lanesburgh Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **February 12, 2014**, 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.**

**WHEREAS,** On February 24, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved the Conditional Use Permit application as requested by the Jaime Otero, Doug Pint.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the February 24, 2015, 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.

**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 the applicant to establish and operate a contractor/construction company along with a shop/yard in an Agriculture "A" District. Property is located in the NW 1/4 of Section 10, Lanesburgh Township.

ATTEST:

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

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_