



Le Sueur County, MN

Tuesday, March 24, 2015

Board Meeting

Item 2

9:05 a.m. Kathy Brockway (10 minutes)

Request for Action, 3 CUP's, Samuelson, Tupy, Lake Wash Improvement Assoc.

Staff Contact: K

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

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Chuck Retka, Steve Olson, Doug Krenik, Al Gehrke, Pam Tietz

MEMBERS ABSENT: Don Reak, Shirley Katzenmeyer, Betty Bruzek

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township.

Kathy Brockway presented power point presentation. Applicants were present for the application.

TOWNSHIP: notification per application process by applicant. DNR: see file LETTERS: DNR letter

PUBLIC COMMENT: no comments

Discussion was held regarding: discussed history of parcel, restaurant at one time, security, lighting, parking, restroom facilities, additional cabins on site are used for personal storage, propane tanks, applicants live on site, open year round, hours of operation as stated in application, licensing.

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. Agreed*
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.*
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*

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

ITEM #2: TIM & CHRISTINE TUPY, NEW PRAGUE, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, Lanesburgh Township.

Kathy Brockway presented power point presentation. Tim Tupy was present for application.

TOWNSHIP: notified the township per application process. DNR: N/A LETTERS: N/A

PUBLIC COMMENT: no comments

Discussion was held regarding: transferring the development right from one quarter quarter to another contiguous quarter quarter, both parcels have buildable area, exempt from project completion in 1 year for Conditional Use Permits, length of driveway, site is closer to the road, 7.5 acre building site, putting the 23+ acre parcel into a conservation program, documents are recorded against both the sending and receiving property..

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. Agreed***
3. ***Adequate utilities, access roads, drainage and other facilities are being provided. Agreed***
4. ***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***

Motion was made by Steve Olson to approve the application as written. Reason for approval/denial: Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #3: LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington Township.

Kathy Brockway presented power point presentation. Chantel Kahler Royer was present for application.

TOWNSHIP: Notification by the applicant during the application process. DNR: N/A LETTERS: N/A

PUBLIC COMMENT: Pam Olson, President of Lake Washington Association- clarified questions from the planning commission.

Discussion was held regarding: project has been in the works for several years, Clinton property approximately 2,530 cy of material for the pond, drainage way, and rock weeper, the Krenik property is approximately 878 cy of material for the drainage way and berm, approved cost share project with the County, time line, rock weeper-filter, man-made ponds, goal of ponds is to have water flowing through them and are not stagnant, re-route the drainage flow, maintenance of the pond, periodic maintenance of the pond will be necessary in order to ensure the ponds continue timeline, early summer or late fall, 6" tile line will be fixed and outlet to the pond.

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. Agreed***
3. ***Adequate utilities, access roads, drainage and other facilities are being provided. Agreed***
4. ***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***

Motion was made by Chuck Retka to approve the application with the condition; that an on-going agreement between the Lake Association and Landowners is in place for the maintenance of the ponds. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the February 12, 2015 meeting. Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Don Rynda. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
Acting Secretary for
Shirley Katzenmeyer

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
March 24, 2015

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: JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland 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: TIM & CHRISTINE TUPY, NEW PRAGUE, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, 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.

ITEM #3: LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENK, MARTHA WEISGRAN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington 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 condition:

- An on-going agreement between the Lake Washington Lake Association and the Landowners is in place for the maintenance of the ponds.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER): to has applied for a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 12, 2015**, 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 have been or 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.**

WHEREAS, On March 24, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JESSE & TAMMY SAMUELSON**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 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 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.

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 establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township, is **APPROVED/DENIED**.
ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

FINDINGS OF FACT

WHEREAS, TIM & CHRISTINE TUPY, NEW PRAGUE, MN, (APPLICANT/OWNER): has applied for a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, Lanesburgh Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 12, 2015**, 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 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 March 24, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by Tim & Christine Tupy.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 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 are being provided.**
- 4. 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.**

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 transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, Lanesburgh Township, is **APPROVED/DENIED**.

ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER): has applied for a Conditional Use Permit to allow grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 24, 2015**, 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 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 March 24, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by the **LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 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. With the imposition of appropriate conditions as stated, 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 appropriate conditions as stated, 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 appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.**

4. **With the imposition of appropriate conditions as stated, 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.**

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 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington Township, is APPROVED/DENIED.

ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____