



Le Sueur County, MN

Tuesday, April 21, 2015

Board Meeting

Item 5

10:15 a.m. Kathy Brockway, PZ Administrator (5 minutes)

Request for Action- 2 CUP's Beaver Dam Resort, Genesis Growing Solutions

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 9, 2015

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

MEMBERS ABSENT: Chuck Retka

OTHERS PRESENT: Kathy Brockway, Commissioners

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

ITEM #1: BEAVER DAM RESORT, CLEVELAND, MN, (APPLICANT); CHARLES FENGER & BRIAN TIMM, SANBORN, MN (OWNERS): Request that the County grant a Conditional Use Permit to allow the applicant to operate a Tavern and an Off-Sale Liquor Store at an existing campground in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 1, Section 5, Elysian Township.

Kathy Brockway presented power point presentation. Chuck Fenger and Brian Timm were present for application.

TOWNSHIP: Notified the township per the application process. DNR: No Comments
LETTERS: none.

PUBLIC COMMENT: Tom Christianson, landowner in the area, supports the application, will be a great asset to area. Ed Bisek, former landowner, bar/store has been part of the campground for over 65 years, supports the application.

Discussion was held regarding: 3/2 products to be sold, no patio area, several picnic tables, adequate parking, quiet hours for the campground, normal hours per licensing requirements.

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.* **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**

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

ITEM #2: GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (APPLICANT); GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 34,200 cubic yards of material for the construction of a containment berm, stormwater grading, & a filtration basin in an Industrial "I" District. Property is located in the W 1/2, Section 31, Lexington Township.

Kathy Brockway presented power point presentation Joe Spinler and Chris Baker were present for application.

TOWNSHIP: George Whipps, Lexington Township Board, township has no objections to the proposal.

CITY OF LE CENTER: Chris Collins, City Clerk/Administrator, City has no objections to the proposal.

DNR: N/A **LETTERS:** none

PUBLIC COMMENT: no comments

Discussion was held regarding: Improvement to the site by adding the stormwater ponds, drainage, Dept. of Ag requirements, gravel hauled in, all other material will be moved within the site, well and septic on site, 2 approved accesses from the State, business has be in operation at this location since the 70's.

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. 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*

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

Motion was made by Al Gehrke to approve the minutes from the March 12, 2014 meeting by Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Don Reak. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
Kathy Brockway

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
April 21, 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: BEAVER DAM RESORT, CLEVELAND, MN, (APPLICANT); CHARLES FENGER & BRIAN TIMM, SANBORN, MN (OWNERS): Request that the County grant a Conditional Use Permit to allow the applicant to operate a Tavern and an Off-Sale Liquor Store at an existing campground in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 1, Section 5, 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 (see attached):

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

ITEM #2: GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (APPLICANT); GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 34,200 cubic yards of material for the construction of a containment berm, stormwater grading, & a filtration basin in an Industrial "I" District. Property is located in the W 1/2, Section 31, Lexington 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 (see attached):

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

ACTION: ITEM #1: _____
 ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, BEAVER DAM RESORT, CLEVELAND, MN, (APPLICANT); CHARLES FENGER & BRIAN TIMM, SANBORN, MN (OWNERS): has applied for a Conditional Use Permit to allow the applicant to operate a Tavern and an Off-Sale Liquor Store at an existing campground in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 1, Section 5, Elysian Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on April 9, 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 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 April 21, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners Approved/Denied the Conditional Use Permit application as requested by the **BEAVER DAM RESORT, CLEVELAND, MN, (APPLICANT); CHARLES FENGER & BRIAN TIMM, SANBORN, MN**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the April 21, 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 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 allow the applicant to operate a Tavern and an Off-Sale Liquor Store at an existing campground in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, German Lake. Property is located in Government Lot 1, Section 5, Elysian 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, GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (APPLICANT); GENESIS GROWING SOLUTIONS, CLEVELAND, MN, (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of 34,200 cubic yards of material for the construction of a containment berm, stormwater grading, & a filtration basin in an Industrial “I” District. Property is located in the W 1/2, Section 31, Lexington Township.

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