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# Le Sueur County, MN

Thursday, March 12, 2015

Regular session

## Item 2

**Tupy Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** TIM & CHRISTINE TUPY

**911 ADDRESS:** NEW 151<sup>ST</sup> AVE, NEW PRAGUE MN 56071

**PROJECT DESCRIPTION:** 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.

**ZONING ORDINANCE SECTIONS:** Sections 8, 19 and 21

**GOALS AND POLICIES:**

**Goal 4:** Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

**Policy:** Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

## SITE INFORMATION

**LOCATION:** SW1/4 NW1/4 SECTION 23, LANESBURGH TOWNSHIP

**ZONING:** "A"- Agricultural District

**GENERAL SITE DESCRIPTION:** Ag land

**ACCESS:** New off County Road 3

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Single Family Dwellings/Ag Land  
East: Ag Land

South: Wooded/Single Family Dwellings/Ag Land  
West: Ag Land/Scattered Single Family Dwellings

## TOWNSHIP BOARD NOTIFICATION

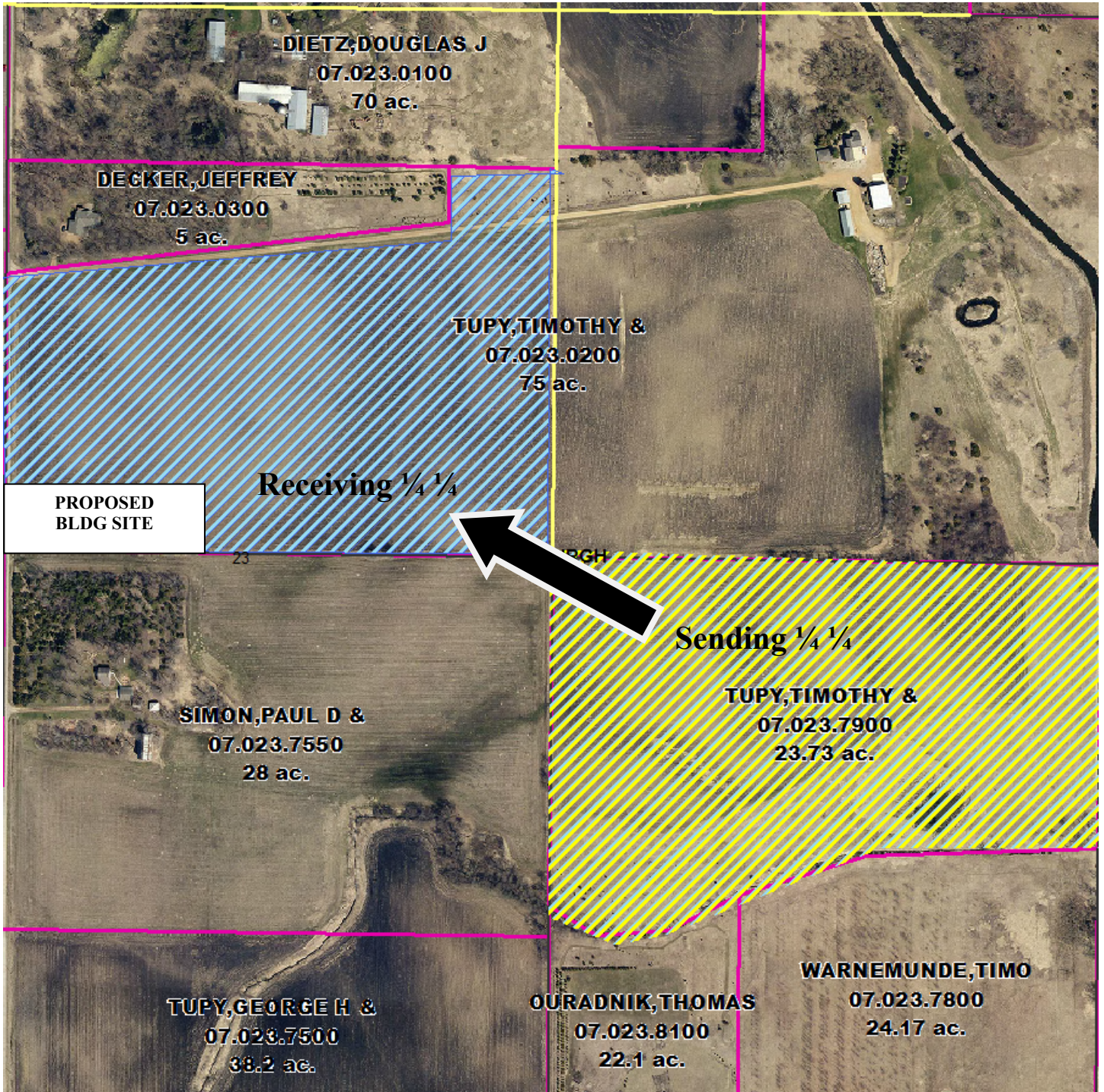
The applicant notified Karen Schoenecker, Lanesburgh Township Board member on January 28, 2015.

## NATURAL RESOURCES INFORMATION

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

**WETLANDS:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN







## STAFF FINDINGS

Both the sending and receiving quarter-quarter sections meet the building eligibility standards of the Ordinance. Each new building site must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area and sufficient area for two (2) on-site sewage treatment systems.

**BURDEN OF PUBLIC FACILITIES:** The proposed use will not have a negative impact to the public facilities, and utilities that serve the area.

**COMPATIBLE WITH SURROUNDING USES:** Scattered single-family dwellings and farmland surround the proposed building site.

**APPEARANCE:** Farmland

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

**COMPREHENSIVE PLAN:** The proposed use meets the Comprehensive Land Use Plan.

**TRAFFIC, ACCESS, PARKING:** Approval of driveway access from the County Hwy Department.

**SEWER & WATER:** Adequate water supply and sewage treatment system exist on the site.

## 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 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:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

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. **A D NA**
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. **A D NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided. **A D NA**
4. The 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. **A D NA**

**Recommend (circle one) approval / denial / table / of Conditional Use Permit.**