



Le Sueur County, MN

Tuesday, May 26, 2015

Board Meeting

Item 3

9:35 AM Kathy Brockway, PZ Administrator (5 minutes)

2 CUP's/ Weick

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 14, 2015

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

MEMBERS ABSENT: Pam Tietz

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

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

ITEM #1: SHAWN WEICK, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-service storage facility (boat and recreational equipment storage) in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, Cleveland Township.

Kathy Brockway presented power point presentation. Shawn Weick, applicant was present for application.

TOWNSHIP: notification through the application process DNR: N/A LETTERS: none

Discussion was held regarding: strive to start a storage business in Le Sueur County, resident in the area for the past 7 years, need for boat storage in the area, indoor storage, start with the construction of 2 buildings with 30 bays per building, plans to construct additional buildings in phases depending on the demand, agreement with the former landowner that outdoor storage would not be allowed, land to the south and west is zoned residential, land where the buildings are proposed is zoned Agriculture, no security, lighting, individual bays will have their own locked door, sliding doors or the typical garage doors, open between bays, 15 on each side of the building, worry about theft, cement floors, liability insurance, stay away from the mini storage concept, 12' sidewalls, buildings will not be heated, possibility of gas storage in the building that is left in the boats, 60 ft. gravel surface between the buildings, access off the county road and the township road as approved by the road authorities, 911 sign off the county road, intended use is for boat storage, sign by the entrance, weed control, applicant lives close to the facility for security and will be able to manage the site, checked with landowners in the area to purchase property, no one interested in selling ag land, traffic on Island Road, very little day to day traffic for boats, most will storage their boat in during the off season and pick it up in the spring, time frame for construction, no security fence, open 24/7, 365 days per year, future use of the property if the storage facility does not pan out, could continue to use as storage.

PUBLIC COMMENT: *Anne Soweija*, property owner, first home on Island Road, is opposed to the application, lived here for about 2 years, moved to this area for peace and quiet from the cities, moved out here with their family in order to give their children and grandchildren a place to play, a place away from traffic, their dream is turning into a nightmare, abundance of wildlife, look out their windows, a place to feel safe, feels the storage facility will decrease their property values, the area is in the middle of the sewer district project and that should be dealt with first before allowing this use in the area, extra traffic on the township road, more crime in the area, financial burden on the property owners, will be hard to sell their property in the future, keep it in the Cape Horne area not our road.

Jack Stouten, landowner, thanked the board for everything they do for Le Sueur County, property owner, does not want to see this in front of their home, this was a beautiful area, when they moved here there was a sign that said lots for sale, expected it to be housing not a storage facility, decrease property values considerably, rethink this, does not want this to end up being a junk yard. Lived in Ottertail County, storage facility areas ended up being a junk yard, area was not kept up, ended up being a dumping ground, does not want this is the area, keep it in the area where the applicant lives not our area.

Roy Barnett, lives east of Jack Stouten, since 1994, has full view of the storage site, former owner split the property for residential usage, keep it residential, thought that the area was residential and agricultural not commercial, was going to move from the area, but they decided to stay in the area, moved here for peace and quiet, low traffic, It is still in our yards not yours, concerned with traffic in and out of the area, grandkids ride their bikes on the road and is concerned with the extra traffic.

Rita Kluntz, is in total agreement with the former speakers, the farm was her dad's and her brothers sold this property to the former owner and thought that this was going to remain residential, she is retired and enjoys the area for the peace and quiet, she is totally against the project.

Kathy Brockway gave an overview of the zoning districts and proposed uses within the districts, differences between the shoreland districts and Ag districts.

Anne Soweija, if the permit is not allowed will he have to build someone else.

Kathy Brockway again explained the permitted uses within the Ag District. He is able to build a storage shed for his personal storage should the application be denied. It is only in the residential districts that a primary structure is required to be constructed prior to an accessory structure.

Planning Commission makes a recommendation to the County Board; the County Board makes the decision.

Elizabeth Kinney, feels it will devalue her property, figure out what is going to happen with the sewer district before allowing this structure, fire protection, check into fire protection, storage of gas.

Gerald Basytr, does not want this facility to be constructed in this area, build in your own area.

Jim Soweija, this is right in front of his lake front property and does not want to look at this.

Shawn Weick, stated he did check with landowners adjacent to his property and they did not want to sell their Ag land, otherwise he would have constructed the building next to that development.

Roy Barnett, It is still in our yards not yours, if you want in your yard go ahead, wife complains when corn is planted across the street and distracts her view what do you think a storage unit will do? Was the DNR Notified.

Linda Stouton, negative effects in the area.

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 5-4*
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 will be 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 (address with adequate conditions).*

Motion was made by Doug Krenik to approve the application as presented with the following conditions:

1. *Access off Jefferson Road only;*
2. *Indoor Storage;*
3. *Weed control plan established in writing and filed with the department.*

Seconded by Don Reak. Motion approved 8-1(negative affects to the area, did not demonstrate the need for facility, future use of the building and enough information for the storage of chemicals) Motion carried.

ITEM #2: SHAWN WEICK, CLEVELAND, MN (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 10,028 cubic yards of material for grading and stormwater ponds in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, Cleveland Township.

Kathy Brockway presented power point presentation. Shawn Weick applicant, was present for application.

TOWNSHIP: notification through application process. DNR: N/A LETTERS: none

Discussion was held regarding: error on notice, should be 10,028 cubic yards of material not 4099 cubic yards, no runoff to the south, erosion control measures in place, outlets to the road ditch, trees, tree plan as part of the application for the facility, meets the requirements for a stormwater permit issued through the MPCA.

PUBLIC COMMENT: **Roy Barnett**, landowner, was the DNR notified.
Kathy Brockway, not within the shoreland district, property is zoned Ag.
Linda Stouton, concerned with the negative impacts this will have on the neighborhood.
Sandy Soweija, concerned with security.

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 will be 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 with the following conditions: Utilize dust control measures during construction, Excess topsoil to be removed from site therefore allowing no stockpiling on site, Access to the property is off County Road 18 (Lake Jefferson Road) Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the April 9, 2015 meeting by Seconded by Betty Bruzek. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Betty Bruzek. 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
May 26, 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: SHAWN WEICK, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-service storage facility (boat and recreational equipment storage) in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, 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 with the following conditions:

1. *Access off (County Road 18)Jefferson Road only;*
2. *No outside storage;*
3. *Weed control plan established in writing and filed with the department.*

ITEM #2: SHAWN WEICK, CLEVELAND, MN (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 10,028 cubic yards of material for grading and stormwater ponds in an in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, 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 with the following conditions:

1. *Utilize dust control measures during construction;*
2. *Excess topsoil to be removed from the site, therefore no stockpiling of material onsite.*
3. *Access to the property is off County Road only.*

ACTION: ITEM #1:_____

ITEM #2:_____

DATE:_____

COUNTY ADMINISTRATOR'S SIGNATURE:_____

FINDINGS OF FACT

WHEREAS, SHAWN WEICK, CLEVELAND, MN, (APPLICANT/OWNER): has applied for a Conditional Use Permit to establish and operate a self-service storage facility (boat and recreational equipment storage) in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **May 14, 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 May 26, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved/denied the Conditional Use Permit application as requested by **SHAWN WEICK, CLEVELAND, MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the May 26, 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 provide sufficient off-street parking and loading space to serve the proposed use.**

5. **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 establish and operate a self-service storage facility (boat and recreational equipment storage) in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, 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

WHEREAS, SHAWN WEICK, CLEVELAND, MN, (APPLICANT/OWNER): has applied for a Conditional Use Permit to allow grading, excavating and filling of approximately 10,028 cubic yards of material for grading and stormwater ponds in an in an Agriculture "A" District. Property is located in Government Lot 5, Section 1, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **May 14, 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.**
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ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____