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# Le Sueur County, MN

Thursday, April 9, 2015

Regular session

## Item 1

### Beaver Dam Resort Packet

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** BEAVER DAM RESORT, CLEVELAND, MN,  
CHARLES FENGER & BRIAN TIMM, SANBORN, MN

**911 ADDRESS:** 46115 Beaver Dam Road, Cleveland MN 56017

**PROJECT DESCRIPTION:** 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.

**ZONING DISTRICT PURPOSE:** RECREATIONAL COMMERCIAL (RC) DISTRICT, A District, adjacent to Recreational Development (RD) lakes, Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams, to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

**DEFINITIONS:**

- TAVERN - A place primarily used for the consumption of alcoholic beverages on site by the public.
- LIQUOR STORE, OFF-SALE - A structure primarily used for the sale of alcoholic beverages.

**ZONING ORDINANCE SECTIONS:** Section 13, Section 13.3, Section 19,

## SITE INFORMATION

**LOCATION:** Government Lot 1, Section 5, Elysian Township, German Lake

**ZONING:** "RC" Recreational Commercial

**GENERAL SITE DESCRIPTION:** Campground

**ACCESS:** Existing

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Ag Land/Wetlands  
East: German Lake

South: Residential  
West: Residential/Commercial/Lake Jeff

## TOWNSHIP BOARD NOTIFICATION

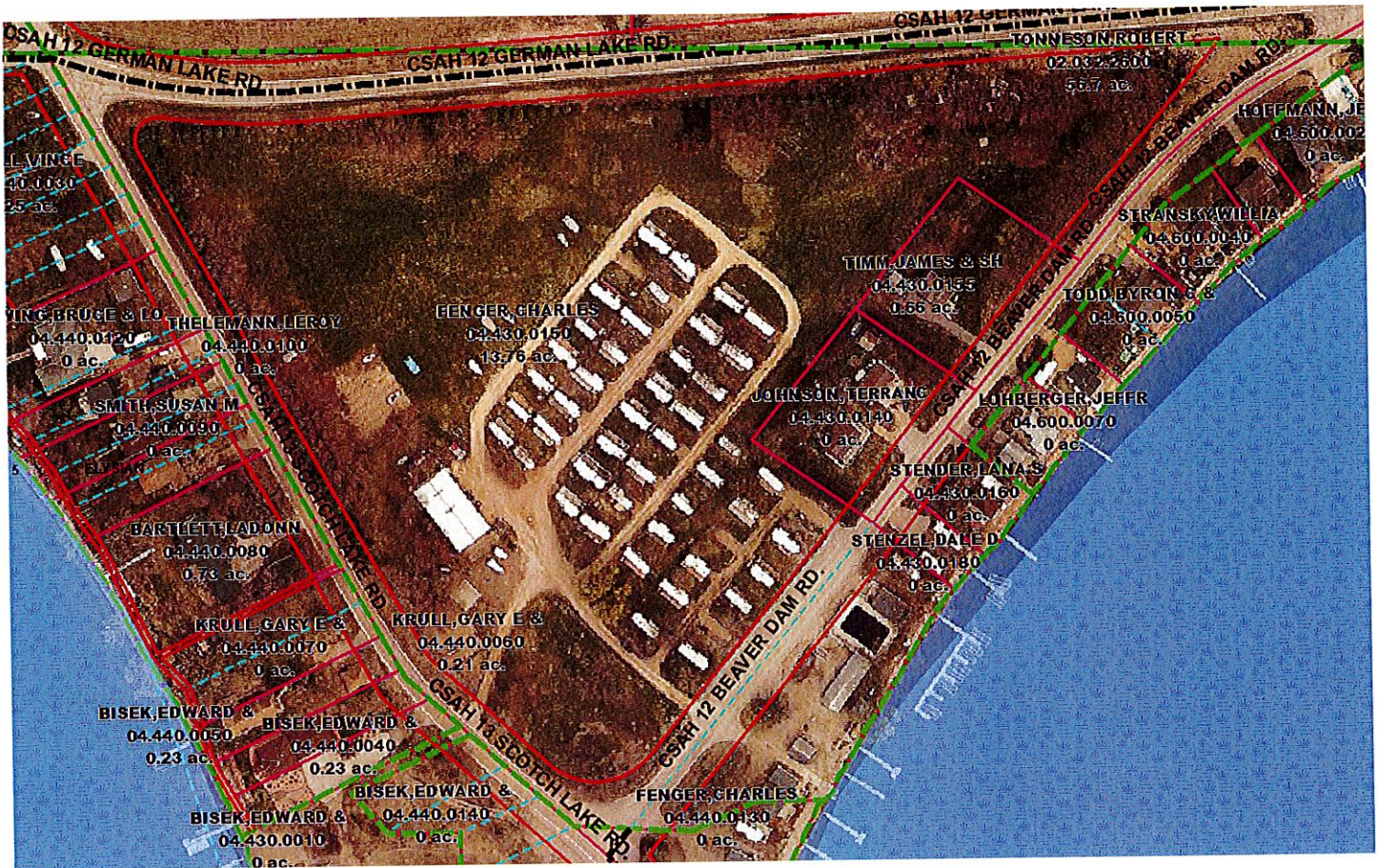
The applicant's contacted Kathy Rients, Elysian Township Officer on February 26, 2015.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is 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/AERIAL PHOTO



## LAND USE APPLICATION PERFORMANCE STANDARDS

- Name and Address of Applicant and Landowner: Charles Fenger and Brian Timm
- Legal Description- Attached
- Proposed Days and Hours of Operation: Year round,
- Estimated number of persons to attend place of business /location on a daily or weekly basis: 100 per day
- Water Supply: Well on site
- Solid Waste Collection: Waste Management
- Lighting: Meet County Ordinance
- Parking: Meet County Ordinance
- Signage: Meet County Ordinance
- Licensing: Meet County and State Licensing requirements.

## PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

### OFF-SALE LIQUOR STORES AND TAVERNS

Landscaping and screening shall be constructed along the property lines when abutting a Residential zoning district

### SUBDIVISION 6. LANDSCAPING AND SCREENING

- A. It is the intent of this Subdivision to provide that uses of land and structures shall be established and maintained.
- B. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped to include but not limited to; lawns, trees, shrubs etc. Any areas left in a natural state shall be maintained. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

- C. All exterior storage shall be screened. The exceptions are:
  - 1. Merchandise being displayed for sale.
  - 2. Materials and equipment presently being used for construction on the premises.
- D. The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.
- E. All junk yards, salvage yards, and open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval.
- F. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained.

**SUBDIVISION 7. SIGN STANDARDS**

**A. PURPOSE**

The intent of this subdivision is to provide for necessary visual communications and to preserve and promote a pleasant physical environment within the County by regulating the type, number, size, height, lighting, maintenance, and erection of sign structures.

**RECREATIONAL COMMERCIAL (RC) DISTRICT**

- 1. **Ground/ Pylon Signs**
  - a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
  - b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
  - c. The maximum height shall not exceed twenty (20) feet.
  - d. The maximum area shall not exceed one hundred (100) square feet.
- 2. **Wall Signs**
  - a. The signs shall not exceed twenty (20) percent of the wall area.
  - b. The signs shall not project above the roof level.

**PARKING:**

**Restaurant, cafe, tavern, bar, or adult use establishment.** One (1) parking space per each four (4) seats and one (1) space for each two (2) employees on the major shift.

**ATTACHMENTS**

**Application, Legal, Narrative, Floor Plan**

**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 provide sufficient off-street parking and loading space to serve the proposed use. A  
D NA
5. 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.***

LE SUEUR COUNTY  
 CONDITIONAL USE PERMIT CRITERIA  
 PERMIT # 15023- Date April 9, 2015

APPLICANTS: BEAVER DAM RESORT, CLEVELAND, MN, (APPLICANT); CHARLES FENGER & BRIAN TIMM, SANBORN, MN (OWNERS)

Conditional Use Permit Request: 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.

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.*

	CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL
1.											
2.											
3.											
4.											
5.											

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

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

DENIED \_\_\_\_\_

PZ CHAIRPERSON \_\_\_\_\_

COUNTY BOARD MEETING DATE: \_\_\_\_\_

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Charles Fenger / Brian Timm  
Mailing Address 28371 City Aug 4  
City Sanborn State mn Zip 56083  
Phone # 952-215-2636 Phone # 567-430-2220

### II. Landowner:

Name Same  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Property Address 46115 Brewer dan Rd.  
City Cleveland State mn Zip 56017  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 04,430,0150 Parcel Acreage 19.75  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 5  
Subdivision Auditors Sub Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Elysian Township notified on 2/26/15  
(Township Name) (Date)  
Board Member Kathy Rinents regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- March 10<sup>th</sup>  
for April 9<sup>th</sup>*
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
  - Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
  - Electronic version of any supporting documents *if available*.
  - Additional copies may be requested as deemed necessary by the Department.
  - Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
  - Appointment is necessary.
  - Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

**VII. Type of Request:**

- |  |   |
|--|---|
| <input type="checkbox"/> Self Service Storage      | <input type="checkbox"/> Value Added Agriculture                  |
| <input type="checkbox"/> School/Church/Cemetery    | <input type="checkbox"/> Antique Sales/Service/Repair             |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc.       |
| <input type="checkbox"/> School/Church/Cemetery    | <input checked="" type="checkbox"/> Other <u>3 2 Liquor Sales</u> |

**VIII. Description of Request:**

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: year around
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 100 per day
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: well
  - ii. Toilet facilities: See Attachment
  - iii. Solid Waste Collection: Waste management
4. FIRE PREVENTION: Fire Extinguisher
5. SECURITY PLANS: See attachment
6. RETAIL SALES: See Attachment
7. FOOD OR ALCOHOL SERVED OR FOR SALE: See Attachment
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) none
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: Once a yr. appreciation band for Campers
10. EXTERIOR LIGHTING: See Attachment
11. PARKING AND LOADING: See Attachment required to have 8 use have 10
12. SIGNAGE: See Attachment
13. ROAD ACCESS: (Approved by the road authority) yes ~~ext.~~ ext.
14. CERTIFICATE OF INSURANCE: yes, we have appropriate insc. with Western mutual
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) See attachment

**IX. Site Plan:** Shall include but not limited to the following:

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • North point       | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks          | • River   | • Proposed Structures | • Well                     |
| • Property Lines    | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way | • Stream  | • Ponds               | • Easements                |
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)





391104

LEGAL DESCRIPTION

04-430-0150  
**Parcel 1:** All that part of Government Lot 1, Section Five (5), Township One Hundred Nine (109) North, Range Twenty-Four (24) West, Le Sueur County, Minnesota, bounded as follows: On the North by the North line of said Government Lot 1, on the East by German Lake, and on the West and South by a line described as follows: Beginning at a point on the North line of said Government Lot 1, and distant 699 feet East of the Northwest corner of said lot; thence along the center line of the public highway as follows South 29 degrees and 30 minutes East, 800 feet; thence South 49 degrees and 30 minutes East, 214 feet; thence South 87 degrees East, 130 feet; thence North 65 degrees and 24 minutes East, 75 feet; thence due East 75 feet to German Lake and containing 19.75 acres, more or less, EXCEPTING THEREFROM the following:

**Exception One:** Revised Lot 20 of Auditor's Subdivision of part of Government Lot 1, Section 5, Township 109, Range 24, Le Sueur County, Minnesota.

**Exception Two:** Revised Lot 22 of Auditor's Subdivision of part of Government Lot 1, Section 5, Township 109, Range 24, Le Sueur County, Minnesota.

**Exception Three:** Revised Lot 21 of Outlot Number 3 of Auditor's Subdivision of part of Government Lot 1, Section 5, Township 109, Range 24, Le Sueur County, Minnesota.

**Exception Four:** All that part of Outlot No. 3 of Auditor's Subdivision of part of Government Lot No. 1, Section 5, Township 109 North, Range 24 West, Le Sueur County, Minnesota, the plat of said subdivision being on file in the Office of the County Recorder of said Le Sueur County described as follows: Beginning at the Southwesterly corner of Lot Number 9 of Hoffman's Addition, the plat of said addition being on file in the Office of the County Recorder of said Le Sueur County; thence North 52 degrees 06 minutes 00 seconds West on a Northwesterly extension of the Southerly line of Lot Number 9 a distance of 31.50 feet to the centerline of County Road No. 12; thence South 40 degrees 19 minutes 00 seconds West on said road centerline 80.00 feet; thence South 49 degrees 41 minutes 00 seconds East 111.36 feet, more or less, to the water's edge of German Lake; thence Northeasterly along the water's edge of said lake to the Southerly line of Lot Number 9 of said Hoffman's Addition, said line bears South 52 degrees 06 minutes 00 seconds East of place of beginning; thence North 52 degrees 06 minutes 00 seconds West on the Southerly line of said Lot Number 9 a distance of 90.60 feet, more or less, to point of beginning. Being subject to all easements of record.

**Exception Five:** All of Hoffman's Addition, part of Government Lot 1, Section 5, Township 109, Range 24, Le Sueur County, Minnesota.

Said parcel, less five exceptions, contains 13.76 acres, more or less.

**Parcel 2:** Lot One (1), Block Four (4) of Beaver Dam, a subdivision of a part of Government Lot One (1), Section Numbered Five (5), in Township One Hundred Nine (109) North of Range Twenty-Four (24) West, Le Sueur County, State of Minnesota.

04-440-0130

We would like to sell 3-2 beverages on/off sale. We have our License from the DNR to sell bait and all the License required by the county to operate the store and campground. We anticipate most of our business coming from the 60 campers on the campground. We have 24 seats inside the lodge, we cook pizza's, sell groceries, pop, candy, bait, tackle, shirts and ice cream. We have about 18 parking spots for customers and an area to unload delivery truck.

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MAR 06 2015  
BY: mem

3.) ii. We have a uni-sex bathroom that is located in the Lodge. We also have a men's and women's bathroom next to the swimming pool.

5.) We have locks on all of our doors, windows and gates. We also have an alarm system with door sensors, motion sensors and video.

6.) We sell some light grocery items, bait, tackle, beaver dam shirts, pop, candy, ice cream, and pizza's.

7.) We would like to <sup>serve</sup> 3-2 beverages and off sale 3-2.

10.) We have four yard lights that stay on all night.

11.) We have about 18 parking spaces for vehicles and an area straight off the road for loading and unloading product.

12.) We have a sign in front of the Lodge.



Boat Landing

Laundry mat

Table

Table

Table

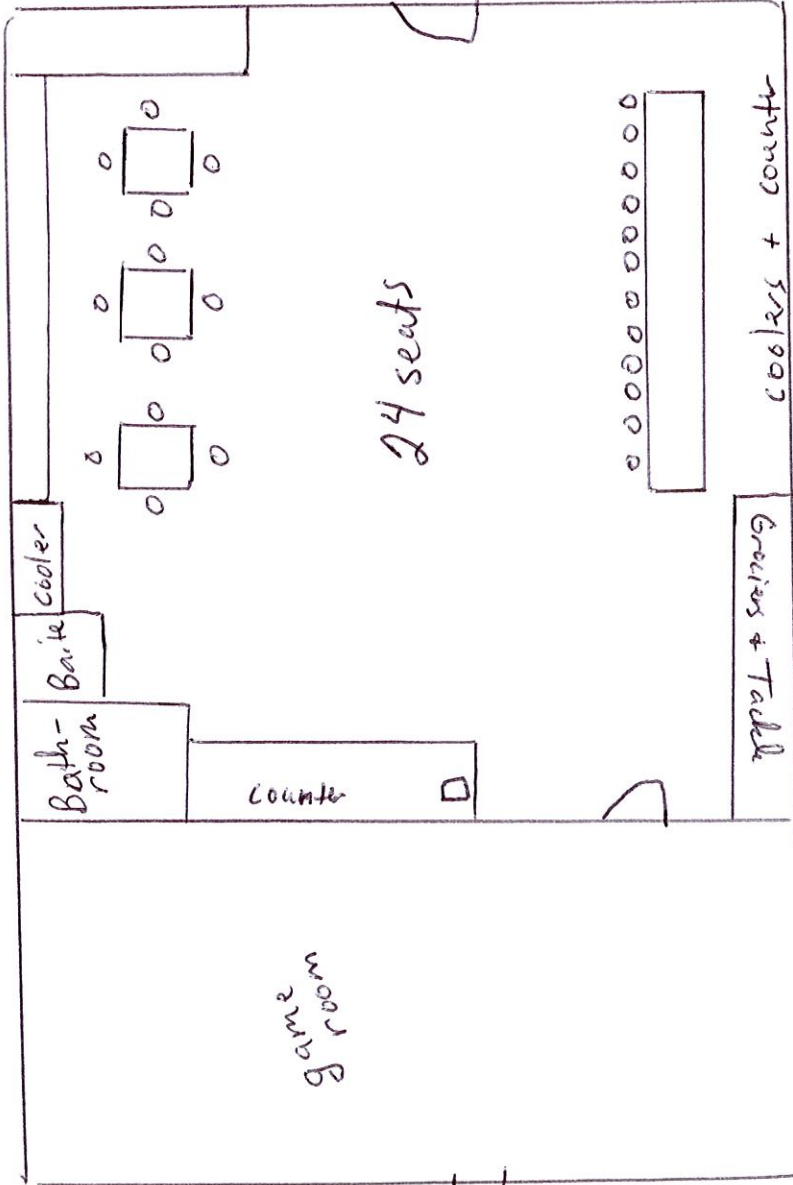
30 x 30  
3 parking spots

N ↓

2 lights

Loading Area

Lake ↑



24 seats

coolers + counter

Groceries + Table

counter

Barge room

About 7 parking spots  
each site is 8 1/2' x 20' deep.

30 x 70

parking

Road ↓

RECEIVED  
MAR 06 2015  
mfm

2 lights

1001