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# Le Sueur County, MN

Thursday, April 9, 2015

Regular session

## Item 1

### Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

**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**  
**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 been 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*