

LE SUEUR COUNTY PLANNING COMMISSION
March 23, 2021

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING COMMISSION

SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: DAVID WENDELSCHAFER, CLEVELAND, MN (APPLICANT/OWNER):
Request to rezone 38.87 acres from Special Protection "SP" Shoreland District to Recreational Residential "RR" Shoreland District, Lake Henry a Natural Environment "NE" Lake and Lake Jefferson a Recreational Development "RD" lake. Property is located in the NW 1/4 NE 1/4 and NE 1/4 NW 1/4, Section 3, Cleveland Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

Therefore, the Planning Commission recommends denial of the application.

ITEM #2: BRENDA HENNECK SCHOLL, ST PETER, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 53 cubic yards of material in the shore impact zone in a Recreational Residential "RR" Shoreland District, and a Flood Fringe "FF" Floodplain Overlay District, Lake Washington a Recreational Development "RD" lake. Property is located at Lot 7, Da Mar Estates, Section 6 & 7, Washington Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

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

ITEM #3: THE BOATHOUSE LLC/C/O SHAWN WEICK, CLEVELAND, MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 8,850 cubic yards of material in an Agriculture "A" District: Property is located in the NE 1/4 NW 1/4 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 attached findings for this request:

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

ITEM #4: JMH PARTNERS LLP, ST PAUL, MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct 3 additional self-service storage buildings at an existing self-service storage facility in an Agriculture "A" District. Property is located in NE 1/4 NE 1/4, Section 6, Derrynane Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

Therefore, the Planning Commission recommends a of the approval application with the following conditions:

1. *Abide by conditions from original Conditional Use Permit-Abide by Section 19 Nuisance, no outside storage, remove excess topsoil.*

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

ITEM #4: _____

DATE: _____

COUNTY AUDITOR/TREASURER SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, David Wendelshafer has applied for a Conditional Use Permit to allow the applicant to rezone 38.87 acres from Special Protection “SP” to Recreational Residential”RR”.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on March 11, 2021 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 Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **denial** of the application due to the following findings:

1. *The proposal does not reflect and is not consistent with the goals and polices of the Le Sueur County Land Use Plan. **Special Protection district to protect the land, lake, one home per quarter/quarter. Goal #2-adopt land use goals and policies to conserve and restore its natural resources areas. Protect water quality, stay protected, Special Protection to preserve property.***
2. *The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **South a farmhouse, north a single-family dwelling, the rest is ag. Uniqueness of Special Protection, immediate vicinity, not compatible to the area.***
3. *The proposal will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **Water quality deteriorates with more housing, quite a number of homes.***
4. *The proposal will impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Ag property has been the prominent use, special protection of ag, should stay Special Protection.***
5. *The density of the proposal is greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Density would be greater, Special Protection allows one house per quarter/quarter with the option of transfer of development rights. Surrounding neighborhood is Special Protection.***
6. *Soil conditions are not adequate to accommodate the proposal. **A lot of grading that will need to happen, don't know what the soils are.***
7. *The proposal will create a potential pollution hazard. **Could be pollution hazard adding 18 more homes on the small lake, additional docks, runoff from subdivision affecting water quality, 17 lots, 17 septic systems, too many lots.***
8. *The proposal will degrade the water quality of the County. **18 more homes will affect water quality degradation, runoff from 17 homes will affect water quality, yard runoff.***
9. *The proposal will have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **Taking farmland out of production, water quality of lake adding 18 homes, unique property having an environmental lake and a residential lake, Special Protection, could have a negative impact on the water body.***
10. *The proposal will negatively affect the protection of the public health, safety, and general welfare. **Better to leave in Special Protection, same as findings number 1 Goals and Policies of the County Land Use Plan, affect the general welfare and safety.***

WHEREAS, On March 23, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the rezone application as requested by **David Wendelshafer**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 23, 2023 Le Sueur County Board of Commissioners meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *The proposal does not reflect and is not consistent with the goals and polices of the Le Sueur County Land Use Plan.*
2. *The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *The proposal will not have an adverse effect on the value of adjacent properties.*
4. *The proposal will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
5. *The proposal will impede the normal and orderly development of surrounding vacant property for predominant uses in the area.*
6. *The density of the proposal is greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.*
7. *Soil conditions are not adequate to accommodate the proposal.*
8. *The proposal will create a potential pollution hazard.*
9. *The proposal will degrade the water quality of the County.*
10. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.*

The proposal will not negatively affect the protection of the public health, safety, and general welfare.**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, to allow the rezone of 38.87 acres from Special Protection “SP” Shoreland District to Recreational Residential “RR” Shoreland District, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlfing, Chairman, Le Sueur County Board of Commissioners

Pam Simonette, Le Sueur County Auditor/Treasurer

DATE: _____

ITEM # 2 FINDINGS OF FACT

WHEREAS, Brenda Henneck Scholl has applied for a Conditional Use Permit to allow grading, excavating, and filling of 53 cubic yards in the shore impact zone.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on March 11, 2021 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 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 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.*
- 6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

WHEREAS, On March 23, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **Brenda-Henneck-Scholl**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 23, 2021 Le Sueur County Board of Commissioners 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 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.

6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

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 grading, excavating and filling of 53 cubic yards in the shore impact zone, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlfig, Chairman, Le Sueur County Board of Commissioners

Pam Simonette, Le Sueur County Auditor/Treasurer

DATE: _____

ITEM # 3 FINDINGS OF FACT

WHEREAS, The Boat House LLC/Shawn Weick has applied for a Conditional Use Permit to allow grading, excavating, and filling of 8,850 cubic yards.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on March 11, 2021 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 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 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.*
- 6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

WHEREAS, On March 23, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **The Boat House LLC/Shawn Weick**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 23, 2021 Le Sueur County Board of Commissioners 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 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.

6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*
8. **Bond required in the amount of \$_____**

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 grading, excavating and filling of 8,850 cubic yards, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlring, Chairman, Le Sueur County Board of Commissioners

Pam Simonette, Le Sueur County Auditor/Treasurer

DATE: _____

ITEM # 4 FINDINGS OF FACT

WHEREAS, JMH Partners LLP has applied for a Conditional Use Permit to allow an expansion of an existing self-service storage facility with 3 additional buildings.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on March 11, 2021 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 Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **approval** of the application due to the following findings:

2. *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.*
3. *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.*
4. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
5. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
6. *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.*
7. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
8. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*
9. *Abide by conditions from original Conditional Use Permit-Abide by Section 19 Nuisance, no outside storage, remove excess topsoil.*

WHEREAS, On March 23, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JMH Partners LLP**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 23, 2021 Le Sueur County Board of Commissioners 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 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.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*
8. ***Abide by conditions from original Conditional Use Permit-Abide by Section 19 Nuisance, no outside storage, remove excess topsoil.***

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 an expansion of an existing self-service storage facility of 3 additional buildings, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlfig, Chairman, Le Sueur County Board of Commissioners

Pam Simonette, Le Sueur County Auditor/Treasurer

DATE: _____