

LE SUEUR COUNTY PLANNING COMMISSION
October 18, 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: ROGER & CAROL BAUER, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling in the bluff, more than 50 cubic yards on a lot, more than 10 cubic yards in the shore impact zone for the construction of retaining walls in a Recreational Residential "RR" Shoreland District, Lake Volney a Recreational Development "RD" lake. The property is located on Lots 14 & 15 of the Elwood Subdivision in Section 36, Lexington 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 #2: GEIGER FAMILY LLLP, FARIBAULT, MN, (APPLICANT) JOSEPH & EMMA TIKALSKY TRUST, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to operate a self-service storage facility in an Agriculture "A" District. The property is located in the NW ¼ of the NE ¼ of Section 3, Lanesburgh 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 and with an additional condition added by the Planning Commission.

ITEM #3: DAVID MITTELSTAEDT, WATERVILLE, MN, (APPLICANT) DAVID & SHARON MITTELSTAEDT, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to install a tram located in the bluff and bluff impact zone in a Recreational Residential "RR" Shoreland District, Lake Tetonka a Recreational Development "RD" lake. Property is located at Lot 1, CIC #24 Hidden Hills First Amendment, Section 19, Waterville 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 and with an additional condition added by the Planning Commission

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, ROGER & CAROL BAUER have applied for a Conditional Use Permit to allow grading, excavating, and filling in the bluff, more than 50 cubic yards on a lot, more than 10 cubic yards in the shore impact zone for the construction of retaining walls in a Recreational Residential “RR” Shoreland District, Lake Volney a Recreational Development “RD” lake. The property is located on Lots 14 & 15 of the Elwood Subdivision in Section 36, Lexington Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on October 18, 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. (4-0)*
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. (4-0)*
 - ***This property needs attention and has to be fixed.***
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (4-0)*
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. (4-0)*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (4-0)*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (4-0)*

WHEREAS, On October 26, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **ROGER & CAROL BAUER**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 26, 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 more than 10 cubic yards in the Shore Impact Zone and more than 50 cubic yards on a lot in a Recreational Residential “RR” Shoreland District of Lake Jefferson, a Recreational Development “RD” lake. The property is described as Lots 20 & 21 Edgewater Terrace, located in Section 3, Cleveland Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlfsing, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____

ITEM # 2 FINDINGS OF FACT

WHEREAS, GEIGER FAMILY LLLP, FARIBAULT, MN, (APPLICANT) JOSEPH & EMMA TIKALSKY TRUST, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to operate a self-service storage facility in an Agriculture “A” District. The property is located in the NW ¼ of the NE ¼ of Section 3, Lanesburgh Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on October 18, 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. (3-1)*
 - *The City has no concrete plans for annexation and would not project a date for annexation.*
 - *Commission Member Reak in dissent – We must respect the City’s review comments. The proposed use would not fit their future plans for residential development.*
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. (3-1)*
 - *The surrounding area is Ag. and zoned Ag. The City gave no date for future annexation.*
 - *Commission Member Reak in dissent – In this instance, Orderly Development would be residential not commercial.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0)*
 - *The access has been reviewed by the County Highway Department and although it needs maintenance, no improvements were required for the proposed use.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (3-1)*
 - *Commission Member Reak in dissent*
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. (3-1)*
 - *Commission Member Reak in dissent – Concerned the open-faced design of the one building would attract issues of theft.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (3-1)*
 - *Commission Member Reak in dissent – Even though the Ordinance allows this use in the Ag. District, not all Ag. land fits this request.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (3-1)*
 - *The City provided conditions in the event the request was approved so they must not be completely opposed to the request.*
 - *Commission Member Reak in dissent – We have to look at the City’s comp. plan, not the County’s.*

WHEREAS, On October 26, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **GEIGER FAMILY, LLLP**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 26, 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.*
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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 the applicant to operate a self-service storage facility in an Agriculture “A” District. The property is located in the NW ¼ of the NE ¼ of Section 3, Lanesburgh Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlfing, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____

ITEM # 3 FINDINGS OF FACT

WHEREAS, GEIGER FAMILY LLLP, FARIBAULT, MN, (APPLICANT) JOSEPH & EMMA TIKALSKY TRUST, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to install a tram located in the bluff and bluff impact zone in a Recreational Residential “RR” Shoreland District, Lake Tetonka a Recreational Development “RD” lake. Property is located at Lot 1, CIC #24 Hidden Hills First Amendment, Section 19, Waterville Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on October 18, 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. (4-0)*
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6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (4-0)*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (4-0)*

WHEREAS, On October 26, 2021, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **DAVID MITTELSTAEDT**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 26, 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.*
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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 the applicant to install a tram located in the bluff and bluff impact zone in a Recreational Residential “RR” Shoreland District, Lake Tetonka a Recreational Development “RD” lake. Property is located at Lot 1, CIC #24 Hidden Hills First Amendment, Section 19, Waterville Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlring, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____