

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 8, 2021

MEMBERS PRESENT: Don Reak, Al Gehrke, Doug Krenik, Jeanne Doheny, Shirley Katzenmeyer, Pam Tietz, Commissioner O'Keefe

MEMBERS ABSENT: Scott Vonlehe,

OTHERS PRESENT: Aaron Stubbs, Michelle Mettler

1. The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. Agenda. Staff made two corrections to the agenda – Item #4 the proposed amount of grading, excavating, and filling was listed as 87.7 cubic yards, the actual request is for 81.7 cubic yards. Item #5 listed Lexington Township as the location of the request, it is actually in Sharon Township. Motion to approve the agenda with corrections was made by Doug Krenik. Second by Don Reak. Approved.
3. Minutes from **May 13 & 17, 2021** Meeting. Motion to approve the minutes was made by Doug Krenik. Second by Don Reak. Roll-call vote. Motion approved. Motion carried.

Minutes from **June 10, 2021** Meeting. Motion to approve the minutes was made by Shirley Katzenmeyer. Second by Doug Krenik. Roll-call vote. Motion approved. Motion carried

4. Applications:

ITEM #1: ITC MIDWEST LLC, DES MOINES, IA, (APPLICANT/OWNER):

Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 800 cubic yards of material on a lot in an Urban/Rural Residential "R1" District. Property is located in in the NW 1/4 of the N/W 1/4, Section 10, Lanesburgh Township.

Aaron Stubbs presented the PowerPoint presentation.

David Gross was present for application.

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: **Power Capacity:** The power capacity of the station and whether it would increase. The applicant stated the capacity would be 69kV. **Grading:** Applicant was asked about the topography of the site increasing 6". Mr. Gross stated that increase was needed to support the construction of the new facility. **Drainage:** The applicant was asked if the change in topography would negatively impact the neighbor directly south. Mr. Gross stated that the site has an approved stormwater plan and would use best management practices to ensure the neighbors are not impacted by stormwater runoff from their site. **Operation of the substation:** The applicant was asked if the existing substation would be off-line during the construction. Mr.

Gross stated that the existing station would remain active until the new station could be brought on-line.

Timeline: The applicant was asked about the duration of the grading activities. Mr. Gross stated that the grading was scheduled to last approx. two months. **Truck Traffic:** The applicant was asked about traffic related to this project. Mr. Gross stated that the traffic would not be increased heavily. The applicant does not anticipate bringing soils onto the site, the project is to re-grade the existing location. **Communication with neighbor:** The applicant was asked if they had been in contact with the neighbors to explain the project. Mr. Gross stated that they had been in contact with the neighbors and made them aware of the planned activities and timeline.

Findings by majority 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.*
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.*

Motion was made by Doug Krenik to approve the application as written.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #2: RANDEE ONKEN, LE CENTER, MN, (APPLICANT/OWNER):

Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW/SE to the NW/SE in an Agriculture "A" District. Property is located in SE 1/4, Section 26, Lexington Township.

Aaron Stubbs presented the PowerPoint presentation.

Shawn & Randee Onken were present for application.

TOWNSHIP Notified. Response: Phone call on 7/08/2021 stated the Twp. supported the request.

LETTERS: None

PUBLIC COMMENT: Pat McCabe asked why the request was turned down the first time and also asked why the applicant could not add on to their home as requested previously? Ms. Mettler explained that the original request was for a temporary dwelling for elder care. The proposal that was submitted was more than what is allowed for a temporary dwelling.

Discussion was held regarding: **Previous Request:** Mr. Reak stated that he wanted it on the record that the applicants should have been allowed to move forward with their initial request. He believes the Ordinance should be changed.

Findings by majority 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.*
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.*

Motion was made by Al Gehrke to approve the application as written.

Second by Doug Krenik. Motion approved. Motion carried.

ITEM #3: DAVID WENDELSCHAFER, CLEVELAND, MN, (APPLICANT) DAVID WENDELSCHAFER, ETAL, CLEVELAND, MN, (OWNER):

Request that the County grant a Conditional Use Permit to allow the applicant to rezone 13.87 acres from Special Protection "SP" Shoreland District to a Recreational Residential "RR" Shoreland District, Lake Jefferson, a Recreational Development "RD" lake. Property is located in Government Lot 2, Section 3, Cleveland Township.

Aaron Stubbs presented the PowerPoint presentation.

David Wendelschafer, Gwen Crabb, and Jean Seely were present for application.

TOWNSHIP Notified. Response: Phone call on 7/08/2021 stated the Twp. supported the request.

LETTERS: **Gwen Crab** – Letter in support of the request; **Jay & Amie Link** – Letter in support of the request; **Steve Boehm** – Letter in support of the request; **Kayla & Troy Olsen** – Letter in support of the request; **Lauren & Kellie Satrom** – Letter in support of the request; **Nijla & Vince Westra** – Letter in support of the request; **Adam Kopesky & Jamie Deatley** – Letter in support of the request

DNR: Notified. Response: None

PUBLIC COMMENT: **Richard Crabb** – Stated the applicants are committed to the environment and want to share the area with others. He also said the Comprehensive Plan supports the request. **Pat McCabe** – Township has been working with the applicants for over three years to bring this request forward.

Discussion was held regarding: **Abandoned Road**: The applicant was asked if the Twp. road that runs through the property had been abandoned. Mr. Wendelschafer stated that they worked in cooperation with the Township to have that road vacated and the slope from the road would be used to support drainage in the area. The applicant stated that they will incur the cost of removing the road. **Access**: Mr. Reak stated that he is not happy about another access point being added to County Road 15 but he understands that was the only option for this request.

Findings by majority vote:

1. *The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.*
 - a. ***The reduction of the lots is a benefit and better supports this finding.***
2. *The proposal is 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.*
 - a. ***The proposal is not contiguous to other development but it is very similar to the other type of development in the area.***
3. *The proposal will not have an adverse effect on the value of adjacent properties.*
4. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for uses already permitted.*
5. *The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.*
6. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.*
7. *Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided*
8. *Soil conditions are adequate to accommodate the proposal.*
 - a. ***Not certain but agree that the area appears to be able to support the proposed development.***
9. *The proposal will not create a potential pollution hazard.*
10. *The proposal will not degrade the water quality of the County.*
 - a. ***If the road ditch was installed correctly, the drainage should be fine.***
11. *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.*
12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare.*

Motion was made by Shirley Katzenmeyer to approve the application as written.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #4: CHAD MENSING, ROSEMOUNT, MN, (APPLICANT) SANDI MENSING, NORTH MANKATO, MN, (OWNER):

Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 81.7 cubic yards of material on a lot located in the bluff and the shore impact zone in a Recreational Residential "RR" Shoreland District, Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 11 & 12, Tomahawk Point, Section 3, Cleveland Township.

Aaron Stubbs presented the PowerPoint presentation.

Chad Mensing was present for application.

TOWNSHIP Notified. Response: None.

LETTERS: None

PUBLIC COMMENT: None.

Discussion was held regarding: **Access to work area:** The applicant stated that there is an existing road on the property that would be used by equipment to access the area to be impacted. **Vegetation:** It was suggested that the applicant not plant trees behind the retaining walls. Mr. Mensing stated that they had no plans to plant trees behind the proposed retaining walls. They are grinding down the stumps but leaving the root system intact so the slope is not further compromised. Applicant was also asked if they would be working with Environmental Services to select native plants for revegetating the project. The applicant stated that he had worked with the County's Environmental Resource Specialist to select native plants that would help support the slopes. **Wall Material:** Applicant was asked if boulders were the best choice as a material for the retaining walls. Mr. Mensing stated that boulders were the best choice for their budget.

Findings by majority 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.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
 - a. *Generally, not supportive of impacts to the bluff but this project needs to be done to maintain the property and ensure the issue does not get worse.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Al Gehrke to approve the application as written.

Second by Doug Krenik. Motion approved. Motion carried.

ITEM #5: JEFF & JILL STEFFEN, CLEVELAND, MN, (APPLICANT/OWNER):

Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-service storage structure consisting of two structures in an Agriculture "A" District. Property is located in the NW 1/4 SE 1/4, Section 24, Sharon Township.

Aaron Stubbs presented the PowerPoint presentation.

Mark Thieroff and Jill Steffen were present for application.

ADDITIONAL COMMENTS FROM THE APPLICANT: Mr. Thieroff clarified that this request was a re-submission of a previous request. He also stated that the applicants have made a number of changes to their request to address concerns raised by the people in the community. Mr. Thieroff stated the hours of operation have been amended from 24-hours, to 5:00am – 11:00pm. The

orientation of the buildings has also been changed to address concerns of visibility and being able to see individuals accessing the property. Concerns about lighting were raised during the previous hearing and although the applicant does not feel the proposed lighting would be an issue, they have committed to designing their lighting to be consistent with a model Lighting Ordinance. The applicant has also submitted trip generation data to address concerns raised during a previous meeting related to the amount of traffic the proposed use may generate. Mr. Thieroff stated that although the annual average is 9.4 trips per day for a mini-storage operation, there may be time during the year where that number is both above and below the annual average. Mr. Thieroff also stated that he wanted to underscore the fact that the Board of Commissioners has already decided that the proposal was an appropriate use in the Agriculture District with a Conditional Use Permit. In addition, Mr. Thieroff stated that the Ordinance allows property in the Agriculture District to be used for activities other than farming. Mr. Thieroff stated that he did not believe the Record was accurate because the application packet included letters submitted as a response to the previous request.

TOWNSHIP Notified. Response: Jim Mayer spoke during the meeting and stated that the Township is not able to support this request. He stated that the re-revised application did not adequately address the concerns that were previously raised by the members of the community.

LETTERS: **Sandy Pinney** – Letter of opposition (citing concerns of commercial property in the Ag. District); **Jim Mayer** (Township Supervisor) – Minutes from May 3, 2021 Twp. Meeting (Twp. recommended denial of the request citing concerns of lighting, lack of direct on-site-supervision, and traffic); **Doug Jensen** – Letter of opposition (citing concerns of traffic increases, potential for crime, and a disruption to wildlife); **Henry Macho** – Letter of opposition (citing concerns of traffic conflicts between farm equipment and boat/RV traffic, lack of on-site security); **Sue Macho** – Email of opposition (citing concern of people not respecting the posted hours of operation); **Mike Macho** – Letter of opposition (citing concerns with the changes to the applications, lack of fire prevention, potential for crime, lighting negatively impacting nearby livestock), a news article that highlights crime related to mini-storage units, and crime statistics from the City of Le Center, the City of Le Sueur, and Le Sueur County related to crimes investigated in and around mini-storage facilities. **Mike Pinney** – Letter of opposition (citing concerns for lack of on-site security and increased traffic and the protection of prime ag land); **Nancy Tiede** – Letter of opposition (citing the proximity to feedlots and the impacts of stress on livestock);

PUBLIC COMMENT: Andy Oak asked for clarification on the purposes of the Zoning District and the goal of the Land Use Plan. Bill Genelin voiced concerns with the property owners not living on-site.

Discussion was held regarding: **Hours of Operation:** The applicant stated that the hours of operation would be listed in the rental agreement and anyone who was found to be accessing the site outside of those hours would have their agreement voided. **Type of Storage:** The applicant stated that storage would be for boats, recreational vehicles (if they could fit into the unit), and cars. Ms. Steffen also stated that they would not conduct random checks of units to inventory what was being stored. **On-site Security:** The applicant stated that the property would be monitored by security camera and the recordings would be saved so legal action could be taken against anyone committing a crime on the property.

Findings by majority vote:

1. *The conditional use would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and would substantially diminishes and impair property values within the*

- immediate vicinity. (6-0 for No)*
- a. *Hours are not monitored by someone onsite; security concerns with physical onsite monitoring;*
 - b. *The use would impact the use and enjoyment of other properties in the area; doesn't belong near livestock;*
 - c. *Valid points were made in the letters of opposition, facility may lead to increases in crime and traffic;*
 - d. *Disagree with provided traffic numbers;*
 - e. *Makes more sense if the proposal was closer to a lake.*
2. *The establishment of the conditional use would impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (5-1 for No)*
- a. *Need to follow the Land Use Plan and policy for Ag. District;*
 - b. *Traffic would be an issue during harvest time;*
 - c. *Have to respect the concerns raised by the Township;*
 - d. *Previous approval was on a larger road;*
 - e. *Previous CUP approvals do not set precedent for future requests;*
 - f. ***This is a CUP request in the Ag. District, traffic not a huge issue.***
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (3-3 for No)*
- a. ***Agree with traffic concerns but access and utilities are sufficient;***
 - b. *Drainage not proven, still concerned with traffic;*
 - c. *Access has been approved per County Highway Department;*
 - d. *Not enough shoulder to accommodate large equipment.*
4. *Adequate measures have not been or will not be taken to provide sufficient off-street parking and loading space to serve the proposed use. (4-2 for No)*
- a. ***This is specific to the site, there is enough room for loading and unloading;***
 - b. ***Plenty of loading space around the buildings;***
 - c. *Not much need for off-street parking but not good sight lines and loading space;*
 - d. *No proof the need exists;*
 - e. *The proposal is bad for the Ag. District.*
5. *Adequate measures have not been or will not be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and will not control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (6-0 for No)*
- a. *Concerns with lighting and no controlled access like a gate;*
 - b. *Motion lights on until 11pm may increase stress on nearby livestock;*
 - c. *General lack of security and the owners do not live on-site. Cameras would only catch issues after the fact;*
 - d. *Need a physical barrier to control site access;*
 - e. *Cameras are not enough for security.*

6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (5-1 for No)*
 - a. *Request does not honor the 2006 goal of protecting Ag. Land;*
 - b. *Request not consistent with the goals and policies;*
 - c. *Does not match Goal #1 – protect Ag. Land;*
 - d. *This is an approved Conditional use in the Ag. District, if members of the public do not like that option, they need to support an Ordinance revision.*

7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. (6-0 for No)*
 - a. *Land Use Plan does not make reference to the requested use, applicant has not demonstrated a need exists;*
 - b. *Need to protect feedlots and Ag. Property;*
 - c. *Request does not protect or support Ag. land or farms;*
 - d. *Land Use Plan and Zoning Ordinance are two different documents. This use is not supported in the Land Use Plan.*

Motion was made by Don Reak to deny the application.

Second by Shirley Katzenmeyer. Roll-call vote. Motion carried.

5. Discussion Items: Introduction of new Zoning Administrator, approved Ordinance updates can be added to the binders of the Planning Commission members.

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Al Gehrke. Second by Pam Tietz. Motion approved. Motion carried.

Respectfully submitted,

Aaron Stubbs

***Recording of the meeting is on file in the
Le Sueur County Environmental Services Office***