

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
July 23, 219

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: JOSH NELSON, NELSON IMPORTS, KASOTA, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing automobile sales and service business to include a salvage yard in an Industrial "I" District. Property is located in the in the SW 1/4 NW 1/4, Section 28, Kasota 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 with the following conditions:

1. To work with Safety Kleen for the disposal of all automotive fluids and hazardous materials removed from the vehicles.
2. Vehicles and vehicle parts to be re-purposed or sold to be stored under roof or covered as to not be exposed to precipitation and stored in a manner that will allow for the employees to inspect for leaks or damage.
3. Contact the Kasota Fire Department to check if it would like to do a walk-thru of the facility or receive a map of the facility in case the Fire Department needs to respond to an emergency at the property.

ITEM #2: JAMES & BRENDA KOLLAR, OWATONNA, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining walls outside the bluff impact zone and outside the Shore Impact Zone in a Recreational Residential "RR" District, on German Lake, a Recreational Development "RD" lake. Property is located at Lot 11, Stavenau Beach, Section 9, Elysian 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 with the following conditions:

1. The applicant meets with Holly Kalbus to discuss meeting the requirements of the Variance after redesigning the retaining walls and keeping the well house.

ITEM #3: JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 277 cubic yards of material on a lot in an Urban/Rural Residential "RR" District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota 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 presented:

ITEM #4: JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow a temporary dwelling for the elderly within an existing dwelling in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota 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 presented.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

ITEM #4: _____

DATE: _____

COUNTY ADMINISTRATOR’S SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, JOSH NELSON, NELSON IMPORTS, KASOTA, MN (APPLICANT\OWNER) has applied for a Conditional Use Permit to allow the applicant to expand an existing automobile sales and service business to include a salvage yard in an Industrial “I” District. Property is located in the in the SW 1/4 NW 1/4, Section 28, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 11, 2019 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 and Zoning 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. **Proposal is better than the old junk yard.***
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. **From the proposal, signage will be comparable to what is already in use at Josh Nelson’s other business.***
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 July 23, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **JOSH NELSON, NELSON IMPORTS, KASOTA, MN (APPLICANT\OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 23, 2019 Le Sueur County Board 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. **Proposal is better than the old junk yard.***
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. **From the proposal, signage will be comparable to what is already in use at Josh Nelson's other business.***
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 expand an existing automobile sales and service business to include a salvage yard in an Industrial "I" District. Property is located in the SW 1/4 NW 1/4, Section 28, Kasota Township, is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 2 FINDINGS OF FACT

WHEREAS, JAMES & BRENDA KOLLAR, OWATONNA, MN (APPLICANT\OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining walls outside the bluff impact zone and outside the Shore Impact Zone in a Recreational Residential “RR” District, on German Lake, a Recreational Development “RD” lake. Property is located at Lot 11, Stavenau Beach, Section 9, Elysian Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 11, 2019 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 and Zoning 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 July 23, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JAMES & BRENDA KOLLAR, OWATONNA, MN (APPLICANT\OWNER)**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 23, 2019 Le Sueur County Board 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 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining walls outside the bluff impact zone and outside the Shore Impact Zone in a Recreational Residential “RR” District, on German Lake, a Recreational Development “RD” lake. Property is located at Lot 11, Stavenau Beach, Section 9, Elysian Township, is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 3 FINDINGS OF FACT

WHEREAS, JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 277 cubic yards of material on a lot in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 11, 2019 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 and Zoning 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. **Will be an improvement to the area.***
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 July 23, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER)**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 23, 2019 Le Sueur County Board 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. **Will be an improvement to the area.***
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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 277 cubic yards of material on a lot in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Township, is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 4 FINDINGS OF FACT

WHEREAS, JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER) has applied for a Conditional Use Permit to allow a temporary dwelling for the elderly within an existing dwelling in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 11, 2019 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 and Zoning 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 July 23, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER)**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 23, 2019 Le Sueur County Board 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.*
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- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
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- 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 a temporary dwelling for the elderly within an existing dwelling in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Townshi., is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____