

**McLEOD COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES
October 28, 2020**

A. CALL TO ORDER:

Chairman Larry Phillips called the meeting to order at 9:38 a.m. in the McLeod County Environmental Services Facility, Large Conference Room, located at 1065 5th Avenue SE, Hutchinson, Minnesota, following an 8:00 a.m. Road Tour.

Members present: Larry Phillips, Charles Hausladen, Paul Merkins, Commissioner Rich Pohlmeier and David Hoernemann

Staff present: Marc Telecky, Director of Environmental Services, Sandra Posusta, Secretary.

Others Present: Wayne Kuehl, Jon Dammann, Steve Krueger, Chris Otto, Randy Johnson, Kyle Peik, Randy Redman, Rodney Manderscheid, Bob and Arlys Gehlen, John Mueller from McLeod County Chronicle Press.

B. ACTION ON MINUTES – August 26, 2020

Board member Hoernemann motioned to approve the August 26, 2020 meeting minutes. Board member Hausladen seconded the motion. Motion carried.

C. NEW BUSINESS

1. 2-Lot Final Plat 20-03, Rodney Manderscheid, Hutchinson Township

Director Telecky explained this 2-Lot Plat request to be known as “The Woodlands Third Addition is to split an existing platted lot, “Lot 1, Block 1, Woodlands Second Addition Subdivision”, with a dwelling into two (2) platted lots by adding 100.03 feet of tillable land to the south of the existing platted lot. An Affidavit is needed by Mr. Manderscheid to verify that there is nothing in the existing easement area on the existing south property line.

The McLeod County Attorney reviewed the Opinion of Title and is satisfied. The McLeod County Recorder’s Office has reviewed the plat and has no concerns with recording.

The Hutchinson Township Board recommended approval of this Final Plat request at their October 8, 2020 meeting.

With there being no further discussion or comments, Commissioner Pohlmeier recommended approval as requested. Board Member Merkins seconded the motion. Motion carried.

This item will be placed on the November 17, 2020 County Board Consent Agenda.

2. 1-Lot Sketch Plan 20-03, Robert & Arlys Gehlen, Rich Valley Township

Director Telecky shared to the Board that Robert & Arlys Gehlen are requesting approval of a 1-Lot Sketch Plan in order to create a building eligibility on a lot they currently own. It is proposed to be a 5.3 acres lot. It is zoned "A" Agriculture located in Section 17 of Rich Valley Township. Preliminary review does not indicate the presence of any wetlands. This parcel has some tillable land but the area is small and irregular shaped, therefore it meets the zoning ordinance definition in Section 7 of being hard to farm.

The Hutchinson Township Board recommended approval at their October 8, 2020 meeting.

Commissioner Pohlmeier said this is a straight for request and has no concerns therefore making a motion to recommend approval. Board member Merkins seconded the motion, which carried unanimously.

This item will be placed on the November 17, 2020 County Board Consent Agenda.

D. PUBLIC HEARINGS

1. Rezoning Application 20-03, Randy Redman representing Fred Pawelk

Director Telecky shared with the Board that Randy Redman of ReMax Results Realty is representing the property owner, Fred Pawelk and EFN Enterprises LLC, Lester Prairie, MN, in order to rezone a parcel that is 10.29 acres from "A" Agriculture to "B-1" Highway Business to construct mini-storage units.

Mr. Telecky read aloud the comments received via letter from the City of Lester Prairie in which they do not have any concerns.

The Winsted Township Board recommended approval at their October 8, 2020 meeting.

Chairman Phillips asked the audience for comment.

Chris Otto, neighboring property owner, addressed water drainage and esthetics of what the site will look like. Mr. Otto stressed he is not opposed, but is concerned there could be water drainage and wants it looking nice as he will have to look at it.

Mr. Redman is working with the State Environmental Engineers to ensure run-off water is not an issue. It may be in the form of a pond, but has not been determined to date.

Chris Otto asked for the number of storage units proposed to be constructed. Mr. Redman confirmed there are seven (7) units planned similar to the units constructed east of Glencoe on the south side of State Highway 212. There will be cement slabs, crushed rock and landscaping.

Chris Otto stated for the record that neighboring property owner, Greg Otto, who works in New York City, will retire on his property and is opposed to this request.

Director Telecky explained that anytime one (1) acre or more is disturbed, the applicant must go through an NPDES permit through MPCA. A construction storm water permit would be required before any construction can begin.

Director Telecky discussed floodplain in the area but it should not affect the parcel.

Chairman Phillips mentioned that a wetland delineation would probably be done before moving dirt.

Chris Otto noted the heavy traffic.

Director Telecky said Minnesota Department of Transportation (MN DOT) has been notified and provided comment indicating no major concerns.

Chris Otto shared to the Board that there is drainage tile that runs into this ditch that Jon Dammann owns and concerned about sloping and erosion control.

Randy Redman said the PCA Environmental Engineers will determine the one-way flow and has already been in contact with them and will follow State requirements.

Director Telecky commented that one cannot redirect surface water to a neighbor if man made. The State determines if there is any impact to neighbors, creeks or streams.

Director Telecky said Fred Pawelk is not rezoning two of the three parcels. Only the center parcel is requested to be rezoned.

With no further public comments, Board member Hausladen motioned to close the public hearing. Board member Merkins seconded the motion. Motion carried.

Brief discussion ensued if the tile might be similar to the discussions that have taken place with solar applications that have come before the Board. For conditional uses, yes, said Director Telecky.

Board member Merkins said we're only here for the Rezoning request, not the use.

Jon Dammann noted the amount of accidents on CR 1 & State Highway 7.

Director Telecky said that is why we rely on comments from MN DOT. The land use to construct phase will be when we discuss tile, water and so forth. Also, if approved, applying for permits, apply for a change of use on the driveway. Also, MN DOT may require a turn lane which would be between the applicant and MN DOT.

Commissioner Pohlmeier said this request fits the nature of the Zoning Ordinance and motioned to recommend approval. Board member Hausladen seconded this motion which carried unanimously.

This item will be placed on the November 17, 2020 County Board Regular Agenda.

2. Preliminary Plat 20-04, Randy Johnson, Lynn Township

Director Telecky updated the Board regarding Mr. Johnson's request for a 1 lot preliminary plat in order to obtain a building eligibility on a 1.52 acre lot currently owned by Kenneth Dooner Revocable Trust of Bird Island, MN. It is proposed to be located in Section 13 of Lynn Township in the SW ¼ of the SW ¼, currently zoned "A" Agriculture. This quarter-quarter section currently has three (3) non-farm dwellings. The Sketch Plan was approved by the McLeod County Board of Commissioners at their September 1, 2020 meeting.

Duane Radtke submitted soil verifications for two (2) drainfield locations and both indicate a standard septic system can be installed.

The National Wetland Inventory (NWI) Map indicates there are no wetlands present on this proposed lot. Drainage flows to the northwest. This request meets the Zoning Ordinance criteria of hard to farm due to this area being small size and physical appearance and irregular shape of the property.

The Board of Lynn Township heard this request at their October 2020 meeting and unanimously recommended approval.

Director read aloud a letter received by a neighboring property owner, Mr. Wayne Kuehl. Mr. Kuehl is concerned about the water that drains from the southeast to the northwest.

Mr. Kuehl, present at today's meeting, told the Committee that he is not against the new dwelling site. He just doesn't want to end up with water problems. There is a tile inlet in the ditch and wants to be sure this item is addressed.

Chairman Phillips said the Committee discussed the tile inlet during the road tour and they're aware of it.

Mr. Kuehl shared that after a heavy rain, the tile stays wet for a few days.

Director Telecky confirmed there is a ten (10) foot easement dedicated on all plats for drainage and utility purposes. Statutorily, it is not legal to redirect surface waters to a neighbor.

Chairman Phillips asked Mr. Johnson if he was aware of the utility easement. Mr. Johnson confirmed he certainly is aware.

With no further discussion, Board member Merkins motioned to approve this platting request. Commissioner Pohlmeier seconded the motion. Motion carried.

This item will be placed on the November 17, 2020 County Board Consent Agenda.

3. Conditional Use Permit 20-17, Kyle Peik, Collins Township

Kyle Peik is requesting approval of a conditional use permit application in order to construct an accessory building addition to be larger than 2,400 square feet (40' X 80' X 14'H) on to an

existing 39' X 47' X 16'H pole shed and on a platted lot. This parcel is 10.54 acres, but due to the lot being platted, requires a conditional use permit for any detached structure larger than 2,400 square feet in size for the purpose of personal use. A Quonset shed burned down and was removed. This addition will be replacing that shed. Transportation comes off of 120th Street. This property is located in Section 2 of Collins Township. The existing land use is rural resident and is zoned "A" Agriculture and described as 10.54 acres of Lot-001 Block-001 Deer Haven Acres.

Chairman Phillips asked for public comment. There were none.

Chairman Phillips asked Mr. Peik if a septic tank is going to be added or could he simply pump to the existing tank on the property. Mr. Peik thought he could pump to the existing system, however, due to gravity it's best to go with a holding tank.

Director Telecky noted that a holding tank is not identified in §7180 as a standard system. All holding tanks require a pumping agreement.

Board member Merkins asked if the holding tank is for a bathroom. Mr. Peik confirmed it is.

Board member Hausladen mentioned that this will not affect any neighbors.

Board member Hausladen made a motion to close the public hearing, seconded by Merkins. Motion carried.

Board member Hausladen entertained a motion to approve as presented. Board member Hoernemann seconded this motion and the motion carried unanimously.

This item will be on the November 17, 2020 County Board Consent Agenda.

4. Conditional Use Permit 20-18, Steve Krueger, Collins Township

Director Telecky explained a conditional use permit request by Mr. Steve Krueger, Glencoe, Minnesota to operate a ballroom / events hall on a "B-1" Highway Business zoned parcel. This zoning district is comparable to a commercial district and located along State Highway 15 in Collins Township on a platted lot.

Mr. Krueger would like to re-establish this building once known as The Lake Marion Ballroom, back into a ballroom. The business plan includes pre-packaged foods and Mr. Krueger would like to obtain a liquor license.

Director Telecky read proposed conditions from the Staff Report should the Board wish to approve this conditional use permit. They are as follows:

- 1) Hours of operation shall not exceed 10:00pm Sunday – Thursday and 1:00am Friday and Saturday.
- 2) Designated parking shall be marked.

- 3) Stamped set of architect/engineered plans denoting occupancy compliance shall be submitted to McLeod County Environmental Services prior to being open to the public.
- 4) All Minnesota Department of Health regulations for food prep and service shall be met and is the responsibility of the owner/applicant.
- 5) A pumping agreement shall be submitted to McLeod County Environmental Services for the existing septic system prior to being open to the public.

Collins Township approved of this request at their Board meeting held on October 8, 2020.

Megan DeSchepper, District 8 AICP, Senior Planner was notified and provided comment indicating since Mr. Krueger is only planning on accessing the property via 115th Drive and not accessing directly off the highway, then a permit is not needed. As a reminder, Ms. DeSchepper noted that any signage must be kept out of the right-of-way.

Mr. Telecky noted that the Zoning Office did not hearing from anyone else.

Director Phillips asked Mr. Krueger if he was planning another access. Mr. Krueger is not.

Mr. Krueger shared that he has been in contact with MN DOT, too. Mid MN Septic Services, Bob Billiet, performed a compliance inspection on the holding tank and it is good. Mr. Billiet was paid for his services and also confirmed that Mr. Billiet has been hired to pump the tank as per the management plan or when needed.

Mr. Krueger has completed restroom repairs and is working on bar renovations and has had very good neighborly contact.

The State Fire Marshal and Hutchinson Fire Marshal have been contacted.

Mr. Krueger confirmed utilities and garbage have been taken care of and is cleaning out old equipment inside the ballroom that's no longer needed.

The Lake Marion Lake Association and the Brownton Rod & Gun Club are quite happy and excited Mr. Krueger is going to open this business.

Mr. Krueger discussed the possible hours of operation on a Thursday night and requested to be open until 11:00PM.

Chairman Phillips asked if there were any more questions.

Board member Hausladen commented that the hours of operation seemed a little early Thursday through Saturday.

Board member Hausladen suggested the hours of operation be until 11:00 PM Sunday through Thursday.

There being no further discussion, Board member Merkins made a motion to close the public hearing. Board member Hausladen seconded the motion. Motion carried.

Board member Hausladen made a motion to recommend approval of Conditional Use Permit 20-18 with the following conditions:

- 1. Hours of operation shall not exceed 11:00pm Sunday – Thursday and 1:00am Friday and Saturday.**
- 2. Designated parking shall be marked.**
- 3. Stamped set of architect/engineered plans denoting occupancy compliance shall be submitted to McLeod County Environmental Services prior to being open to the public.**
- 4. All Minnesota Department of Health regulations for food prep and service shall be met and is the responsibility of the owner/applicant.**
- 5. A pumping agreement shall be submitted to McLeod County Environmental Services for the existing septic system prior to being open to the public.**

Board member Merkins seconded the motion. The motion carried unanimously amongst the Board.

This item will be on the November 17, 2020 County Board Regular Agenda.

E. STAFF COMMUNICATIONS

- Director Telecky updated the Board on the possibility of proposing setback distances to feedlots and residences regarding solar farms. This will be discussed soon.
- The Board was given an update on the application withdrawal by Patricia Bunting for a second dwelling for family care. A purchase agreement on a home in the City of Brownton was done and they were no longer pursuing a second dwelling.
- The next meeting will be held on November 18, 2020 which is one week earlier due to the Thanksgiving Day holiday. There are six applications on the agenda.
- Director Telecky told the Board that solar panel recycling discussions will happen in the future, including how to keep land owners safe. The Minnesota Pollution Control Agency has nothing to assist counties for solar panels. More information to come in the near future.

F. MOTION TO RECESS

Board member Hoernemann motioned to recess until November 18, 2020. Board member Hausladen seconded the motion. Motion carried.

Chairman, Larry Phillips

Secretary, Sandra Posusta