

**McLEOD COUNTY PLANNING ADVISORY COMMISSION  
AGENDA**

**October 26, 2022, 9:30 a.m.**

Environmental Services, Large Conference Room  
1065 5<sup>th</sup> Avenue, Hutchinson, MN 55350 (320) 484-4300  
(8:30 a.m. Road Tour)

**A. CALL TO ORDER BY CHAIRMAN, LARRY PHILLIPS**

**B. REVIEW/APPROVAL OF MINUTES – September 28, 2022**

**C. PUBLIC HEARINGS**

**1) Rezoning Application RZ22-01, Mitch Rose, Helen Township**

Mitch Rose, owner of Rose Trucking, requests to rezone 3.74 acres from Ag-NHST to Commercial (Highway Business “HB”) on property owned by Huepenbecker Land Hldg. Co. LLC located in the NE ¼ SW ¼ of Section 15, Helen Township for a sales and service business.

Notified	Notified	Comments Received:
Township & City Clerks	10/3/2022	
Helen Township	10/13/2022	Notified by Applicant
Mn DOT		

**2) Preliminary Plat 22-02, Tom Prieve, Acoma Township**

Tom Prieve requests approval of a 1-Lot Preliminary Plat request to be known as “Prieve’s Avenue Tagus Addition” in Section 24 of Acoma Township.

Notified	Notified	Comments Received:
Township & City Clerks	10/3/2022	
Acoma Township	10/13/2022	Notified by Applicant
McLeod County Highway		Tagus Avenue (CR 12)
Env. Services		See Staff Report @ Environmental Services Office

**D. UNFINISHED BUSINESS:**

**1) Conditional Use Permit 22-14, Immanuel Evangelical Lutheran Church, Acoma Township**

Miller Architects & Builders, St. Cloud, Minnesota, representing property owner, Immanuel Evangelical Lutheran Church requests a conditional use permit for the construction of an educational facility (school) on the west side of Walden Avenue, a township road. Transportation comes off of Walden Avenue and State Highway 7. This property is described as 7.90 AC of Section 29 in Acoma Township.

Notified	Notified	Comments Received:
Township & City Clerks	9/7/2022	
Acoma Township	9/8/2022	By applicant.
Mn DOT Megan DeSchepper	9/14/2022	As the access to the school is via a local road MnDOT does recommend the County or Township require a right turn lane on TH 7. The turn lane does require a permit, please work with Jeff Illies ( <a href="mailto:jeff.illies@state.mn.us">jeff.illies@state.mn.us</a> ) to work through the process.
Env. Services		See Staff Report @ Environmental Services Office

**2) Conditional Use Permit 22-12, Joel Mernik, Winsted Township**

Joel Mernik is requesting to amend Conditional Use Permit 19-19 in order to include a home occupation of up to six (6) non-family employees for boat shrink wrap and boat storage of up to (100) personal water craft units to be stored in the yard (outside transitional area) and in an existing accessory structure greater than 2,400 square feet, including a proposed accessory structure (80' X 150') on a parcel < (10) acres in size located in the "A" Agriculture District, 10.00 AC, Section 32, Winsted Township.

Notified	Notified	Comments Received:
Township & City Clerks	9/7/2022	
Winsted Township	9/8/2022	Notified by Applicant
Mn DOT, Megan DeSchepper	9/14/2022	9/16/22: A change of use/access permit will be required, please work with Permit Coordinator Jeff Illies. Nothing stored on the property can be on or overhang into state highway right of way.
Env. Services		See Staff Report @ Environmental Services Office

**3) Conditional Use Permit 22-13, Joel Mernik, Acoma Township**

Joel Mernik is requesting a conditional use permit on property owned by Frederick Seltz for the storage of up to (50) outdoor shrink-wrapped water craft units along the north and east sides of property and indoor storage in an accessory structure in Section 6, Acoma Township.

Notified	Notified	Comments Received:
Township & City Clerks	9/7/2022	
Acoma Township	9/8/2022	By applicant.
Env. Services		See Staff Report @ Environmental Services Office

**E. NEXT MEETING – November 16, 2022**

**F. Motion/second to recess and reconvene for road tour and meeting on November 16, 2022.**



**McLEOD COUNTY PLANNING ADVISORY COMMITTEE**  
Environmental Services Facility, Large Conference Room  
1065 5<sup>th</sup> Avenue SE, Hutchinson, MN 55350  
September 28, 2022 @ 9:30 am

**MINUTES**

**A. CALL TO ORDER:**

Chairman Larry Phillips called the McLeod County Planning Advisory Commission meeting to order at 9:30 am following an 7:45 a.m. road tour.

**Planning Commission members present:** Larry Phillips, Chairman, Charles Hausladen, Vice-Chairman, Kenneth Bauer, David Hoernemann and Commissioner Daryl Luthens.

**Staff members present:** Marc Telecky, Environmental Services Director, Sarah Young, Solid Waste Director, and Sandra Posusta, Administrative Assistant.

**Others Present:** Jim and Linda Weckman, Corrinne Schlueter, Dick Nass, Jon Hoff, Russ Korson, Keith Heinrich, Renee Farenbough, Linda Peterson, Dave TeBrake.

**B. APPROVAL OF MINUTES – July 27, 2022**

Board member David Hoernemann noted two corrections to be made. The first is to acknowledge that Chairman Larry Phillips stated he refrained from voting on Conditional Use Permit 22-09, Keenan Farms, as Mr. Phillips works with the Keenen Farms operation. Secondly, on page four, Mathews Sewer shall be changed to Mathews Well & Drilling Co LLC.

**Charles Hausladen motioned to approve the July 27, 2022 meeting with the noted corrections. Board member David Hoernemann seconded the motion. The motion carried.**

Commissioner Daryl Luthens asked Chairman Phillips to consider reversing the order of the agenda due to other applications that will take more time to discuss. The Committee agreed.

**C. NEW BUSINESS**

**1) Sketch Plan 22-03, Keith & Yvonne Heinrich, Acoma Township**

Marc Telecky, Environmental Services Director addressed the Commission and gave a brief overview of the 3-lot sketch plan project. Mr. Telecky then covered the staff report.

The applicants are requesting to create two buildable lots. Lots one (1) and two (2) will be 1.25 acres each and lot 3 will be 17.08 acres in size. Each lot has a site and an alternate site for a septic system and each will have their own well. Access will come off of Unit Avenue. There are no wetlands present per the National Wetlands Inventory (NWI). This property is considered hard to farm.



The Acoma Township Board recommended approval at their September 8, 2022 meeting with two (2) concerns they would like to be addressed.

**With no public comment, Charles Hausladen made a motion to recommend approval and Ken Bauer seconded the motion. The motion carried.**

*Mr. Telecky said this item will be placed on the October 18, 2022 County Board Consent Agenda.*

## **2) Sketch Plan 22-02 Township, Jeff Nygaard, Hutchinson Township**

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Marc Telecky, Director presented the staff report and analysis for a 1-lot sketch plan to be 2.47 acres in size, requested by Jeffrey Nygaard for the purpose of a building site. Renee Farenbaugh was in attendance, representing Mr. Nygaard due to a sales auction at the home that Mr. Nygaard is selling. The eligibility is taken up by his house that he is preparing to sell, thus the request to plat. This property is located in Section 14 of Hutchinson Township. Zoning staff does not have concerns with this request.

Transportation will come off Major Avenue and County Road 4.

The National Wetlands Inventory (NWI) do not indicate the presence of wetlands. The soils per the McLeod County Soil Survey support a site and an alternate site for a septic system.

The Hutchinson Township Board recommended approval at their September 8, 2022 meeting.

Chairman Phillips asked for public comment. There were none.

**With no other discussion, David Hoernemann motioned to recommend approval. Ken Bauer seconded the motion, which carried unanimously.**

*Mr. Telecky said this item will be placed on the October 18, 2022 County Board Consent agenda.*

## **PUBLIC HEARINGS:**

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### **1. Conditional Use Permit 22-15, Russ & Tara Korson, Collins Township**

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Marc Telecky, Director addressed the Commission and provided an overview of the request to replace a second family care dwelling, a mobile home, with a modular home for added care, on property owned by Judith Korson, the applicants' mother. This parcel has had a second family care dwelling for a number of years. This parcel is sixty (60) acres. It is zoned "A" Agricultural and located in the southwest quarter of Section 27 in Collins Township. Mr. Telecky covered the staff report noting three recommendations should the Commission wish to grant approval.

The Board of Collins Township recommended approval at their September 8, 2022 meeting.

Board member Charles Hausladen question the septic system. Mr. Telecky said the septic system would be covered at the land use permitting stage.



Board member David Hoernemann questioned if the use stays with the property should it ever be sold. Mr. Telecky responded stating the conditional use permit stays with the land. Should property transfer, the new owners would need to meet ordinance requirements so it does not become a rental. The new owners would have the right to continue the use but if they don't it will become null and void. The second dwelling would need to be removed per ordinance.

Commissioner Luthens addressed Mr. Telecky saying the ordinance says family care. No friends or neighbors.

**With no public in the audience to make comment, Board member Hoernemann motioned to close the public hearing. Commissioner Luthens seconded the motion. Motion carried.**

**Board member Hoernemann motioned to approve with three (3) recommendations. Board member Hausladen seconded the motion which carried unanimously with the following conditions:**

- 1) The 2<sup>nd</sup> family care dwelling shall be a modular or manufactured dwelling.**
- 2) The 2<sup>nd</sup> dwelling shall be removed once the assistance is no longer needed.**
- 3) An annual letter from her licensed physician shall be submitted to McLeod County Environmental Services to continue the use of the 2<sup>nd</sup> dwelling.**

*Mr. Telecky said this item will be placed on the October 18, 2022 County Board Consent agenda.*

## **2. Conditional Use Permit 22-14, Miller Architects & Builders, Acoma Township**

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Marc Telecky, Director addressed the Commission and gave an overview of the project by explaining the application made by Miller Architects & Builders, 3335 W St. Germain Street, St. Cloud, Minnesota representing Immanuel Evangelical Lutheran Church would like to construct a new school on a parcel owned by the church. It is 7.90 acres in size located in Section 29 of Acoma Township, zoned "A" Agricultural. Mr. Telecky then covered the staff report and read the analysis noting signage, exterior lighting, driveway access, parking and loading areas. Three (3) recommendations by Zoning Staff were read by Mr. Telecky if the Commission wishes to grant approval.

- 1) A Minnesota licensed architect or engineer stamped set of plans shall be submitted to McLeod County Environmental Services prior to commencing construction activity.
- 2) Rural garbage and recycling collection shall be required for this facility.
- 3) Approval from the Minnesota Department of Education shall be provided to McLeod County Environmental Services prior to the issuance of a land use permit for construction.

This bare parcel, currently grass covered, is south (adjacent) of the church and school buildings located in the intersection of State Highway 7 and Walden Avenue. The school, if approved, would be located on the west side of Walden Avenue. One (1) on premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area would be permitted. No off street parking.



Megan DeSchepper, AICP Senior Planner, MnDOT, provided comment via e-Mail to Director Telecky on September 21, 2022. As the access to the school is via a local road, MnDOT does recommend the County or Township require a right turn lane on TH7, which requires a permit. The contact for the permit is Jeff Illies.

Director Telecky directed the Commission to the schematics of the school included in the planning packets.

The Acoma Township Board recommended approval on September 8, 2022 including concerns addressed to Mr. Telecky.

1. The entrance of the driveway presented in the drawings shall meet the County Ordinance for its angle to the township road and seek input from the Fire Chief that it be 50' wide and 50' deep. The Fire Chief may recommend something else, but the County will stipulate what will be done to allow for better entrance and exit during emergency.
2. Because they are using the church parking lot as overflow parking for school events, there is to be a written policy and clear path for pedestrians to follow that keeps them off of Walden road. This may be dirt, gravel, cement or tar. This will be from the school to the parsonage on side of west side of Walden Avenue and stipulated by the County.

Chairman Phillips asked for questions and comments from the Commission and audience.

Dave TeBrake, Executive Vice President, Miller Architects & Builders explained he had correspondence with Megan DeSchepper stating a right turn lane would not be needed because they do not have access off of State Highway 7. However, now in an e-Mail to Zoning she said a right turn lane would be required. Mr. TeBrake asked that the County not have that be a stipulation and mentioned that the school has been there a long time. An increase in traffic won't be an issue as there are busses that bring the children to and from school. The students are not of driving age and will not be driving personal vehicles. Sometimes parents will pick up their child but they're not forecasting an increase in car traffic. There are approximately seventy (70) students now. There may be an increase of forty (40) students.

Director Telecky offered a suggestion that the applicant sign a waiver to table this application to allow time to contact Megan DeSchepper for clarification.

Board member Hoernemann commented County does not have the right to say yes or no. Mr. Telecky responded that the clients are asking us to do it to get this started before MnDOT has to force place that. It would be

Commissioner Luthens and Board member Bauer discussed west bound right turn land and east bound bypass lane, making note that nothing was mentioned about the east bound bypass lane.

Jon Hoff asked the State about turn lanes and it would be close to one-million dollars.

Commissioner Luthens said a right-hand turn lane onto Walden would be narrow. Safety needs to be considered. Mr. Telecky replied work would be needed on Walden Avenue to widen in order



to accommodate the turn. Discussion ensued to table the application to clarify turn lane questions and concerns.

Dave TeBrake sent an email to Megan DeSchepper during the meeting asking more information about the turn lane and she responded. Mr. TeBrake read the reply aloud noting it's off Walden Avenue therefore the State is not the local road authority. MnDOT can only encourage a turn lane. Mr. Telecky asked for a copy of the email so it can be reviewed to gain better understanding.

Board member Hausladen asked Mr. Hoff if the student number will increase by one-third will it increase the number of busses. Mr. Hoff responded saying it varies day to day but should not be any more than it is now noting the right turn lane is gentle and not a hard turn. The children are grade school, therefore not driving their own vehicles.

Corrinne Schlueter said she's rented that ground for 45 years and is concerned about wetlands. Mr. Telecky responded that the National Wetland Inventory (NWI) map doesn't not indicate the presence of wetlands. Prior to permitting, an on-site review would be scheduled with Ryan Freitag, Soil & Water Conservation District, to ensure no wetlands exist. If there are concerns, Staff has the right to ask that delineations be done.

As far as the drain field, Mr. Telecky said it's based on square footage and capacity. When we get into the State Rule 7080 in regards to the septic, square footage and capacity will determine the calculation as to how many gallons per day will be needed. It will take a large drain field to treat the effluent.

Richard Nass said the State has a rest area on State Highway 7 in which they tried to buy it, but the State wouldn't give it up. It's close to the church sign.

Dave TeBrake present the building plans proposed and the access points. There will be a cross walk. People will park in the church parking lot and use the cross walk to get to the school. The school will be a wood framed building with six (6) classrooms, concession area, kitchen, lobby area for eating and an area for office administration. North side for classes and south side for gym classes.

Commissioner Luthens asked if any expansions are planned in the future. Dave TeBrake said a gym is proposed down the road and possibly additional classroom on the north side.

Chairman Phillips discussed the concern of food service trucks entering and exiting. The trucks are smaller. Charles Hausladen said a seventy (70) degree angle would be needed as forty-five (45) degree angle is too small. There is room for a seventy (70) degree angle.

Setbacks, speed limits, setback for parking lots and turn lane concerns were discussed.

Board member Bauer suggested to move the building back to allow for more parking so people would not need to walk. Dave TeBrake confirmed additional parking has been discussed. However, if required to put in a one-million dollar turn lane, this entire project would be null and void.



**With no further comments from the audience Commissioner Daryl Luthens motioned to close the public hearing seconded by Board member Charles Hausladen.**

Corrinne Schlueter asked Jon Hoff about the children going to the playground and keeping them off of the cemetery. Mr. Hoff replied that a path will be made and added to the hand book. It will go behind the Pastors' house. No children will be by the road.

Commissioner Luthens asked Mrs. Schlueter, being a part of the Acoma Township Board, if any thought was given to closing the Township road going passed the church. Mrs. Schlueter asked why Mr. Luthens why he would ask. Board member Hausladen responded saying it would eliminate a lot of problems.

**Chairman Phillips reminded the Commission that a motion to close the public hearing was on the floor and asked if the Commission if all were in favor of closing the public hearing. The motion carried unanimously.**

A brief discussion by the Board ensued about asking the applicants if they would agree to sign a 60-Day Waiver, should the application be tabled. Concerns about the right turn lane need to be vetted. Dave TeBrake agreed to sign the 60-Day Waiver.

**David Hoernemann motioned to table conditional use permit application 22-14 until October 26, 2022. Kenneth Bauer seconded the motion. Motion carried.**

**Chairman Phillips called for a five-minute recess.**

**Chairman Phillips called the meeting back to order.**

## **NEW BUSINESS:**

### **3. McLeod County Environmental Services, Zoning Ordinance Amendment 20-01**

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Marc Telecky, Director, explained this request of an amendment to the McLeod County Zoning Ordinance, Section 16-General Development Regulations, Subdivision 13-Accessory Buildings, Subpart 3. It is something that has been considered by past Boards in the Zoning Office in regards to property that is not platted.

This request is for properties three (3) acres or less in the rural area that do not have neighbors or buildable lots adjacent to them. Currently if you own a three (3) acre parcel that is surrounded by farm field and want to put a shed between your house and the road, that is classified as in your front yard and one needs to go through the Conditional Use Permit process. If there's adequate space, meets setback and doesn't exceed lot coverage, this would be permitted through a land use permit instead of the Conditional Use process. The Zoning Office has had a lot of activity again and felt it was time to consider an amendment. This item was brought to the County Board Workshop and a positive discussion took place. The Board felt it was good to send to the townships, cities, prepare publications and hold a public hearing.



Currently the ordinance states, "A detached accessory building in any required front yard within the "R-1\_ Rural Residential District, "U-E" Urban Expansion District, any platted or other described lots of three (3) acres or less within the "A" Agricultural District is permitted only through a Conditional Use Permit. "

The requested amendment would be stated, ""A detached accessory building in any required front yard within the "R-1\_ Rural Residential District, "U-E" Urban Expansion District, any platted ~~or other described lots of three (3) acres or less~~ lot within the "A" Agricultural District, or any lot less than three (3) acres in the "A" Agricultural District with a neighboring dwelling within five-hundred (500) feet is permitted only through a Conditional Use Permit. "

The Planning Board noted that it will not affect any neighbors nor would it create site line impacts. it will not hurt anything.

**David Hoernemann made a motion to approve Zoning Amendment 22-01 as presented. Kenneth Bauer seconded the motion. The motion carried unanimously.**

#### **PUBLIC HEARINGS - continued:**

#### **4. Conditional Use Permit 22-12, Joe Mernik, Winsted Township**

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Chairman Phillips opened the public hearing for conditional use permit 22-12.

Director Telecky told the Commission Mr. Mernik has not shown up for the hearing and the Secretary is unable to reach him.

The Commission asked if they could proceed without the applicant's attendance. Director Telecky responded saying without his presence it could become very lengthy but the Commission could proceed if they wish.

Board member Bauer said there are questions to be mitigated before moving forward.

Director Telecky reminded the Commission the applicant needs to agree to conditions. Due to his absence, that cannot be done. The applicant also needs to agree to sign a 60-Day Waiver. October 15, 2022 is the 60-day rule. A letter will be sent to Mr. Mernik stating due to his absence we are administratively extending the timeline.

David Hoernemann requested a copy of the conditions placed on Permit 19-19. Mr. Telecky said they are a matter of public record and can do so. They will be added to the October 26, 2022 meeting packet.

The Commission discussed tabling this agenda item until October 26, 2022.

**Board member Hoernemann moved to close the public hearing. Board member Hausladen seconded the motion. Motion carried.**



Board member Hoernemann said he has several questions and it is the job of the Planning Advisory Commission to hold a public hearing otherwise it's placing a lot of work on to the County Board Commissioners.

**Board member Hoernemann made a motion to table Conditional Use Permit 22-12 and ask applicant to sign the 60-Day Waiver. Commissioner Luthens seconded the motion. The motion carried unanimously.**

#### **5. Conditional Use Permit 22-13, Joe Mernik, Acoma Township**

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Director Telecky explained applicant Joe Mernik, 5151 Highway 7, Lester Prairie, MN 55354, is absent and is not answering his phone. The voice messages are full and we're unable to leave a message.

Director Telecky provided a brief overview from the Staff Report. The property is owned by Fredrick Seltz and located in Section 6 of Acoma Township. Mr. Seltz previously had a pallet manufacturing business at this location. Mr. Mernik is requesting to store boats, both indoor and outdoor, to the interior of the trees and in an existing building for both boat and personal watercraft storage. Fifty (50) outdoor. It is a rural residential building site. It is serviced by McLeod Coop power, an individual septic system and well. It is zoned "A" Agricultural. Transportation comes off 240<sup>th</sup> Street, a township road.

The Zoning Staff does have concerns and recommends conditions if approved. 1) No more than 50 personal watercraft shall be stored outside, out of the public view; 2) The applicant shall provide a legal description, by a licensed surveyor of the area to be used on the property for the conditional use permit order to be recorded. Including to additional that have come forward since writing the staff report. 3) There shall be no maintenance on site while shrink-wrapping of boats and or use of chemicals to service watercraft units to remove paint from the bottom of boats, including maintenance on motors with grease. This is strictly for storage area only. 4) The haul route shall come directly from 240<sup>th</sup> Street, where driveway connects to the public right-of-way to Highway 22, no exceptions.

Acoma Township recommended approval on September 8, 2022. Mr. Telecky read aloud a letter received from Tom Dahl, Acoma Township Board member, stating Mr. Mernik said there will be two part-time employees. There's parking in the front of the shed for use of the bathroom. When Mr. Dahl asked about handicap parking, Mr. Mernik said there would be no customers on site and therefore no handicap parking is required and that was his understanding of the law. There is room for approximately fifty (50) boats on the property and that is what he intends to have as a limit. Jenny Eggert made a motion to approve seconded by Tom Dahl. The motion carried.

If there is consideration for tabling this item, a signature from the applicant to extend the 60-Day timeframe is required.

Board member Hoernemann said there are major issues at this site that need to be discussed.



Director Telecky directed comments to Jim and Linda Weckman in the audience who drove hours to attend this hearing and thanked them for coming.

Linda Weckman shared her concerns of fuel storage precautions in case of a spill and hazardous waste disposal such as oil, anti-freeze, paint and shrink wrap. Is there insurance coverage in case of damages? Who will track of the number of watercraft units being stored to ensure it's not over the conditioned amount, especially behind closed doors. A turn lane was briefly discussed. Cedar Lake is very shallow and is very quiet and peaceful. No one wants that disturbed. The Weckman's moved there for the peace and calmness of the area. Is there a bathroom in the facility? Who will be bringing boats in and out? There could be a lot of traffic.

Board member Hausladen noted the building was heated in the past. There's an outside broiler and a burn barrel.

Jim Weckman told the Commission the south portion of the building has in-floor heat with wood burning. The back half is cold storage. Further discussed ensure regarding who would be responsible to maintain the road, what type of security measures are in place and the what the state is of both the well and bathroom/septic.

Marc Telecky explained that only one or two of the business owners will bring boats to and from the site, not the watercraft owners. There will only be two (2) part-time employees bringing boats in and out.

Linda Weckman asked of the property would need to change in zoning status to from Agricultural Commercial. Mr. Telecky replied that the parcel will remain Agricultural and will not change, however the assessment may change.

Board member Hausladen shared that the Acoma Township Board will take care of grading the road noting that trucks traveling on the road are worse than the boats and didn't feel there would be any great impacts.

Board member Bauer questioned if a bond would be needed for clean-up purposes.

**With no additional public comment David Hoernemann motioned to close the public hearing. Charles Hausladen seconded the motion. Motion carried.**

Charles Hausladen told the Commission, if the first application isn't approved, this one will not be approved either.

David Hoernemann noted the boats that are already sitting on site which is in violation. Many questions need to be answered. It would be nice to have Mr. Mernik present to answer.

Charles Hausladen said he would like to see the burn barrel gone. Wood burning is okay. Director Telecky noted a State Statute that garbage cannot be burned in a barrel.

Chairman Larry Phillips considered no outdoor storage during summer months.



Mr. Telecky explained there needs to be a public safety issue in order to send to the County Attorney as a misdemeanor offense. If there is a violation, the applicant will be required to come back before the Planning Commission.

Chairman Phillips said he is not interested in approving the application today. Either table or deny. Charles Hausladen said if it is tabled, it will give Mr. Mernik time to reply. Commissioner Luthens said if we deny, he is in violation now and the boats would need to be removed.

**Charles Hausladen motioned to table Conditional Use Permit 22-13 until October 26, 2022. Kenneth Bauer seconded the motion. The motion carried unanimously.**

#### **OTHER BUSINESS:**

The next meeting is October 26, 2022 with one rezoning application and one preliminary plat.

#### **MOTION TO RECESS:**

**Board member Hoernemann motioned to recess until August 24, 2022. Charles Hausladen seconded the motion. The motion carried unanimously.**

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*Larry Phillips, Chairman*

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*Sandra Posusta, Secretary*



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## McLeod County Planning Commission

**To:** McLeod County Planning Commission

**Prepared By:** Marc Telecky

**Application:** Rezoning 22-01

**Date:** October 18, 2022 – **Meeting Date:** October 26, 2022

### GENERAL INFORMATION

**Brief Description:** Mitch Rose is requesting to rezone 3.74 acres in the NE ¼ SW ¼ Section 15 Helen Township from “A” Agriculture to “B-1” Highway Business to construct a sales and service business (semi transportation & repair business).

**Applicant:** Mitch Rose  
13093 110<sup>th</sup> St.  
Glencoe, MN 55336  
**P.I.D# 07.016.0250**

**Owner:** **HUEPENBECKER LAND HLDG CO LLC**  
**204 FAIRWAY CIR**  
**GLENCOE, MN 55336**

**Requested Action:** Motion to approve a rezoning of the 3.74 acres in the NE ¼ SW ¼ Section 15 Helen Township from Agriculture to Highway Business.

**Lot Size:** 3.74 acres in the NE ¼ SW ¼ of Section 15 T115N R27W (Helen)

**Existing Zoning:** “A” Agricultural

**Location:** **3.74 acres in the NE ¼ SW ¼ of Section 15 T115N R27W (Helen Twp.)**

**Existing Land Use:** vacant land

**Adjacent Land Use And Zoning:** Hwy 212 on the north, floodplain/wildlife on the south, gravel pit and display lot on the east, Highway Business (Midwest Machinery) to the west

**Zoning History:** NA

**Applicable Ordinance** McLeod County Zoning Ordinance Section 10 & 24



### **SPECIAL INFORMATION**

<b>Public Utilities:</b>	McLeod Cooperative Power
<b>Public Services:</b>	Individual SSTS & Well
<b>Transportation:</b>	Hwy 212 (service road)
<b>Physical Characteristics:</b>	<b>Tillable acreage that abuts Hwy 15 &amp; 212 right of way. This parcel slopes to the south and flood plain exists along the south side of the parcel.</b>
<b><u>Analysis:</u></b>	Mr. Rose would like to rezone the above referenced parcel to construct a sales and service business (semi transportation & repair business).

Ordinance standards: Section 10 Highway Business

#### **Subdivision 3: Permitted Uses**

1. Agriculture, including the principal farm dwelling and agricultural buildings
2. Agricultural service businesses
3. Agricultural equipment sales and service.
4. Automobile service stations
5. Automobile or boat sales and repairs
6. Building supply sales
7. Contractor's offices, warehouses and yards
8. Heavy machinery sales and repairs
9. Sales or service businesses dealing principally with business, not retail, customers
10. Off premise advertising signs, as regulated in this Ordinance.
11. Township halls or other municipal buildings.
12. Customary accessory buildings and uses.

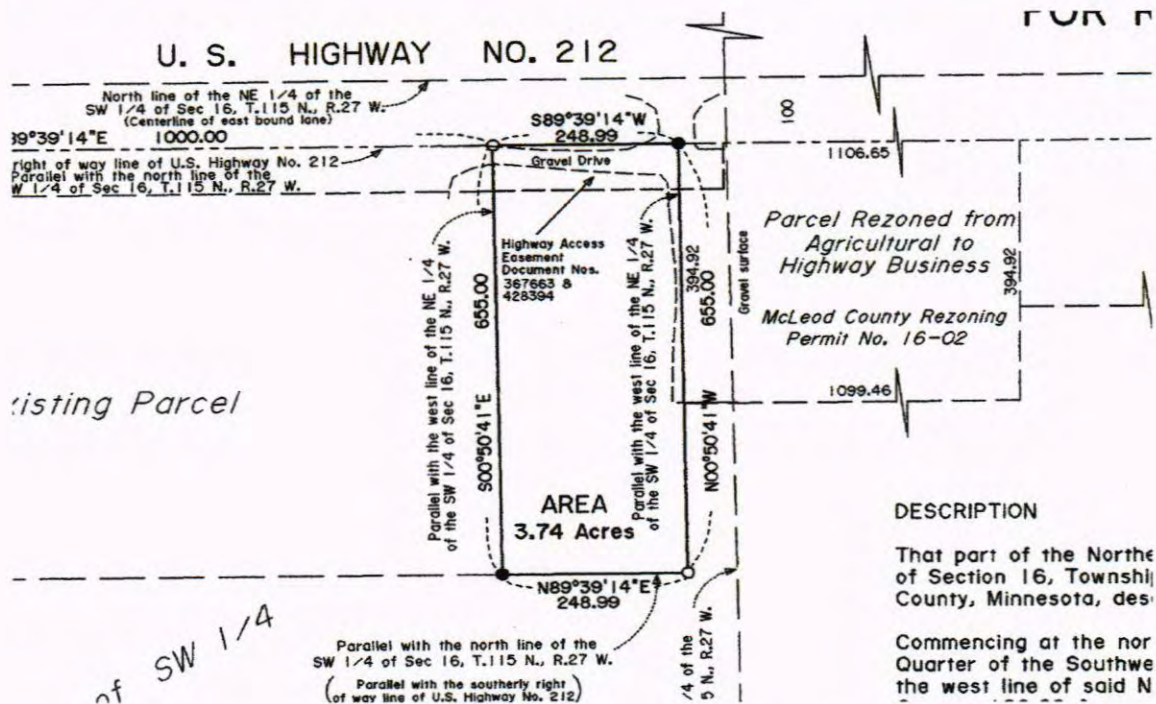
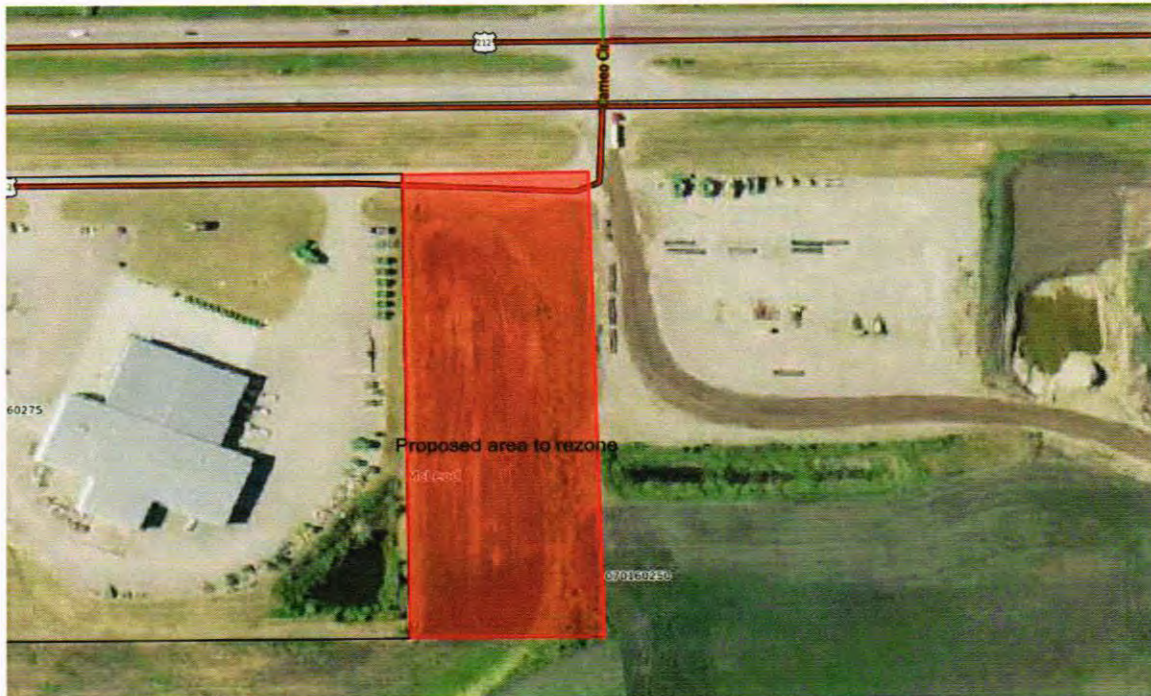
#### **Subdivision 2: General Provisions**

Lands may be rezoned from the Agricultural District to the Highway Business District based upon the following factors:

1. The area has been designated in the McLeod County Comprehensive Land Use Plan as a Commercial or Industrial Concentration, or is so designated in the future by the County Board.
2. Access must be from a paved State or County road. No widening or paving of County Roads should be necessary.
  - A. If access is provided by a County Road or County State-Aid Highway, the suitability and width of the road surface for the types of vehicles anticipated must be approved by the County Engineer.
  - B. The location of a commercial access driveway must receive approval from the County Engineer or appropriate Minnesota Department of Transportation engineer.
3. The proposed use should not require city sewer or water service.



4. The proposed use needs a spacious and isolated location or meets the needs of a restricted local market (i.e. convenience grocery store).
5. The proposed use would not adversely affect nearby residential or agricultural uses.
6. The proposed lands shall be within the two (2) mile statutory limits of a municipality.



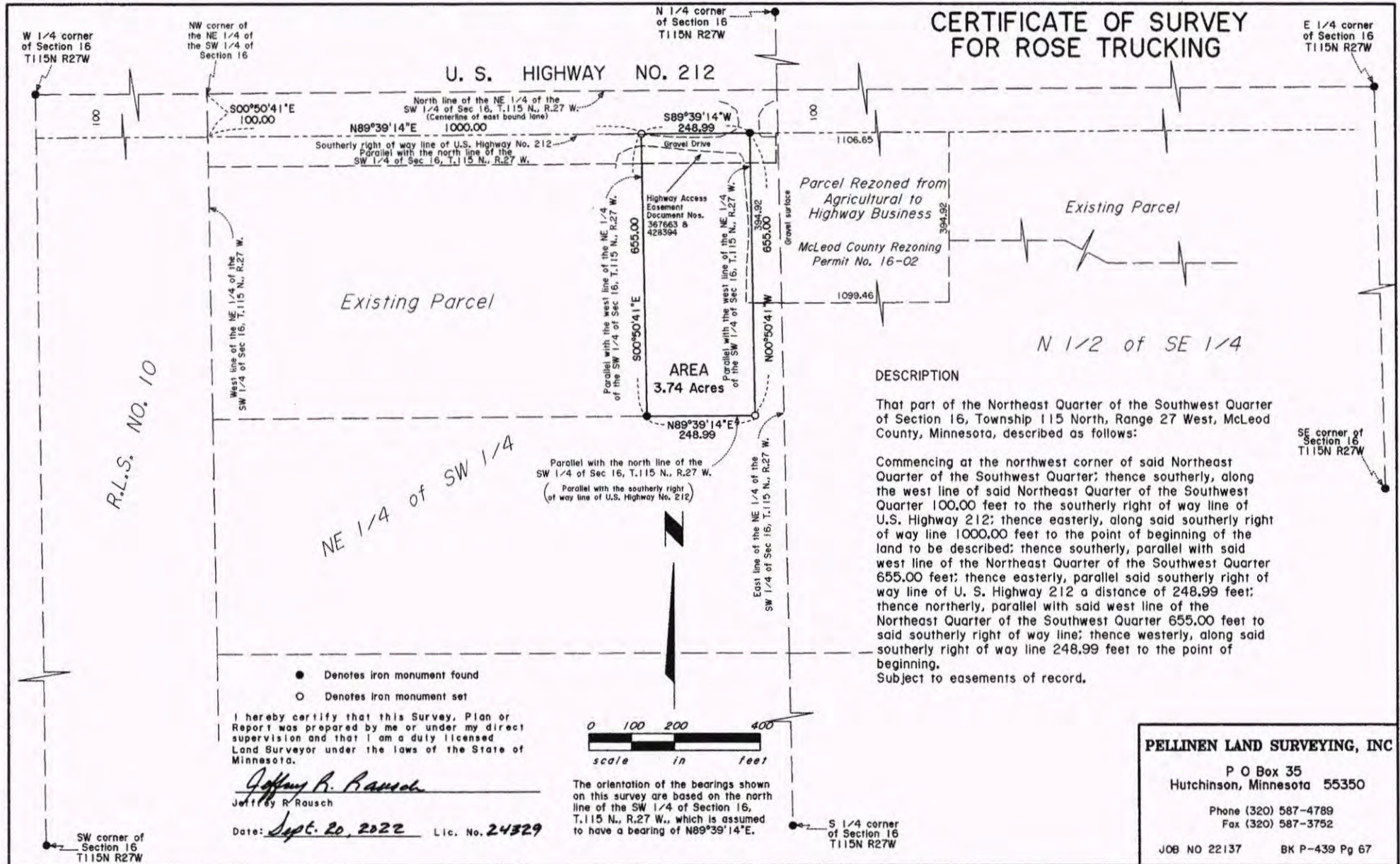
**Recommendations:**

Staff does not object to this request.

Cc: Mitch Rose – applicant



# CERTIFICATE OF SURVEY FOR ROSE TRUCKING





[Type text]

## McLeod County Planning Commission

**To:** McLeod County Planning Commission

**Prepared By:** Marc Telecky

**Application:** Preliminary Plat 22-02

**Date:** October 17, 2022 – **Meeting Date:** October 26, 2022

### GENERAL INFORMATION

**Brief Description:** Tom Prieve is requesting approval for a 1-lot Preliminary Plat located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 24 Acoma Township. This  $\frac{1}{4}$   $\frac{1}{4}$  section currently has 3 non-farm dwellings thus requiring this request.

**Applicant/Owner:** Tom & Connie Prieve  
65481 216<sup>th</sup> St.  
Hutchinson, MN 55350  
**P.I.D# 01.024.0675 & 01.024.0700**

**Site Address:** 21898 Tagus Ave.  
Hutchinson, MN 55350

**Requested Action:** Motion to approve a 1-lot preliminary plat

**Lot Size:** 11.81 acres (917.89' x 561.02')

**Existing Zoning:** "A" Agriculture

**Location:** NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 24 Acoma Twp.

**Existing Land Use:** grass covered, existing landscaping business/buildings

**Adjacent Land Use  
And Zoning:** "A" Agricultural

**Zoning History:** NA

**Applicable Ordinance** McLeod County Zoning Ordinance Section 7, Subd 6.  
McLeod County SSTS & Subdivision Ordinance

### SPECIAL INFORMATION

**Public Utilities:** McLeod Coop Power

**Public Services:** SSTS, individual well

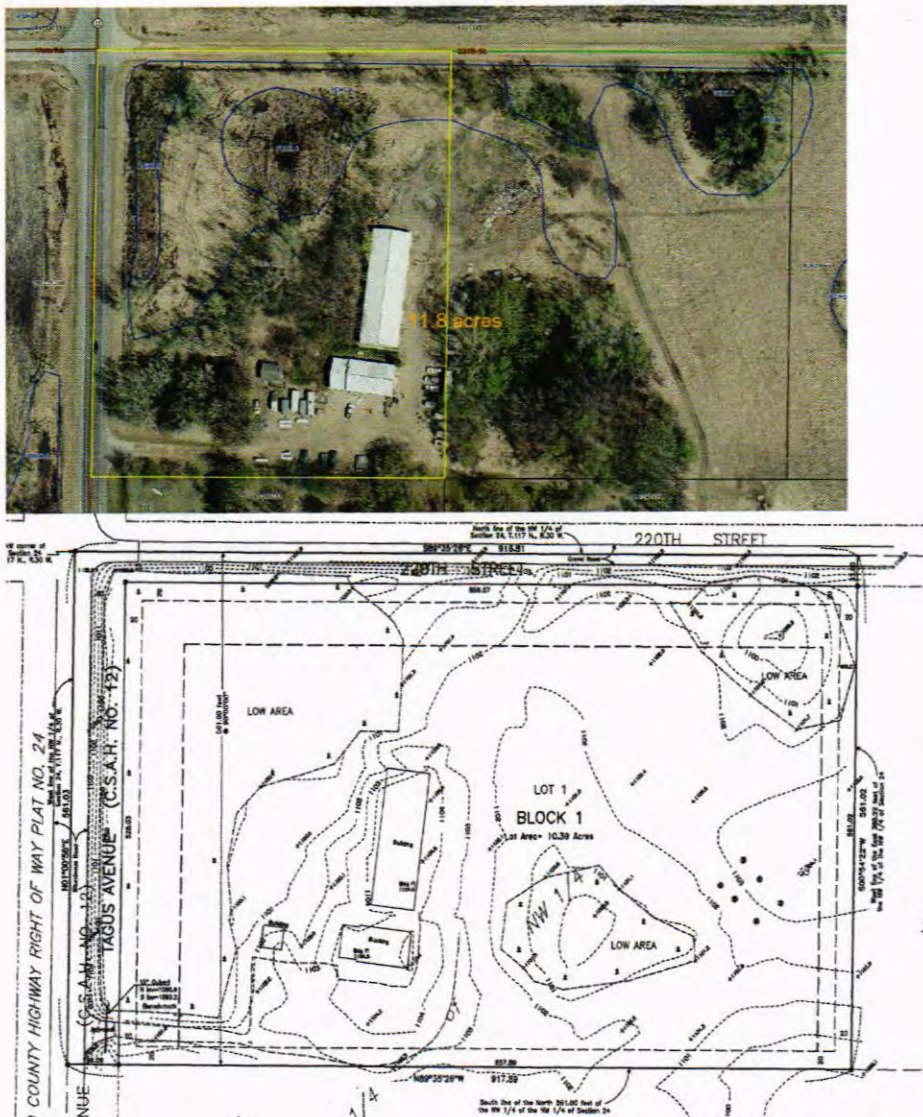


**Transportation:** Tagus Ave. (CR 12)

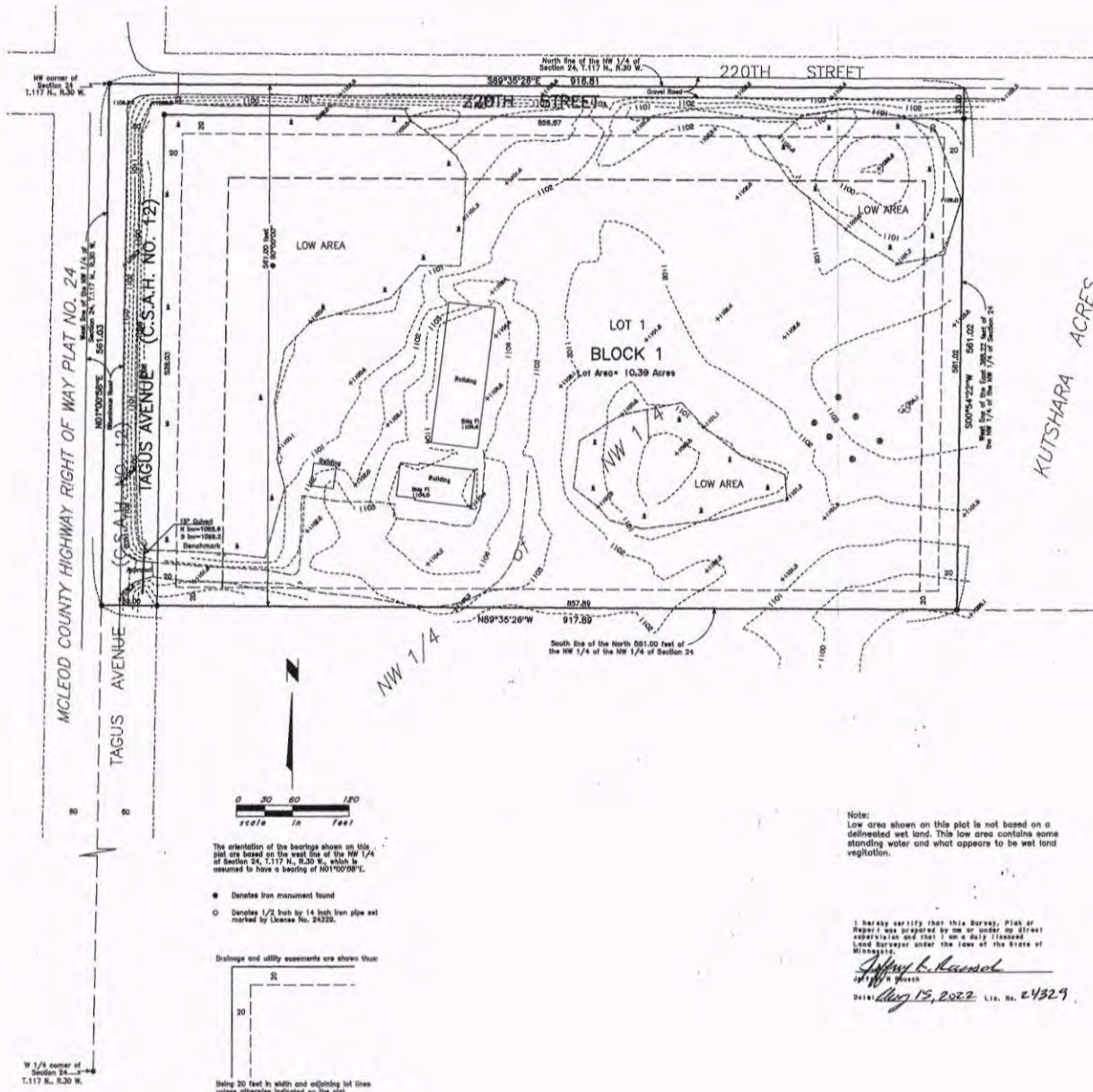
**Physical Characteristics:** This is a 11.81-acre lot that contains storage buildings from the applicant's landscaping business.

**Analysis:** The National Wetland Inventory (NWI) map does indicate the presence of wetlands on the property. Soil borings indicated that a site and an alternate site are available for a standard septic system.

**Recommendations:** Staff does not have concerns with this request. Preliminary review of the site does show that there is adequate area for a building site without limiting features.







# PRIEVE'S TAGUS AVENUE ADDITION PRELIMINARY PLAT

## DESCRIPTION

That part of the North 561.00 feet of the Northwest Quarter of the Northwest Quarter of Section 24, Township 117 North, Range 30 West, McLeod County, Minnesota, lying west of the East 386.22 feet of said Northwest Quarter of the Northwest Quarter.

TOTAL AREA = 11.81 Acres

OWNERS: Thomas and Connie Prieve  
65481 218th Street  
Darwin, MN 55324

SURVEYOR: Jeff Rausch  
Pellinen Land Surveying, Inc  
18486 202nd Circle, PO Box 35  
Hutchinson, MN 55350

PORPOSED ZONING - RURAL RESIDENTIAL

MCLEOD COUNTY SUBDIVISION STANDARDS

## MINIMUM LOT REQUIREMENTS

Minimum Lot Area - 1.25 Acres  
Minimum Lot Width - 150 feet  
Minimum Lot Depth - 250 feet

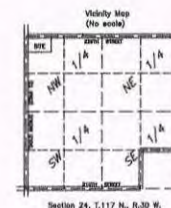
## MINIMUM BUILDING SETBACKS

Front - 100 feet from centerline of 220th Street  
130 feet from centerline of Tagus Avenue  
Sides - 20 feet  
Rear - 40 feet

Note:  
Low areas shown on this plat is not based on a delineated wet land. This low area contains some standing water and what appears to be wet land vegetation.

I hereby certify that this Survey, Plat or Report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Jeff B. Rausch*  
Jeff B. Rausch  
Date: Aug 15, 2022 Lic. No. 24329



- ⊙ Denotes Soil Boring
- x Denotes existing spot elevation
- - - 1102' Denotes existing contour
- - - Denotes Minimum Building Setback Line

BENCHMARK  
North level of 15' culvert near the southwest corner of Lot 1.  
Elevation = 1088.6 feet NAVD83

PELLINEN LAND SURVEYING, INC  
P O Box 35  
Hutchinson, Minnesota 55350  
Phone (320) 597-4789  
Fax (320) 597-3752







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## McLeod County Planning Commission

**To:** McLeod County Planning Commission

**Prepared By:** Marc Telecky

**Application:** CUP 22-14

**Date:** September 8, 2022 – **Meeting Date:** September 28, 2022

### GENERAL INFORMATION

**Brief Description:** Immanuel Evangelical Lutheran Church would like to construct a new school on a parcel the church owns at the intersection of Hwy 7 and Walden Ave. The school if approved would be located on the west side of Walden Ave.

**Applicant:** **Miller Architects & Builders**  
3335 W. St. Germain St.  
St. Cloud, MN 56302

**Owner:** **Immanuel Evangelical Lutheran**  
**20882 Walden Ave.**  
**Hutchinson, MN 55350**  
**P.I.D#01.029.0400**

**Requested Action:** Motion to approve a conditional use permit to construct a new day school directed by the church.

**Lot Size:** 7.90 acres

**Existing Zoning:** "A" Agricultural

**Location:** **7.90 AC S 595' OF E 601' OF N ½ NE 1/4 N OF RR EX  
PT SE ¼ NE 1/4 LYING NE OF RR**

**Existing Land Use:** Rural building site

**Adjacent Land Use  
And Zoning:** "A" Agriculture, tillable acreage, road

**Zoning History:** NA

**Applicable Ordinance** McLeod County Zoning Ordinance Section 7, Subd 3,  
Subp. 8



## SPECIAL INFORMATION

<b>Public Utilities:</b>	McLeod Cooperative Power
<b>Public Services:</b>	SSTS, Individual Well
<b>Transportation:</b>	Walden Ave.
<b>Physical Characteristics:</b>	<b>Bare parcel located south (adjacent) of the church and school buildings. The parcel is currently grass covered.</b>

### Analysis:

Signage: Permitted nonresidential uses, such as churches, synagogues, and schools, one (1) on premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area.

Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining properties.

Access: All access driveways shall be a minimum of 24 feet wide at the entrance, measured along the property line between the curb faces of the driveway. The driveway angle to the street shall be no less than 70 degrees.

Parking: Schools, Elementary and Junior High - Two (2) spaces for each classroom plus one (1) additional space for each two hundred (200) student capacity. There shall be no off-street parking space within ten (10) feet of any street right-of-way.

Loading Areas: All loading berths and access ways shall be improved with a durable material to control the dust and drainage. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles, or the required off-street parking area.

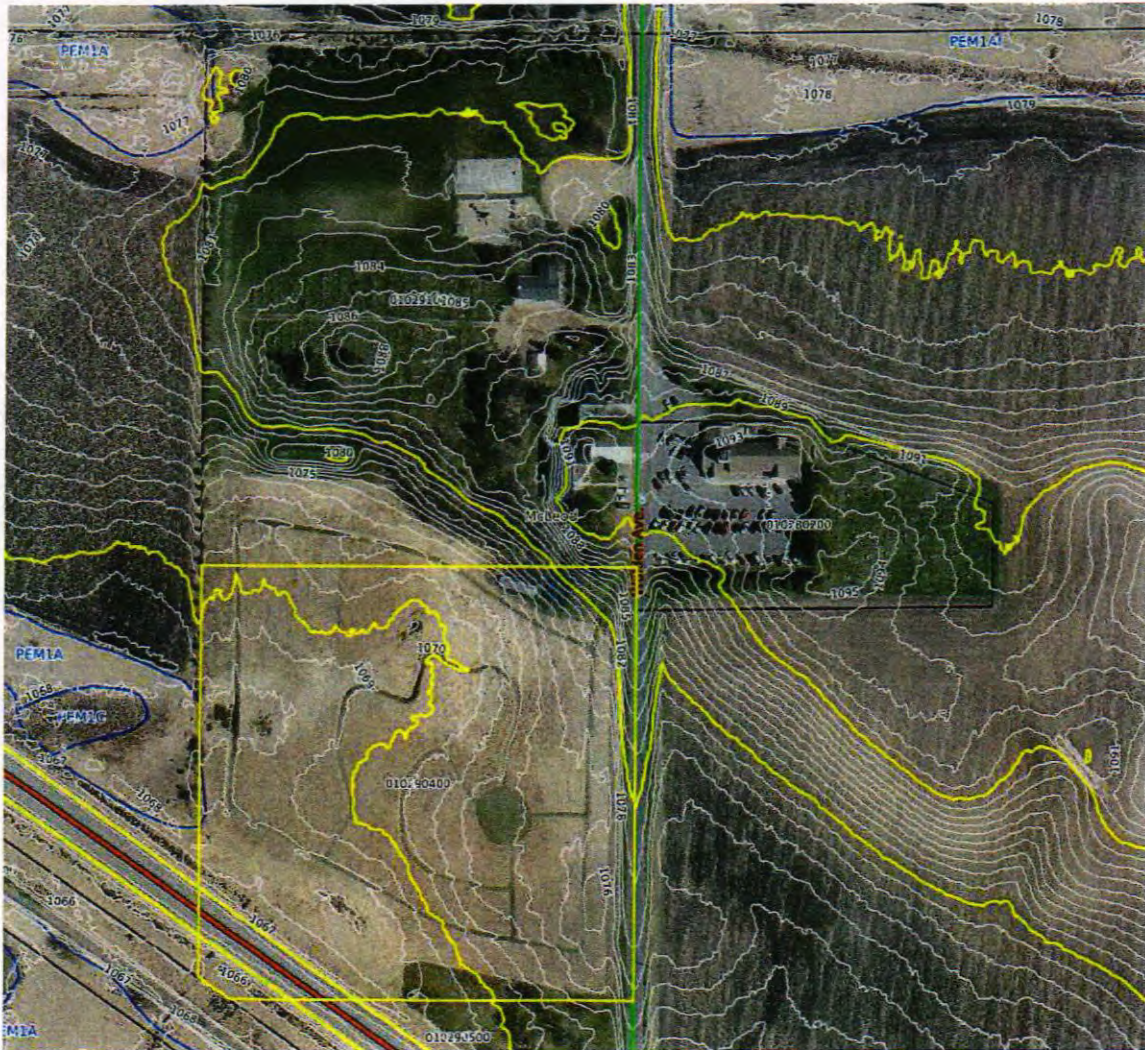
### Recommendations:

If approved the board may wish to consider the following conditions:

- 1) A Minnesota licensed architect or engineer stamped set of plans shall be submitted to McLeod County Environmental Services prior to commencing construction activity.
- 2) Rural garbage/recycling collection shall be required for this facility.
- 3) Approval from the Minnesota Department of Education shall be provided to McLeod County Environmental Services prior to the issuance of a land use permit for construction.



## Page 3



Cc: Dave TeBrake— applicant



## Sandy Posusta

---

**From:** DeSchepper, Megan (DOT) <megan.deschepper@state.mn.us>  
**Sent:** Wednesday, September 21, 2022 1:37 PM  
**To:** Sandy Posusta  
**Subject:** RE: Request Review/Comments - Conditional Use Permit 22-14

**\*\*\*CAUTION: This email was sent from outside of McLeod County. Unless you recognize the sender and know the content, do not click links or open attachments.\*\*\***

Hi Sandy,

In regard to the public hearing conditional use permit for Immanuel Lutheran School MnDOT has the following comments:

- As the access to the school is via a local road MnDOT does recommend the County or Township require a right turn lane on TH 7.
- The turn lane does require a permit, please work with Jeff Illies ([jeff.illies@state.mn.us](mailto:jeff.illies@state.mn.us)) to work through the process.

Thank you for the opportunity to review and comment on this matter, please let me know if you have any questions.

Megan M. DeSchepper, AICP- Principal Planner  
MnDOT District 8, Willmar  
2505 Transportation Road  
Willmar, MN 56201

Office Phone: 320-214-6414



---

**From:** Sandy Posusta <Sandra.Posusta@co.mcleod.mn.us>  
**Sent:** Wednesday, September 14, 2022 1:30 PM  
**To:** DeSchepper, Megan (DOT) <megan.deschepper@state.mn.us>  
**Cc:** Vick, Geralynn (DOT) <geri.vick@state.mn.us>  
**Subject:** Request Review/Comments - Conditional Use Permit 22-14

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

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Hello Megan,





1 SCHEMATIC SITE PLAN  
1" = 50'

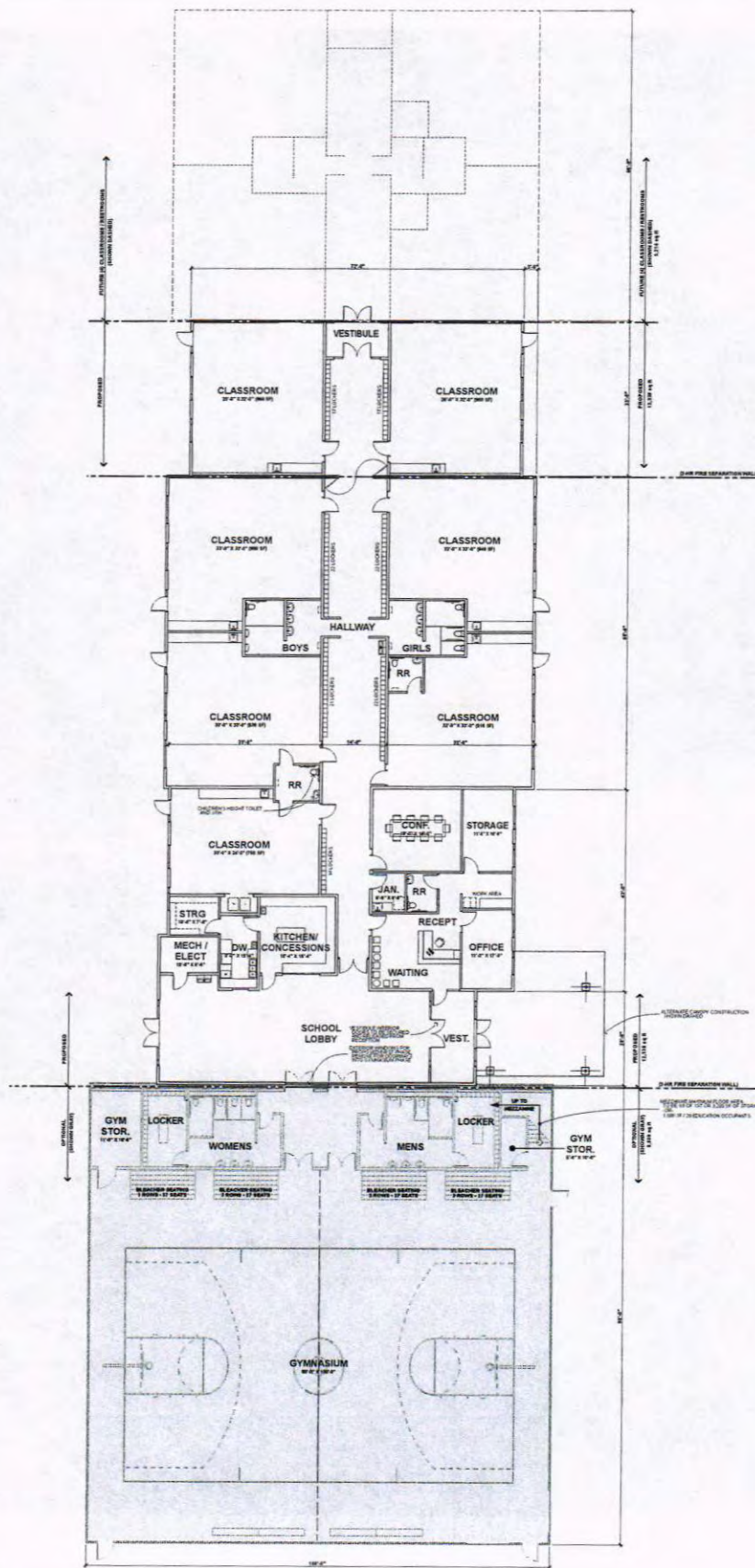


# IMMANUEL LUTHERAN SCHOOL NEW BUILDING HUTCHINSON, MINNESOTA



Copyright 2000 Miller, Inc.





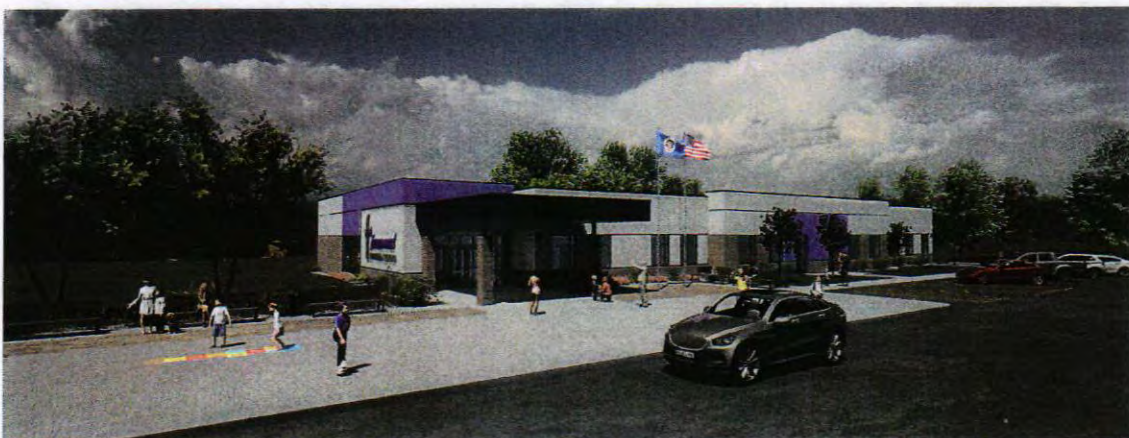
# IMMANUEL LUTHERAN SCHOOL NEW BUILDING HUTCHINSON, MINNESOTA







SOUTHEAST ENTRY PERSPECTIVE



EAST ENTRY PERSPECTIVE



NORTHEAST PERSPECTIVE



**IMMANUEL LUTHERAN SCHOOL**  
**NEW BUILDING**  
 HUTCHINSON, MINNESOTA



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ENTRY PERSPECTIVE



WEST PERSPECTIVE



NORTHWEST PERSPECTIVE



IMMANUEL LUTHERAN SCHOOL  
NEW BUILDING  
HUTCHINSON, MINNESOTA





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## McLeod County Planning Commission

**To:** McLeod County Planning Commission

**Prepared By:** Marc Telecky

**Application:** CUP 22-12

**Date:** September 9, 2022 – **Meeting Date:** September 28, 2022

### GENERAL INFORMATION

**Brief Description:** Joel Mernik is requesting a new conditional use permit to replace CUP 19-19 for a home occupation in an accessory building > 2400 square feet for the purpose of storing and maintenance boats.

**Applicant/Owner:** Joel Mernik  
5151 Hwy 7  
Lester Prairie, MN 55354  
P.I.D# 14.032.0275

**Requested Action:** Motion to approve a conditional use permit to construct an 80' x 150' (12,000 sf) accessory building (in the southeast corner of the property) on a parcel less than 10 acres. The applicant would also request to use this property as a home occupation with 6 non-resident employees for the purpose of storing and maintenance boats in this proposed 12,000 square foot and existing 4,800 square foot building. The applicant is also requesting to store, year-round, up to 100 personal watercrafts (boats, jet skis, etc.) in a transitional area (outside) located in the northeast corner of the property.

**Lot Size:** 10.00 Acres N 660' OF W 660' OF NE 1/4 NE 1/4

**Existing Zoning:** "A" Agriculture

**Location:** NE ¼ NE ¼ Section 32 Winsted Twp.

**Existing Land Use:** Rural residential building site

**Adjacent Land Use  
And Zoning:** "A" Agricultural

**Zoning History:** NA



**Applicable Ordinance** McLeod County Zoning Ordinance Section 7, Subd 3,  
Subp. 11 & 25

**SPECIAL INFORMATION**

**Public Utilities:** Xcel Energy

**Public Services:** SSTS, Individual Well

**Transportation:** State Hwy 7

**Physical Characteristics:** Rural residential building site in the Agriculture District. This building site is generally flat and gradually slopes to the southwest. The requested building would be 12,000 square feet (80' x 150') if the conditional use permit is approved.

**Analysis:** The applicant is requesting a conditional use permit to construct an 80' x 150' pole shed and use it in a boat storage/maintenance home occupation. The applicant is also requesting to employ 6 non-resident employees.

**Ordinance Standards:**

11. *Home occupations in accessory buildings exceeding 2,400 square feet and/or employing more than five (5) non-residents so regulated by Section 16, Subdivision 12.*
25. *Customary accessory buildings and structures, including detached garages and sheds which exceed 2,400 square feet of the floor area within platted or other described lots of ten (10) acres or less.*

**Recommendations:** If approved, please consider the following condition:

- 1) No more than 100 personal watercraft shall be stored outside, out of the public view.
- 2) This property shall be resided on by the owner or an employee of the business.
- 3) This home occupation shall not employ more than 6 non-resident employees.





Cc: Joel Mernik– applicant



**Sandy Posusta**

---

**Subject:** FW: Request for Comment - Conditional Use Permit 22-12

**From:** DeSchepper, Megan (DOT) <megan.deschepper@state.mn.us>  
**Sent:** Friday, September 16, 2022 9:31 AM  
**To:** Sandy Posusta <Sandra.Posusta@co.mcleod.mn.us>  
**Subject:** RE: Request for Comment - Conditional Use Permit 22-12

Hi Sandy,

In regard to the hearing notice for the Mernik conditional use permit MnDOT has the following comments:

- A change of use/access permit will be required, please work with Permit Coordinator Jeff Illies ([jeff.illies@state.mn.us](mailto:jeff.illies@state.mn.us)).
- Nothing stored on the property can be on or overhang into state highway right of way.

Thank you for the opportunity to review and comment on this matter.

Megan M. DeSchepper, AICP- Principal Planner  
MnDOT District 8, Willmar  
2505 Transportation Road  
Willmar, MN 56201

Office Phone: 320-214-6414







443071



CRV ☐# ☐ Not required  
☐ No delinquent taxes and transfer entered  
☐ Transfer Entered ☒ Received

Lynn Ette Schrupp, McLeod County Recorder

By: Deborah Jensen, DeputyOffice of County Recorder  
McLeod County, MinnesotaAbstract  
Pages: 1Certified Filed and/or Recorded on **November 18, 2019 8:00 AM**  
Lynn Ette Schrupp, County Recorder

A443071

MCLEOD COUNTY ENVIRONMENTAL SERVICES  
 1065 5TH AVENUE SE  
 HUTCHINSON, MN 55350

RECORDING FEE

\$0

## MCLEOD COUNTY PLANNING COMMISSION

**APPROVED**

## CONDITIONAL USE ORDER NO. 19-20

On the 8<sup>th</sup> day of October 2019, the McLeod County Board of Commissioners hereby approved a Conditional Use Permit to:

## JOEL MARNIK

as recommended by the McLeod County Planning Commission at a public hearing held on the 25<sup>th</sup> day of September 2019 and in accordance with the provisions of Section 17 of the McLeod County Zoning Ordinance and pursuant to the requirements of Chapter 394.301, Minnesota Statutes.

The Conditional Use Permit is granted for the purpose of a home occupation in an accessory building to be greater than 2,400 square feet on a parcel that is less than Ten (10) acres for the purpose of boat storage and maintenance

on the following described parcel of land: The North 660.00 feet of the West 660.00 feet of the Northeast Quarter of the Northeast Quarter of Section Thirty-two (32) in Township One Hundred Seventeen (117) North of Range Twenty-seven (27) West, McLeod County, Minnesota

and is subject to the following conditions:

1. No more than Fifty (50) boats shall be stored outside, out of the public view, before July 1, 2020. No outdoor storage after July 1, 2020.
2. This property shall be resided on by the owner or an employee of the business.
3. This home occupation shall not employ more than Four (4) non-resident employees.

The McLeod County Director of Environmental Services is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

Sheila Murphy  
 McLeod County Administrator

[Signature]  
 Chairperson, McLeod County Board of Commissioners

11/05/2019  
 Date

11/05/2019  
 Date

STATE OF MINNESOTA)  
 COUNTY OF MCLEOD))

OFFICE OF COUNTY  
 ENVIRONMENTAL SERVICES DIRECTOR

I, the undersigned County Environmental Services Director in and for said County and State, do hereby certify that I have compared the foregoing copy with the original of record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the McLeod County Board of Commissioners meeting held on the 7<sup>th</sup> day of May 2019, and on record in the McLeod County Environmental Services Office.

WITNESS my hand this 5<sup>TH</sup> day of NOVEMBER, 2019.

[Signature]  
 Marc Telecky, McLeod County Environmental Services Director







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## McLeod County Planning Commission

**To:** McLeod County Planning Commission

**Prepared By:** Marc Telecky

**Application:** CUP 22-13

**Date:** September 9, 2022 – **Meeting Date:** September 28, 2022

### GENERAL INFORMATION

**Brief Description:** Joel Mernik is requesting a conditional use permit on property owned by Fred Seltz for the following: *Any structure located on an existing parcel or newly created parcel in which the use of that structure may be changed, altered or added onto so as to have its present usage changed from an agricultural accessory use to that of a non-agricultural primary use.* The proposed use requested is for boat/personal watercraft storage both indoor and up to 50 outdoor.

**Applicant:** Joel Mernik  
5151 Hwy 7  
Lester Prairie, MN 55354

**Owner:** Fred Seltz  
24668 240<sup>th</sup> St.  
Hutchinson, MN 55350  
P.I.D# 01.006.0400

**Requested Action:** Motion to approve a conditional use permit to store boats/personal watercraft in a shed and outdoor on the property referenced below. The applicant is requesting up to 50 units to be stored outside (see map).

**Lot Size:** 91.76 AC SW 1/4 NE 1/4 EX S'LY 6.8 AC & GOVT LT 2 EX 2.5 AC IN SW CORNER; & E'LY 10 AC OF GOVT LT 3; & E 308' OF N 240' & E 189' OF S 462' OF N 925' & E 62' OF S 378' OF SW 1/4 SE1/4 & N500' OF W300' OF GOVT LT 4

**Existing Zoning:** "A" Agriculture

**Location:** NE ¼ NE ¼ Section 6 Acoma Twp.

**Existing Land Use:** Rural residential building site



**Adjacent Land Use  
And Zoning:**

"A" Agricultural

**Zoning History:**

NA

**Applicable Ordinance**

McLeod County Zoning Ordinance Section 7, Subd 3,  
Subp. 27

**SPECIAL INFORMATION**

**Public Utilities:**

McLeod Coop Power

**Public Services:**

SSTS, Individual Well

**Transportation:**

240<sup>th</sup> St.

**Physical Characteristics:**

**Rural residential building site in the Agriculture District. This building site was used as a pallet manufacturing business. The applicant would store units in the pole shed and on the north and east side of the pole shed inside the tree line.**

**Analysis:**

The applicant is requesting a conditional use permit to store boats/personal watercraft, both indoor and outdoor, on property owned by Fred Seltz in Acoma Township Section 6.

**Ordinance Standards:**

27. *Any structure located on an existing parcel or newly created parcel in which the use of that structure may be changed, altered or added onto so as to have its present usage changed from an agricultural accessory use to that of a non-agricultural primary use.*

**Recommendations:**

If approved, please consider the following condition:

- 1) No more than 50 personal watercraft shall be stored outside, out of the public view.
- 2) The applicant shall provide a legal description, by a licensed surveyor, of the area to be used on the property for the conditional use permit order to be recorded.





Cc: Joel Mernik— applicant