

McLEOD COUNTY PLANNING ADVISORY COMMITTEE
Environmental Services Facility, Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
April 27, 2022 @ 9:30 a.m.

MINUTES

A. CALL TO ORDER:

Chairman Larry Phillips called the McLeod County Planning Commission meeting to order at 9:30 a.m. following an 8:00 AM road tour.

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

Staff members present: Marc Telecky, Environmental Services Director, Sandra Posusta, Administrative Assistant.

Others Present: John Mueller of McLeod County Chronicle, David Broll, Preston Fox, Arnold “Arnie” Alsleben and Gary Ellis.

B. APPROVAL OF MINUTES – March 23, 2022

David Hoernemann made a motion to approve the March 23, 2022 minutes as typed. Ken Bauer seconded the motion, which carried unanimously.

C. HEARINGS

1) Final Plat 22-01, David Broll, Lynn Township

Director Telecky explained the 2-Lot Final Plat request by David Broll to be known as ‘DWB ADDITION’ and located in Section 36 of Lynn Township. It is a re-plat of an existing platted 5.94-acre wooded parcel. Nothing has changed since the Preliminary Plat approved by the County Board on January 18, 2022. Mr. Broll is aware of and will be placing drainage improvement of a culvert on the north driveway of Lot-2 in the drainage easement area (north to south) prior to recording of the plat. Per the National Wetland Inventory map, there are no indications of the presence of wetlands. Transportation comes off Tagus Avenue (CR 54).

Both the County Attorney and County Recorder reviewed the Title Opinion and plat and concur this plat is in order for recording.

Per the survey included by Pellinen Land Surveying, an easement area has been added in the low ground between lots 1 and 2 for drainage and utilities. No permits can be issued in that area. Water should be able to continue to flow to the north through that area with no effect to other properties.

The Lynn Township Board heard this request at their April 12, 2022 meeting and recommended approval as presented.

Chairman Phillips asked for public comments. There were none.

David Hoernemann noted that the water concern has been addressed and resolved.

David Broll said he would like to get the project started as soon as possible and is waiting for a returned call from excavator, David Luedtke, for a start date.

With no further business to discuss, David Hoernemann made a motion to recommend approval of this request. Commissioner Luthens seconded the motion. Motion carried.

Marc Telecky said this item will be placed on the May 3, 2022 County Board Consent Agenda.

2) Final Plat 22-02, Preston Fox, Helen Township

Preston Fox would like to create two condo buildings on non-tillable acreage; a 9-unit and a 7-unit condo Final Plat to be known as "FOX GARAGE ADDITION TWO" and to be located in the Northeast Quarter of the Southwest Quarter of Section 18 in Helen Township. Fee title ownership would be created for each individual garage and would place surrounding land into an out-lot with common ownership stake as an association. This 1.67-acres parcel abuts Highway Business zoned property. Chip's Septic Services submitted a soil log which supports a site and an alternate site for a standard septic system to service both buildings. The National Wetland Inventory maps do not indicate the presence of wetlands.

The Lynn Township Board recommended approval at their April 12, 2022 meeting.

Chairman Phillips asked for public comments. There were none.

Kenneth Bauer made a motion to recommend approval of Final Plat 22-02. Charles Hausladen seconded this motion. The motion carried unanimously.

Director Telecky said this item will be placed on the May 3, 2022 County Board Consent Agenda.

D. PUBLIC HEARINGS

1) Conditional Use Permit 22-05, Arnold Alsleben, Hutchinson Township

Mr. Telecky introduced Arnold Alsleben and explained his request for an approval of a conditional use permit in order to construct an accessory building to be greater than 2,400 square feet, (50' X 70') for personal storage. This platted parcel is zoned "A" Agricultura. Transportation is off of 245th Street. The old barn will be torn down. Zoning Staff does not have concerns. If the use changes, it may require an official control per ordinance. There were no inquiries to the Zoning Office regarding this request.

The Hutchinson Township Board recommended approval at their April 14, 2022 meeting.

Mr. Alsleben said the Township Board wondered why a permit would be needed to simply replace the existing barn. Mr. Telecky explained a permit is needed to bring the structure into compliance, per Zoning Ordinance standards. If the use of the were to change, the applicant would need to come back before the Planning Commission. The Conditional Use Permit stays with the property.

With there being no public in attendance to comment, David Hoernemann motioned to close the public hearing. Charles Hausladen seconded the motion. The motioned carried.

David Hoernemann made a motion to approve Conditional Use Permit 22-04 with one condition that this structure shall be used for personal storage only. Kenneth Bauer seconded the motion. The motion carried unanimously amongst the Board with the following condition:

1. This structure shall be used for personal storage only. Any change in use may require an official control per ordinance.

Director Telecky said this item will be placed on the May 3, 2022 County Board Consent Agenda.

2) Conditional Use Permit 22-04, Gary Ellis, Rich Valley Township

Applicant, Gary Ellis, requests approval of Conditional Use Permit 22-04 in order to convert an existing barn into an events and wedding venue to be known as "The Legacy Barn" located in the "A" Agricultural District. This is a rural building site and described as a ten (10) acre parcel located in Section 29 of Rich Valley Township. Mr. Ellis would like to open the venue for weddings, receptions and events with catering services. Included in the packet is a business plan submitted by Mr. Ellis.

Mr. Telecky explained that barn conversions have been redefined in the state and considered an assembly use verses an agricultural use. McLeod County is a non-code enforced area. Minnesota Building Codes are required to be followed by the landowner or contractor since the year 2008. The Minnesota State Fire Marshall's Office governs in Minnesota per Minnesota §299F.011, Subdivision 4 Applicability; local authority.

Rich Valley Township recommended approval of this request at their April 12, 2022 meeting.

Gary Ellis questioned how long the permit is good. Mr. Telecky said the permit stays with the property, unless the use changes. If there are nuisances, the local government has the right to terminate if not corrected.

Kenneth Bauer asked Mr. Ellis if he contacted the State and if they're involved yet. Mr. Ellis is waiting to hear if he is approved for the use before he proceeds to contact the State and architects.

Kenneth Bauer questioned the occupancy and at what point sprinklers are needed. Mr. Telecky said the State of Minnesota requires sprinklers if the venue is three-hundred (300) or more people. Mr. Ellis is planning on occupancy numbers at two-hundred (200) or less.

Charles Hausladen asked what part of the barn is being used for events. The hay loft is where the gatherings are, per Mr. Ellis.

Director Telecky said to Mr. Ellis that the Zoning Office needs a set of State stamped plans prior to allowing an event.

Chairman Phillips noted there weren't any neighbors present to make comment.

Charles Hausladen motioned to close the public hearing, seconded by Kenneth Bauer. Motion carried.

Charles Hausladen motion to recommend approval of Conditional Use Permit 22-04 with conditions. Kenneth Bauer seconded the motion. The motion carried unanimously with the following conditions:

- 1) An architect, engineer, and Minnesota Department of Labor and Industry reviewed and stamped set of plans shall be submitted to McLeod County Environmental Services prior to allowing an event classified as an assembly use in the Minnesota Conservation Code which is found in Minnesota Rules Chapter 1311. The Conservation Code for Existing Buildings became effective Jan. 24, 2015 in Minnesota.
- 2) Hours of operation shall be 8am to 12am, Friday through Sunday.
- 3) All event parking shall be defined and signed to accommodate seventy-five (75) vehicles on site and not along the driveway.
- 4) On-site signage shall not exceed ten (10) square feet.
- 5) All alcohol and food shall be prepared and served by a licensed business. If food is prepared on-site an approved Minnesota Department of Health kitchen area shall be installed.
- 6) Rural garbage collection shall be required for the event/venue facility.
- 7) Restroom services log shall be submitted to McLeod County Environmental Services within five (5) days after each event.

Director Telecky said this item will be placed on the May 3, 2022 County Board Consent Agenda.

OTHER INFORMATION:

- There is one item for the May 25, 2022 meeting. Ms. Brenda Peterson submitted a Conditional Use Permit on April 26, 2022 for a second dwelling for family care. Ms. Peterson lives on the east side of Clear Lake.

MOTION TO RECESS:

David Hoernemann motioned to recess until May 25, 2022. Charles Hausladen seconded the motion. The motion carried.

Larry Phillips, Chairman

Sandra Posusta, Secretary