

MINUTES

Blue Earth County Planning Commission

Regular Meeting

Wednesday, September 4, 2019

7:30 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Lyle Femrite. Planning Commission members present were Bill Anderson, Kurt Anderson, Kip Bruender, Lyle Femrite, Barry Jacques, Michael Riley and Joe Smentek. County staff members, Garrett Rohlfing, Aaron Stubbs and George Leary were also present.

2. APPROVAL OF MINUTES

Mr. Bill Anderson made a motion to approve the minutes of the August 7th, 2019 Planning Commission meeting. Mr. Jacques seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

Mr. Leary indicated there was no change to the agenda.

4. NEW BUSINESS

PC 22-19

Michael & Susan Jaeger and Eric Jaeger - Request for review and approval of a Conditional Use Permit to expand an existing feedlot by constructing and operating one new total confinement swine finishing barn capable of housing 2,400 finishing pigs or 960 Blue Earth County defined animal units (720 state animal units). This site will utilize a below-barn liquid manure storage area. When finished the proposed expansion will have a total of 1,280 Blue Earth County defined animal units. The property is zoned Agricultural and is located in the Northeast Quarter of the Southwest Quarter of Section 08, Mapleton Township.

Mr. Rohlfing presented the staff report.

The applicants were present and had no additional comments.

There was no public comment and little discussion by the Planning Commission.

Mr. Smentek made a motion to forward a recommendation of approval to the County Board with the findings and conditions proposed by staff. Mr. Bill Anderson seconded the motion which carried unanimously.

PC 15-19

Robert W. Lorentz - Request for review and approval of a Map Amendment. The proposed Map Amendment would re-zone the eastern portion of one parcel and three additional parcels from Rural Townsite to Light Industrial to accommodate the expansion of an existing business. The proposal is within the Urban Fringe Overlay District of the City of Mankato and located in parts of the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 14, South Bend Township.

Mr. Stubbs presented the staff report.

Andrew and Nicolas Lorentz addressed the Planning Commission. They indicated one new building is planned for now. The change of access will be to McCauley Street and they will no longer use Sturgis Street. They further indicated that the expansion would allow them to do more work on their equipment in the shop without making multiple trips to and from the facility.

Debra Ziegler addressed the Commission. She submitted a letter and pictures to the Commission for review. She provided the following concerns to the Commission:

1. The applicants have not adhered to the 1981 rezoning of the property.
2. Truck traffic.
3. Employee parking.
4. Currently a large gravel pack.
5. Stockpiling of snow in the winter.
6. How have the applicants obtained other permits?
7. The applicants need to be held accountable for using a residential area for commercial purposes.
8. Approving the request will send a message indicating it is ok to violate the regulations.
9. The project area is right in the center of the neighborhood.

Robert Ziegler addressed the Commission. He explained the detrimental and physical impact on his house which has historical significance. He added that the house is the original Chapman house and is the oldest house in Blue Earth County. He added that he wants to preserve the home and is concerned with the physical threats to it with the proposed expansion of the Lorentz business.

Shirley Rosenau addressed the Commission. She indicated she had lived there since 1960 and has the right to peace. She added that rezoning the property in 1981 should not have happened. She stated there are no controls over expansion and the business has doubled over the past two years.

Ms. Rosenau also expressed the following additional concerns:

1. Extra wide vehicles (trucks) are passing through the neighborhood.
2. They have many pieces of equipment, including snow removal equipment.
3. Vendor trucks are delivering to the site.
4. There should be some business restrictions.
5. Traffic goes on day and night, seven days a week.
6. Neighboring residents are being deprived of quality of life.
7. The proposal will devalue property values.
8. The area has no sidewalks.
9. Kids are playing in the streets and kids and trucks do not mix.
10. This process has begun without rezoning.
11. The proposal has environmental issues.
12. The 1981 rezone was likely a "spot zone."
13. The proposed rezone is not consistent with neither the Urban Fringe Overlay District or the County Land Use Plan.

Bob Walsh addressed the Commission. He indicated that a utility pole would need to be moved as part of the project. He stated that the applicants are moving snow removal equipment as early as 1:00 or 2:00 in the morning.

Anna Hagen addressed the Commission. She stated that the applicants have been dumping stuff across the property line onto her property. They are operating all hours of the day and the company has grown too much.

There was no further public comment.

Mr. Femrite stated he had heard elements that were inconsistent with the area.

Mr. Bruender asked if the business might move if the request is denied.

Mr. Bruender asked if the current site has a stormwater management program. Mr. Stubbs answered no.

Mr. Bruender suggested that if the applicants did something, stormwater management would improve.

Mr. Stubbs indicated that an engineer would provide the stormwater plan for staff to review.

Mr. Bruender opined that it is a reasonable use of the property and would provide some benefit.

Mr. Femrite expressed his familiarity with the site. He added it is residential. He expressed his concern with several things staff identified as issues that suggest the proposal is not compatible in a residential neighborhood.

Mr. Bill Anderson stated that within ¼ mile of the site, there are 55 homes and there is a lot of truck traffic that will affect the residents. He added that when a business doubles or triples in size that they should not expect to operate out of the same size. He further added that it appeared to be an overload of a residential district.

Mr. Kurt Anderson agreed that the business has outgrown the location and that it will likely grow again. He added that he takes the citizens concerns seriously. He complimented staff on the report and opined that the 1981 rezone was a spot zoning error. And if perpetuated, may open the county to litigation.

Mr. Smentek stated he considers if a request fits, possibly with some controls. But this does not fit. He added that a lower intensity would work, but not at this scale. He commented that staff was right on track by recommending denial. The proposal does not fit with the County Land Use Plan.

Mr. Bill Anderson complimented the applicants for expanding their business, but agreed it is time to look for a different location.

Mr. Femrite stated the Township Board heard the request and on a local level, oppose it. He added the applicants have overgrown the site and a larger footprint would be in order.

Mr. Jacques commented on stormwater management. He indicated there is not much area to work with to hold water. He also said there are traffic issues with 9-ton streets. He also concurred with other comments.

Mr. Riley also concurred with previous comments. He added the proposal does not fit in this location.

Mr. Bruender offered that there are some opportunities for drainage improvements.

Mr. Smentek indicated there are improvements that should be made to prevent runoff from going onto neighboring properties. He added the proposal does not fit with the Land Use Plan. He followed with a motion to forward a recommendation of denial to the County Board.

Mr. Kurt Anderson asked staff if the present business is compliant with the county regulations.

Mr. Stubbs stated that the building constructed following the 1981 rezoning burned down and was replaced following issuance of a construction permit and the footprint of the building is compliant. He stated the applicants do not have a conditional use permit, the use predates current regulations, therefore, the use is a legal non-conforming use.

Mr. Femrite asked if there was a second to the motion.

Mr. Bill Anderson seconded the motion.

Mr. Bruender added that if a conditional use permit was presented, it would provide an opportunity to impose conditions. He acknowledged it may be the small business owner attitude from which he expressed his comments.

Mr. Femrite moved on to the vote and asked all those voting to oppose the request do so by raising their right hand. Members Bill Anderson, Kurt Anderson, Femrite, Jacques, Riley and Smentek all raised their right hands in opposition. When asked for those in favor, Mr. Bruender raised his right hand. The motion for denial was approved by a vote of six in favor to one opposed.

5. OTHER BUSINESS

- a. Update/Review of County Board action of items from previous Planning Commission meeting
 - Timothy & Rachel Wentz - Request for review and approval of a Conditional Use Permit to allow an attached Elder Care Residential Unit to be constructed onsite. (Approved)
 - Dennis Arduser - Request for review and approval of a Conditional Use Permit to operate a forklift repair and sales business as a Level II Home Occupation. (Approved)

- Staples Oil Company - Request for review and approval of a Conditional Use Permit to operate a bulk fuel sales and storage facility. (Approved)
 - Florence Beyer - Request for review and approval of the Preliminary and Final Plat of the Schoneck Addition Subdivision resulting in the creation of one lot and one outlot. (Approved)
 - Crystal Valley Cooperative - Request for review and approval of a Map Amendment. The proposed Map Amendment would re-zone the property from Heavy Industrial to Highway Business to accommodate a change of use. (Approved)
 - Gary and Nicole Hager - Request for review and approval of a Conditional Use Permit to operate a Farm Winery. (Approved)
- b. Good Thunder Compost Facility Update - Mr. Leary provided the Commission with an update he had received from Blue Earth County Waste and Recycling Specialist Molly Kjellesvig. An aeration system has been installed for the contact water pond. Water sample test results from the pond indicate the numbers are moving in the right direction. The site no longer accepts an ethanol byproduct that was suspected to be a primary contributor to the odor issues. Composting rows have been opened to allow water to drain into the contact water pond. Better housekeeping measures are in place, compost rows are turned only when necessary and the carbon ration of the compost rows has been increased. In addition, staff has found the odor to have been reduced. Mr. Leary indicated the original proposal from staff was to have odors substantially reduced prior to September 1st. The owners of the facility have advised him that the ethanol byproduct remains in the composting rows, finished product and contact water pond. As a result, there will be some remaining odors until all the product is removed and land applied. This process could take until the end of the year. The Planning Commission appeared to have no issue with the extended time period.

6. ADJOURNMENT

Mr. Jacques made a motion to adjourn the meeting. Mr. Smentek seconded the motion and the meeting was adjourned at 8.50 p.m.

 Planning Commission Chair

 Date

 Planning Commission Secretary

 Date