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PLANNING ADVISORY COMMISSION
GOODHUE COUNTY, MN
May 16, 2011 MEETING MINUTES

The Goodhue County Planning Advisory Commission was called to order at 7:00 p.m. by Chair B. Overby in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Len Feuling Ron Allen Tom Webster L. Olson R. Bauer
Michael Wozniak J. Volz B. Overby B. Schafer H. Stenerson

Absent:

¹Motioned by B. Schafer and seconded by L. Feuling to approve the May 16, 2011 agenda. Motion carried 9-0.

²Motioned by L. Feuling and seconded by T. Webster to approve the April 18, 2011 minutes. Motion carried 9-0.

STAFF UPDATES: A-3 DENNISON/WARSAW COMMENTS, SILICA SAND FLYER MEETING MAY 24TH, ALJ REPORT(AT END OF MEETING)

CONFLICT/DISCLOSURE OF INTEREST: NONE.

OLD BUSINESS:

NEW BUSINESS:

Requested Action:

Recommendation of Approval to the County Board for an **Amendment to the Jake O'Reilly (EZ-Pour) Conditional Use Permit** for a Commercial/Industrial business primarily intended to serve the Agricultural Community to allow a 9600 sq. ft. addition to the Welding/Fabrication Structure

Suggested Conditions:

1. Construction of the proposed building addition shall not begin prior to issuance of a building permit by Goodhue County.
2. Erosion and Sediment control measures as determined by the Zoning Administrator shall be stipulated as a condition associated with the Building Permit for the proposed Building Addition.
3. The welding/fabricating and the concrete production businesses must continue to substantially serve agricultural land uses or the CUP shall be subject to revocation.
4. Any expansion of the business beyond eight (8) employees or the addition of more than two thousand (2,000) square feet of building space shall require an amendment to the Conditional Use Permit.

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Summary

Jake and Colleen O'Reilly had applied and been granted a Conditional Use Permit in September 2007 within an A-1 District to allow a Home Occupation Business at their property situated at 40683 215th Avenue in Zumbrota Township. The business includes a fabrication and welding shop and a mobile concrete dispenser. The business is currently in operation. Article 3, Section 13. Subd. 2., includes provisions that require a conditional use permit for home occupations involving more than (1) non-resident employee and/or being carried out in an accessory building exceeding 2000 square feet. The application submitted in 2007 by the O'Reilly's indicated 2 full-time non resident employees and up to a maximum of 5-6 employees. The business is being carried out in an accessory building 3,840 square feet in floor area and there are also exterior structures including a concrete mix plant and a series of bins created from large concrete blocks to store aggregate material. The conditional use permit amendment is requested for the addition of an 80' by 120' (9600 sq. ft.) addition to the existing welding shop structure. The applicants have acquired additional acreage to combine to the site to expand operations.

Background

Jake and Colleen O'Reilly are seeking approval of a conditional use permit amendment to expand operations for a "commercial/industrial business primarily intended to serve the agricultural community" on their property in Section 3, Zumbrota Township. The business includes a welding and fabrication business and a concrete mix plant and aggregate material storage structure. The business is currently in operation and had obtained necessary approval in 2007 from Goodhue County.

The proposed building expansion will not change the nature of the business but does represent a significant expansion in the size and scope of the business. Planning Advisory Commission members should consider the implications of allowing significant expansion of this commercial/industrial business and use the CUP Amendment review as an opportunity to raise any questions or concerns.

"Draft" Findings of Fact:

No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

- Subd. 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity. **Expansion of the Commercial/Industrial business primarily intended to serve the Agricultural Community is consistent with the intent of the A-1 Agricultural Protection Zone District and would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor would it substantially diminish and impair property values.**
- Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. **The Commercial/Industrial business primarily intended to serve the Agricultural Community would not impede the normal and orderly**

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development and improvement of surrounding vacant property for uses predominant to the area.

- Subd. 3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. **An existing bridge situated on 215th Avenue south of the property has been reconstructed.**
- Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **Adequate off-street parking and loading space have been provided on the site.**
- Subd. 5. That adequate measures have been or will be taken to prevent or 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. **The proposed building expansion is not expected to create a greater potential for nuisance. No complaints regarding existing business activities have been received by the County since the CUP was approved in 2007.**

2007 Conditions:

The Goodhue County Board of Commissioner approved the Conditional Use Permit request of Jake and Colleen O'Reilly for a Commercial/Industrial Business primarily intended to serve the Agricultural Community (Welding/Fabrication and Concrete Business) subject to the following conditions:

- 1) All structures must be shown to be in compliance with the Minnesota state building code within ninety (90) days.
- 2) All Business and residential land uses on the property must be shown to be in compliance with the Goodhue County Environmental Health Ordinance within ninety (90) days.
- 3) Any expansion of the business beyond eight (8) employees or the addition of more than two thousand (2,000) square feet of building space shall require an amendment to the Conditional Use Permit.
- 4) Both the welding / fabricating and the concrete production businesses must continue to substantially serve agricultural land uses or the CUP shall be subject to revocation.

DISCUSSION:

M. Wozniak gave staff report for the CUP.

B. Overby asked any questions for the staff from PAC members.

H. Stenerson asked would 2,000 square feet condition be after 9,500 square feet.

M. Wozniak stated it controls order of magnitude and typically staff use some discretion for minor changes.

J. Volz asked did you drop conditions one and two from 2007 CUP.

M. Wozniak explained that the applicant has complied with them since 2007.

B. Overby asked Jake O'Reilly if he had comments to add.

Jake O'Reilly said on condition number 4, no number of employees estimated, but like to see language of 15-20 employees and 8,000 square feet instead.

B. Overby asked comfortable with how many employees.

J. O'Reilly said 12 to 20 employees.

M. Wozniak said it may just mean additional road usage.

T. Webster asked if added 12-20 would they all work on the site.

J. O'Reilly said no, not all of them. They are working as far out as Dickenson, ND. With months away time.

T. Webster asked what is the 9,500 square feet for, manufacturing space.

J. O'Reilly said that half is for steel storage, and half is for maintenance and repairs.

T. Webster asked if he would have any problem keeping this figure in the future.

J. O'Reilly said no problems and the farmers keep us busy now.

T. Webster asked if the business would shift out of agricultural work later.

J. O'Reilly said always focused on agricultural work.

R. Allen said he thinks the business seems good, he asked staff how to motion with language change of 15 workers.

M. Wozniak clarified CUP as primarily intended to serve agricultural community and the square footage consideration is relevant to the Soil and Water Conservation District measures.

B. Schafer stated there may be a conflict in the agricultural zone/ feedlot runoff issue. He also mentioned that the number of employees language should be hands off.

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M. Wozniak explained language from 2007 CUP as beginning as a home occupation CUP with number of employees.

B. Schafer argued against conditions for the employees and the septic.

H. Stenerson suggested to open the public hearing.

C/B. Overby opened the discussion to public comments. None.

With no further public comment it was motioned by R. Bauer and seconded by R. Allen to close the public comments. Motioned carried 9-0.

H. Stenerson stated the justification for the numbers of employees is really for sanitary issues. The situation was different in the past for the applicant to comply.

B. Overby asked if any further discussion of the size of building expansion.

H. Stenerson said need to keep a number there.

B. Overby asked do we have a decision.

B. Schafer asked what about square footage.

L. Olson stated that 2,000 square feet is 20 percent room for change, but not a new 8,000 square foot building.

B. Schafer said ok.

Motion By H. Stenerson, 2nd by J. Volz, to Approve the Jake and Colleen O'Reilly/ EZ-Pour Conditional use Permit Amendment with the elimination of language about 8 employees from Condition number 4. Motion Carried 9-0.

PAC DISCUSSION:

ALJ UPDATE AND MINING IN HAY CREEK MORATORIUM TOPICS DISCUSSED FOR 10 MINUTES.

Adjourn:

³*Moved by L. Olson, seconded by L. Feuling , to adjourn the May 16, 2011 Planning Advisory Commission meeting at 7:44 p.m. Motion carried 9-0 .*

Respectfully Submitted,

Kelly Moriarty
Recording Secretary

MOTIONS

¹ APPROVE the May 16, 2011 agenda. Motion carried 9-0.

² APPROVE the April 18, 2011 minutes. Motion carried 9-0.

³ APPROVE the Conditional Use Permit Amendment for Jake and Colleen O'Reilly/ EZ-Pour. Motion carried 9-0.

⁴ADJOURN the May 16, 2011 Planning Advisory Commission meeting at 7:44 pm. Motion carried 9-0.