

**MINUTES**  
**Blue Earth County Planning Commission**  
**Regular Meeting**  
**Wednesday September 5, 2012**  
**7:30 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:50 P.M. by Lyle Femrite. Planning Commission members present were Lyle Femrite, Bill Anderson, Kurt Anderson, Kip Bruender, Chuck Grams, Barry Jacques and Perry Wood. Planning & Zoning staff members Mark Manderfeld and George Leary were also present.

**2. APPROVAL OF MINUTES**

Mr. Bill Anderson made a motion to approve the minutes from the August 1st, 2012 Regular Planning Commission Meeting. Mr. Jacques seconded the motion which carried unanimously.

**3. AGENDA APPROVAL**

Mr. Leary indicated there were no changes to the agenda.

**4. NEW BUSINESS**

**PC 29-12**

**Ray & Lisa Winter** - Request to update an existing Conditional Use Permit for a farm winery located in the Agricultural Zoned District in the SE 1/4 of the SE 1/4 of section 13, McPherson Twp. Proposed update will allow for the retail (on-sale) sale of beer at the farm winery.

Mr. Leary presented the staff report.

Mr. Winter was present. He advised the Commission of his concerns with condition number 3 which requires a review of the permit when with any modification to food or beverage sales or services offered are proposed. He was also concerned with condition number 8 which limits the total gross receipts of non-wine related items to 35% of the total retail sales of the winery. He added that the original Farm Winery Ordinance limited total gross receipts to 25% and the new standards do not count wholesale wine sales.

The Planning Commission discussed items 3 and 8 and acknowledged that any change to the standards would require an ordinance amendment. The general consensus was that the present request should proceed as-is and if an amendment is needed; it should be reviewed and brought forward as an amendment at a later date.

Mr. Femrite asked what is being controlled with number 3 which requires review of food or beverage modifications.

Mr. Leary stated that the applicant has brought forward a request to sell beer at his farm winery which is a significant modification. With this proposal, item number 3 is applicable. This same condition applies to a change in menu options which could presumably include such change as the use of a deep fat fryer which could have a significant impact on the operations septic system. Therefore it is changes that are more significant that will trigger the need for review.

Mr. Bruender stated it is the words "any proposed change" that is the issue.

The condition of the 2008 conditional use permit issued to the applicant, requiring review of the permit prior to April 22, 2013 was discussed.

The Planning Commission discussed this condition at length. It was suggested that the intent of this condition in the original permit was due to the fact that wineries were new to the county and at the time there was a need for a five year review.

Mr. Leary stated that the original conditions were left in as they were listed in the 2008 permit, no changes were made. He added that the proposal that is now being discussed will address the original condition requiring review of the permit prior to April of 2013. Mr. Leary added that the first condition listed is a catchall in that as long as the applicant abides by all of the conditions, there is no need for review.

Kurt Anderson stated that tonight's action will satisfy the condition requiring review prior to April of 2013.

Bill Anderson stated that condition number 12 states any change will require review of the permit.

Mr. Wood indicated there is no provision that the applicant needs to come back in five years for review. Four and one half years ago a review was required to make sure the enterprise was working out and that the applicant was abiding by the conditions of the permit. He added there is no need to remove anything.

There was no further discussion by the Commission. Mr. Wood made a motion to recommend approval of the request to the County Board. Mr. Bruender seconded the motion and the motion carried unanimously.

#### **PC 30-12**

**Roger & Lynn Manske and Cemstone Products Company** - Request for a Conditional Use Permit allowing a farm drainage and construction equipment sales business in the Highway Business Zoned District and the Urban Fringe Overlay District to the City of Mankato. The property is located in the NE 1/4 of the SE 1/4 of Section 19, South Bend Township.

Mr. Leary presented the staff report.

Mr. Manderfeld advised the Commission that the future building dimensions have changed to 85 feet by 85 feet in order to meet the setback requirements.

The applicants were present and had nothing to add.

There was no public comment.

Kurt Anderson asked if there should be an added condition to require washroom facilities to be connected to a proper septic system.

Mr. Leary stated that a compliance inspection of the septic system will be required as part of the pending sale of the property. He added that the proposed use will require proper sizing of the system and that the condition could be added.

Mr. Grams indicated he had no concern with the proposal.

Mr. Wood commented on the proposed hours of operation and asked the applicants if these hours were adequate.

The applicants stated that they may have occasional after hours sales calls.

Kurt Anderson indicated his belief that a representative meeting with a client after hours would not likely be disruptive to the general public.

Mr. Bruender asked the applicants if they are comfortable with the proposed hours. They responded that they did not believe this should be an issue.

There was no further discussion by the Commission. Mr. Bruender made a motion to recommend approval of the request to the County Board. Kurt Anderson seconded the motion and the motion carried unanimously.

**ADJORNMENT**

There was no further business. Mr. Wood made a motion to adjourn the meeting which was seconded by Mr. Grams and the meeting was adjourned at 8:45 p.m.

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Planning Commission Chair

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Date

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Planning Commission Secretary

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Date