



**SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES**

**Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota**

Monday, May 11, 2020

Broadcast via Webex Teleconference from Scott County Boardroom at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 pm with the following members present, Donna Hentges, Ed Hrabe, Lee Watson, Ray Huber, Barbara Johnson and Gary Hartmann. All present via Webex Teleconference.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Principal Planner; Nathan Hall, Associate Planner, Kiera Swanson, Audio Visual Assistant; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF MARCH 9, 2020 MINUTES

Motion by Commissioner Huber; second by Commissioner Hrabe to approve the minutes of March 9, 2020 Planning Advisory meeting. Commissioner Hentges abstained from voting due to absence from the March 9, 2020 meeting. Commissioner Johnson and Commissioner Hartmann joined the meeting after the approval of the minutes.

Chair Vonhof called for a roll call vote with results as follows:

Commissioner Vonhof: Aye

Commissioner Hartmann: Not present at the time of the vote

Commissioner Hentges: Abstained, was not present at March meeting

Commissioner Hrabe: Aye

Commissioner Huber: Aye

Commissioner Johnson: Not present at the time of the vote

Commissioner Watson: Aye

The motion passed with 4 Ayes and 1 Abstained vote.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: DEM CON PROPERTIES (PL#2020-010)

- A. Request for Conditional Use Permit Amendment to for an Office, Contractor Yard and Recycling Center

Location:	Section 21
Township:	Louisville
Current Zoning:	I-1

Criteria for Approval (Chapter 2-6-1):

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.

The uses are existing and will be combining to allow flexibility in the services that they provide, and the site is serviced by private septic and stormwater management.

2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.

The uses are allowed in the I-1 district through a CUP, and adjacent uses are also industrial in nature and of similar type. Screening and landscaping are in place and will be added to supplement the expanded contractor yard.

3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.

The existing structures are precast concrete panel building with natural color. The building will be similar to other Dem-Con buildings in the area.

4. The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

The use is consistent with the uses allowed as a CUP in the I-1, Rural Industrial District.

5. The use is not in conflict with the Comprehensive Plan of Scott County.

The Comprehensive Plan guides this property as Industrial.

6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.

Access to the site will be maintained from Dem-Con Drive, a paved Township road. Improvements and expansion on-site parking will provide additional parking.

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

The proposed business expansion will utilize an individual well and private sewage treatment system, as well as the existing stormwater management system that is designed for the proposed added impervious surface.

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

The proposed building will require building permits and review by the Scott County Building Department for conformance to the State Building Code.

Conditions of Approval:

1. The applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Conditional Use Permit (CUP).
2. This CUP is specifically issued to Dem-Con Companies LLC, applicant and property owner, for the operation of an office facility, contractor yard with outdoor storage, maintenance shop, and recycling center with outdoor storage.
3. Dem-Con Companies LLC may also lease space to other industrial users after review by Louisville Township and Scott County and issuance of a Certificate of Compliance.
4. If ownership changes or if modifications are proposed, the applicant shall review any operational changes with Louisville Township and Scott County to determine if the proposed operations are consistent with this CUP.
5. The Louisville Town Board may conduct an annual review of the business to ensure that it is in compliance with the CUP.
6. The applicant shall pay an annual inspection fee, if and when the County adopts an inspection fee

ordinance.

7. The property shall be developed according to the approved project plans dated February 21, 2020 and landscaping plan dated March 27, 2020. Any modifications to the project plans shall be reviewed by Louisville Township and Scott County Zoning Administration for conformance to the CUP.
8. All outside storage shall be in the rear or side yard as permitted by this CUP and the County Zoning Ordinance. Storage piles shall not exceed 30 feet in height.
9. All signage shall comply with County Zoning Ordinance regulations.
10. Oils, solvents, and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance, and all tenants shall obtain a hazardous waste license as required by Environmental Services.
11. The applicant shall obtain a solid waste license for any recycling materials processed on the site, as required by Environmental Services.
12. The property shall be maintained in a neat and orderly manner.

3.2 PUBLIC HEARING 6:30 PM: PAHL FAMILY TRUST (PL#2020-011)

- A. Request for Rezoning of 39.04 Acres From Urban Expansion Reserve District (UER) to Urban Expansion Reserve Cluster District (UER-C)

Location:	Section 16
Township:	Sand Creek
Current Zoning:	UER

Criteria for Approval:

1. *Consistency with the Comprehensive Plan* - the proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan.
2. *Compatible with present and future land uses of the area* - the use is not changing and while the lot size is being reduced the overall density will remain at one unit per 40 acres.
3. *The proposed use conforms to all performance standards contained in the Zoning Ordinance* - the use of the property is not changing; a single-family home conforms to all zoning standards.
4. *Public Service Capacity* - the use is not changing and will not adversely impact public service capacity for local service providers.
5. *Adequate Roads or Highways to Serve the Subdivision* - the single-family home has frontage and driveway access to Akers Lane. No additional access is proposed.

Conditions of Approval:

1. Any conditions stated in the Sand Creek Township Board recommendation.

Motion by Commissioner Huber; second by Commissioner Hrabec to approve the consent agenda.

Chair Vonhof called for a roll call vote with results as follows:

Commissioner Vonhof: Aye

Commissioner Hartmann: Not present at the time of the vote

Commissioner Hentges: Aye

Commissioner Hrabec: Aye

Commissioner Huber: Aye

Commissioner Johnson: Not present at the time of the vote

Commissioner Watson: Aye

The motion passed with 5 Ayes

IV. PUBLIC HEARING 6:30 PM KABES FARM (PL#2019-092)

A. Request for Preliminary Plat and Final Plat of Kabes Farm Consisting of 10 Lots on 101.05 Acres

Location: Section 29
Township: Cedar Lake
Current Zoning: RR-1

Principal Planner Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [May 11, 2020 Planning Advisory Commission Agenda Packet](#). (To view the staff report on the county website using the link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Kabes Farm project name.)

Chair Vonhof opened the floor for Commissioner Questions and Comments:

Commissioner Huber inquired if the Township had recommended approval of the application. *Mr. Wagner reported on comments from Township Supervisor Rob Puncochar that indicated they had no issues with the project but did state concerns with the driveways and the township plat fees are paid prior to mylar signing which will be addressed in the development agreement.*

Joe Lambrecht, Township Supervisor, commented the Township does not make a recommendation on any approvals because they are the road officials but leave the planning and zoning authority to the county.

Commissioner Johnson inquired about the Environmental Services report with regards to any drain tile on the property. The report did not indicate the matter was addressed. *Mr. Wagner reported that Mary VonEschen from Environmental Services spoke with the applicant and there is no known drain tile on the property and a note will be added to the preliminary plat. If during construction of the septic systems, drain tile is discovered, the applicant will need to address the issue with Environmental Services and adjacent landowners.*

Chair Vonhof opened the meeting for public comment. County staff reported they did not receive any public comment regarding the application prior or during the meeting.

Motion by Commissioner Hrabe to close the public hearing; second by Commissioner Huber to close the public hearing. The motion carried unanimously as follows per roll call vote:

**Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye**

Motion by Commissioner Hentges; second by Commissioner Huber based on the criteria for approval listed in the staff report, to recommend approval of the preliminary plat and final plat of Kabes Farm, consisting of 10 lots on 101.05 acres, noting that this recommendation is subject to approval of the conditions listed in the staff report that must be satisfactorily addressed prior to county Board consideration of the project. The motion carried unanimously per roll call vote as follows:

Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye

Criteria for Approval (Chapter 40):

1. *Adequate Drainage* – the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – The proposed lots will have frontage and shared accesses off of 270th Street East and Vergus Avenue, both gravel Cedar Lake township roads.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Area in Cedar Lake Township.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access.
7. *Consistency with the Minnesota Environmental Quality Board's Policies- the project falls below the 80 acres of changed land use threshold for requiring an Environmental Assessment Worksheet.*
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore, it is consistent with the County's capital improvement plan.

V. PUBLIC HEARING 6:45 PM SHIMOTA ACRES (PL#2020-006)

- A. Request for Rezoning of 121.83 Acres From Urban Expansion Reserve District (UER) to Urban Transition Reserve Cluster District (UTR-C)
- B. Request for Preliminary & Final Plat of Shimota Acres Consisting of 11 lots and 2 Outlots on 121.83 Acres.

Location: Section 25
Township: Cedar Lake
Current Zoning: UER

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [May 11, 2020 Planning Advisory Commission Agenda Packet](#). (To view the staff report on the county website using the link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Shimota Acres project name.)

Chair Vonhof opened the floor to Commissioner comments and questions on Shimota Acres:

Chair Vonhof inquired about who is responsible for the maintenance on the filtration basins. *Mr. Wagner explained the stormwater facilities are the responsibility of the local township that have the ability to maintain facilities and assess maintenance costs to the subdivision property owners within the developer's agreement. It will be up to the Township to determine how they monitor and perform the maintenance.*

Rob Puncoschar, Cedar Lake Supervisor stated they would prefer not to maintain the infiltration basins in the development. In the past they have passed that responsibility onto the development itself and homeowner association and that is what they would like to see done in this matter as well.

Commissioner Hentges commented on Cedar Lake Township having a density requirement of 1 home per 10 acres and 10-acre lot size, which is not the case with this application. *Mr. Wagner explained there are areas along the western and eastern extents of the Township that are designated as future urban growth areas in the 2030 Comp Plan based on wastewater treatment plans and those boundaries were not changed in the 2040 plan. The subject property is included in these areas that will in the long term be urban and therefore can cluster at 1 dwelling per 10 acres.*

Commissioner Hartmann inquired about the lot sizes across the street in the Harvest Acres. *Mr. Wagner reported they are part of a cluster development and range from 2.5 acres to 5 acres.*

Chair Vonhof opened the meeting for public comments.

Principal Planner Greg Wagner reported he has responded to public comment and questions that were received prior to the meeting via phone and email which he read onto the record during the meeting. He also reported staff provided responses to the residents who sent emails prior to the meeting.

Sara Lenz (26575 Jonquil Ave) called and asked about:

- How the development will be set up, and if it will be similar to her development directly across Jonquil Ave?

Jeff Miles (5585 East 270th St) sent an email and is concerned about:

- Watershed from the homesites noting there is an existing strain on the east end of 270th St. already when it rains and in the spring. Asking if something will be done to correct the issue or keep it from getting worse.

Star Thorson and Jake Dahn (26645 Jonquil Avenue) sent an email and asked about:

- Water control/drainage easement
- Weed mitigation
- Jonquil Avenue maintenance
- Construction timeline
- Covenants for the development

John Geyen (5306 270th Street East) sent an email and asked about:

- Drainage plans
- Density allowances for the area

Emails were received during the meeting through the Planning Department email address. Planning Manager Brad Davis read the questions and comments on to the record at the meeting from the following residents' emails and Mr. Wagner responded to the comments (available on the meeting video):

Star Thorson (address unknown) asked about:

- The existence of drain tile on the property and how will it be handled if discovered.

- Drainage easement, grading, erosion control

Brad and Patti Tibbs (26505 Jonquil Ave) asked about:

- Allocation of any funds for Jonquil Avenue to mitigate stress and damage from construction vehicles and /or pavement of 270th Street.

Carolyn and Luke Friendshuh (address unknown) asked about:

- Construction equipment being limited to tarred portion of Jonquil Ave
- Rules for changing zoning to clustering, are they pretty much always granted
- Granting a variance

Criteria for Approval:

1. *Adequate Drainage* – the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – The proposed lots will have frontage and shared accesses off Jonquil Avenue, a paved Cedar Lake/New Market Township road, and the existing farmstead off 270th Street East, a gravel Cedar Lake Township road.
4. *Adequate Waste Disposal Systems* – the proposed lots meet all requirements of the individual sewage treatment system ordinance.
5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Transition Area in Cedar Lake Township.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access.
7. *Consistency with the Minnesota Environmental Quality Board's Policies- the project falls below the 80 acres of changed land use threshold for requiring an Environmental Assessment Worksheet.*
8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore, it is consistent with the County's capital improvement plan.

Motion by Commissioner Johnson to close the public hearing; second by Commissioner Hartmann to close the public hearing.

**Commissioner Vonhof: Aye
 Commissioner Hartmann: Aye
 Commissioner Hentges: Aye
 Commissioner Hrabe: Aye
 Commissioner Huber: Aye
 Commissioner Johnson: Aye
 Commissioner Watson: Aye**

Motion by Commissioner Johnson; second by Commissioner Hentges based on the criteria for approval listed in the staff report, to recommend approval of the Rezoning, Preliminary Plat and Final Plat of Shimota Acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration of the project. The motion carried unanimously.

Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye

VII. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

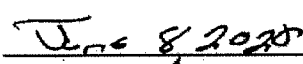
VIII. GENERAL & ADJOURN

Motion by Commissioner Hartmann; second by Commissioner Hrabe to adjourn the meeting at 7:40 PM. The motion carried unanimously per roll call vote as follows:

Commissioner Vonhof: Aye
Commissioner Hartmann: Aye
Commissioner Hentges: Aye
Commissioner Hrabe: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye



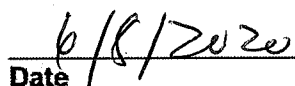
Tom Vonhof
Chair, Planning Advisory Commission



Date



Barbara Simonson
Deputy Clerk to the Board



Date