



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
County Board Room
200 Fourth Ave West
Shakopee, Minnesota

Monday, December 12, 2022
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:30 PM with the following members present: Kent Robbins, Jay Picha, Donna Hentges, Ray Huber, Tom Vonhof, Barbara Johnson and Lee Watson.

County Staff Present: Brad Davis-Planning Manager, Marty Schmitz-Zoning Administrator; Greg Wagner-Principal Planner; Tom Wolf-County Board Commissioner and Rachel Nosbush-Deputy Clerk to the Board.

II. APPROVAL OF NOVEMBER 14, 2022 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Vonhof; second by Commissioner Hentges to approve the minutes of November 12, 2022 Planning Advisory meeting. The motion carried unanimously. Commissioner Hentges abstained due to absence at previous meeting.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: KOENIG REZONE (PL#2022-069)

- A. Request for Rezoning of 132.09 Acres From A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Location: Section 20
Township: Belle Plaine
Current Zoning: A-1

Criteria of Approval:

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official County Comprehensive Plan.* The proposed rezoning conforms to the goals and policies contained in the 2040 Comprehensive Plan for preservation of agricultural land.
2. *The proposed use is or will be compatible with present and future land uses of the area.* The property use is not changing from the existing home and agricultural land, and while the home lot size is being reduced the overall density will not increase.
3. *The proposed use conforms to all performance standards contained in this Ordinance.* The use of the property is not changing, the majority of the property will remain in agricultural production.
4. *The proposed use can be accommodated with existing and planning public services and will not overburden the County or Township's service capacity.* The use is not changing or increasing development and therefore will not adversely impact public service capacity for local service providers.
5. *Traffic generation by the proposed use is within capabilities of streets serving the property.* The property is served by Hickory Boulevard (County Road 5), a paved county road, and there will be no increase in traffic based on this request. The owners will be dedicating a road easement on Parcel A (existing home), and will continue to use the existing residential driveway and field access.

Motion by Commissioner Robbins to open the public hearing for the Consent Agenda; second by Commissioner Hentges. The motion carried unanimously.

Chair Vonhof opened the floor for further comments.

Linda Hoss, neighbor to Johnson Estates property requested to remove the item from the Consent Agenda to Non-consent Agenda. County Staff requested Dakota Lan, LLC item be removed from the Consent Agenda to Non-consent Agenda.

Motion by Commissioner Johnson to close the public hearing for the Consent Agenda; second by Commissioner Robbins. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Picha to approve the one remaining item, the Koenig Rezone on the Consent Agenda. The motion carried unanimously.

IV. PUBLIC HEARING 6:35 PM: JOHNSON ESTATES REZONE, PRELIMINARY & FINAL PLAT (PL#2022-072)

- A. Request for Rezoning of 10.8 Acres from RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single-Family District.
- B. Request for Approval of the Preliminary Plat and Final Plat of Johnson Estates Consisting of 2 Lots on 10.58 Acres.

Location:	Section 28
Township:	Spring Lake
Current Zoning:	RR-1

Criteria of Approval:

1. Adequate Drainage – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.
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 have frontage and driveway access to Malibu Avenue, a paved 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 Rural Residential Growth Staged Area.
6. Public Service Capacity – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.
7. Consistency with the Minnesota Environmental Quality Board's Policies- the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
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.

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [December 12, 2022 Planning Advisory Commission Agenda Packet](#). The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

No comments or questions.

Chair Vonhof requested a motion to open the public hearing.

Motion by Commissioner Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

Linda Hoss, neighbor to Johnson Estate's property, expressed concern relating to how the rezoning would affect her property and future road alignments. Mrs. Hoss explained Mr. Wagner's presentation had answered her questioned and was satisfied the rezone will not affect her property.

Motion by Commissioner Picha to close the public hearing; second by Commissioner Hentges. The motion carried unanimously.

Motion by Commissioner Robbins; second by Commissioner Watson, based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Johnson Estates, consisting of 2 lots on 10.8 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.

Chair Vonhof called for a vote on the motion to approve the request as follows:

Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Vonhof: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

V. PUBLIC HEARING 6:40 PM: DAKOTA LAN, LLC CUP (PL#2022-076)

- A. Request for Approving the Conditional Use Permit for a Minor Amendment to Change Primary Use From General Contracting to Leasing Commercial Businesses.

Location: Section 22
Township: Louisville
Current Zoning: C-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [December 12, 2022 Planning Advisory Commission Agenda Packet](#). The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Johnson questioned Township's original recommendation of denial on the permit. *Mr. Wagner responded that after the Township's review they recommended approval subject to their consultant planner's review memorandum. Staff reviewed the memorandum and updated the conditions and explained the changes to the Commission and that the revised conditions are agreeable to the applicant and Township so the Township is recommending approval.*

Chair Vonhof requested a motion to open the public hearing.

Motion by Commissioner Hentges to open the public hearing; second by Commissioner Watson. The motion carried unanimously.

Public Comments and Questions at the Podium

Nobody approached the podium.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Hentges. The motion carried unanimously.

Motion by Commissioner Johnson; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, to recommend approval of the Conditional Use Permit amendment for Dakota Lan LLC, Janice Strand, to lease out a commercial building to other commercial businesses with the updated conditions presented by county staff

Chair Vonhof called for a vote on the motion to approve the request as follows:

Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Vonhof: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

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

1. The proposed use will not create an excessive burden on public facilities.
2. The proposed use is compatible with uses on adjacent lots
3. The existing structure is designed of materials that are not unsightly in appearance.
4. The use is consistent with the purpose of the C-1 Zoning District.
5. The use is not in conflict with the Scott County 2040 Comprehensive Plan.
6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.
8. The existing building meets the requirements of the Building Code.

Conditions of Approval (removed language in ~~strikethrough~~, new in underline):

1. The applicant is to file with Scott County Planning Office Zoning Administration in January of each year a statement that the property is in compliance with the conditions of the Conditional Use Permit (CUP). With this statement, the applicant is to file a list of current building tenants and the corresponding land use from the Zoning Uses Table 20-4.
2. If ownership changes, the new owner shall contact the Louisville Township Board and the County Planning Office Zoning Administration to review the conditions of the permit and indicate whether any changes are proposed. ~~the operator shall contact the Community Development Department staff to~~ The Township and County staff shall determine if the CUP needs to be amended.
3. The Conditional Use Permit is to allow Commercial Indoor Storage or Garage Rental and leasing for Commercial Office Uses meeting the uses allowed in the C-1, General Commercial Zoning District. All building tenants shall obtain a Certificate of Compliance with review by Zoning Administration, Environmental Services, and Building Inspections as well as Louisville Township.
4. Oils, solvents, and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. All tenants shall schedule a Hazardous Waste Inspection with Environmental Services to determine licensure.
5. The property shall be maintained in a neat and orderly manner.
6. No outside storage will be allowed. No outdoor sales or service is permitted. No product display or outdoor staging areas are permitted. All business activities must occur within the building.
7. Hours of operation are limited to 7:00a.m. to 9:00 p.m. Monday through Saturday.
8. Noise from persons or activities on the property between the hours of 10:00 p.m. and 9:00 a.m. in such a manner as to be plainly audible at the property line shall be a violation of the CUP.
9. Operation of the property shall be in conformance with Louisville Township Ordinances, including but not limited to nuisance and parking ordinances, as amended from time to time.
10. Only parking for employees and customers shall be permitted on the property, and all parking shall be provided on site; no parking shall be allowed on private driveways or township road rights-of-way.
11. The building is a legal non-conforming structure due to not meeting required setbacks to residential zoning districts. The building shall have rights granted under non-conforming structures of the Scott County Zoning Ordinance. If the building is destroyed by more than 50% of the assessed value, use of the building must comply with the zoning ordinance.
12. The driveway, landscaping, and parking layout shall be ~~installed and maintained~~ to provide a full landscape screen around the perimeter of the property as required by the zoning ordinance. ~~according to the site plan dated March 17, 2000 and letter dated March 21, 2000.~~ Any diseased or dead trees shall be replaced to maintain the screen on the sides abutting residential zoning districts.
13. All lighting and signage shall comply with the Scott County Zoning Ordinance.
14. No additional building shall be constructed without first submitting an application for an amendment to this Conditional Use Permit including an updated site plan.
15. ~~The door to the west will be moved to the south.~~
16. ~~A landscape plan will be submitted showing a plan that will screen around the facility.~~

VI. PUBLIC HEARING 6:50 PM HUNTERS PASS REZONE, PRELIMINARY & FINAL PLAT (PL#2022-073)

- A. Request for Rezoning of 10.2 Acres From RR-1, Rural Residential Reserve to RR-2 Rural Residential Single-Family.
- B. Request for Approval of Preliminary Plat and Final Plat Consisting of 2 Lots on 10.2 Acres.

Location: Section 23

Township: Spring Lake
Current Zoning: RR-1

Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [December 12, 2022 Planning Advisory Commission Agenda Packet](#). The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Robbins and Commissioner Johnson both expressed concern regarding possible septic sites and if there would be concerns for future septic sites. *Mr. Schmitz responded the county was unable to do borings to verify possible septic sites but would verify sites when the permitting process goes forward.*

Commissioner Huber had questioned a possible new gated road. *Mr. Schmitz explained no new road will be constructed as three homes would be using the existing driveway to 19471 Panama Avenue located north of the plat. This parcel is also owned by the applicants. The applicants will need to prepare acceptable access easements for Lots 1 & 2 to take access from their driveway. The existing access to 19485 Panama (Lot 1) will be restricted to a gated agricultural access and for access to Nuvera utility equipment.*

Commissioner Hentges expressed concern of the use of one septic site for two different lots. *Mr. Schmitz responded while there is room for an additional septic site on Lot 1, it does not make sense to abandon the existing functioning system on lot 2 at this time as both parcels are owned by the applicant.*

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium

Dan and Lori Haugh approached the podium and explained the shared septic sites and driveway will not be an issue as they do not intend to develop the property.

Motion by Commissioner Hentges to close the public hearing; second by Commissioner Huber. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the rezoning, preliminary plat and final plat of Hunters Pass, consisting of 2 lots and 1 outlot on 10.23 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. A Friendly Amendment was added indicating Spring Lake Township recommended approval.

Chair Vonhof called for a vote on the motion to approve the request as follows:

**Commissioner Robbins: Aye
Commissioner Picha: Aye
Commissioner Hentges: Aye
Commissioner Vonhof: Aye
Commissioner Huber: Aye
Commissioner Johnson: Aye**

Commissioner Watson: Aye
The motion passed unanimously with 7 Ayes.

Conditions Of Approval:

1. Any conditions of the DNR, PLSLWD, SWCD or Spring Lake Township review of the Shoreland, wetlands and Conservation Easement(s).
2. Conservation Easements acceptable to the PLSLWD shall be drafted and signed by the applicants.
3. An acceptable septic system easement agreement is prepared for recording with the final plat.
4. Acceptable access easement are prepared for Lots 1 & 2 to take access from the driveway to 19471 Panama Avenue. These easements will be recorded with the final plat.
5. County Recorder and Surveyor review and approve the plat.
6. Submittal of up to date Title Commitment and approval by the County Attorney.
7. Payment of all Spring Lake Township and Scott County Final Plat Fees.

Criteria for Approval:

1. *Adequate Drainage* – the proposed plat meets all stormwater drainage requirements as identified in Chapter 6 of the zoning ordinance.
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* – Acceptable access easements will be prepared for Lots 1 & 2 to take access from the driveway to 19471 Panama Avenue. The existing access to 19485 Panama Avenue will be restricted to a gated agricultural access and for access to utility equipment. These access changes will restrict access to the existing driveway to Lot 1 which has poor site lines and concentrate access in a location with significantly better site lines and in a location the Township feels is appropriate for a future east west 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 Rural Residential Growth Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers. Access easements will be prepared for Lots 1 & 2 to take access from the driveway to 19471 Panama Avenue. The existing access to 19485 Panama Avenue will be restricted to a gated agricultural access and for access to Nuvera utility equipment.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*– the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.
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.

VII. PUBLIC HEARING 7:00 PM BLUE SKY FREIGHT CARRIERS, LLC CUP (PL#2022-074)

- A. Request for Approval of a Conditional Use Permit to Operate a Freight Truck Repair Shop and Transportation Company.

Location: Section 13
Township: New Market
Current Zoning: RBR

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available at the Scott County Website link: [December 12, 2022 Planning Advisory Commission Agenda Packet](#). The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

The agenda packet can also be found by visiting the official county website at www.scottcountymn.gov and searching under >Government>then County Board Agendas and Minutes>then search Planning Advisory Commission.

Commissioner Comments and Questions:

Commissioner Picha expressed concern with the hours of a trucking company. *Mr. Wagner explained the property in question is not near residential properties so vehicles coming into the site do not pass by areas where disruption to residential neighbors would be an issue, therefore, hours were not established.*

Commissioner Hentges recalled the previous truck company coming in and the number of complaints from the neighbors asking for clarification if the public was notified. *Mr. Wagner responded there were two calls. One call in from a neighbor regarding a separate issue. The second was a call stating the GPS systems the delivery trucks were using caused them to miss the entrance which made the trucks have to back up on the road to make the entrance. Mr. Wagner explained the county submitted a request to online map providers to update the road information and also contacted the developer to notify their drivers of the issue.*

Commissioner Huber asked for clarification on direction of the trucks would be driving when leaving the site. *Mr. Wagner explained Eureka Township had blocked off the road to the east so there was no traffic going east.*

Commissioner Huber discussed adding more trees to certain areas for screening purposes. *Mr. Wagner proposed working with the Applicant regarding tree placement to make sure the site lines along County Road 46 were not impacted, but the applicant felt they could add additional trees.*

Commissioner Johnson asked for clarification as to two different types of trucking in the area. *Applicant explained the uses on each of the properties within the development and anticipated future uses.*

Commissioner Watson noted he was one who hesitant giving his approval on this and wanted to explain he visited the area and found it did not appear to disturb the residential area and that this is a safe location for a truck company.

Commissioner Robbins inquired about outdoor storage. *Mr. Wagner explained there is mainly truck parking but it is in the rear of the building and will be screened. Applicant explained the use of the surrounding area and detailed if there were to be outdoor storage or not. The parking lot will not be full as these are long haul carriers and there is no money to be made when the trucks are sitting in the lots.*

Commissioner Vonnhof noted a main concern is the screening. Applicant explained the number of trees they have put in and the intention of adding more.

Commissioner Johnson directly asked Applicant if vandalism has improved in recently. Applicant explained they have additional light and implemented changes which has limited vandalism.

Chair Vonnhof requested a motion to open the public hearing.

Motion by Commissioner Watson to open the public hearing; second by Commissioner Picha. The motion carried unanimously.

Public Comments and Questions at the Podium

No one approached the podium.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Picha. The motion carried unanimously.

Motion by Commissioner Huber; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit (CUP) for Blue Sky Freight Carrier to operate a freight truck repair facility and transportation company.

Chair Vonhof called for a vote on the motion to approve the request as follows:

Commissioner Robbins: Aye

Commissioner Picha: Aye

Commissioner Hentges: Aye

Commissioner Vonhof: Aye

Commissioner Huber: Aye

Commissioner Johnson: Aye

Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

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

1. The proposed use does not create an excessive burden on public facilities.
2. The proposed use is compatible with or separated by a sufficient distance from uses on adjacent lots.
3. The proposed structures will be designed of materials that are not unsightly in appearance.
4. The use is consistent with the purpose of the RBR Zoning District.
5. The use is not in conflict with the Scott County 2040 Comprehensive Plan.
6. Adequate measures have been taken to provide ingress and egress access to public roads and on-site parking. The developer also removed a large berm area from the Pillsbury Avenue right-of-way to improve sight distance at the county roads intersection, and the traffic study projects traffic in line with county road design capacity.
7. Adequate water supply, sewage treatment systems, erosion control and storm water facilities have been approved by County Staff.
8. The proposed buildings will need to meet all Building Code requirements.

Conditions of CUP Approval:

1. The applicant is to file with the Scott County Planning Office in January of each year a statement stating that they are in compliance with the conditions of the Conditional Use Permit.
2. This Conditional Use Permit is specifically issued to Blue Sky Freight Carrier to operate a freight truck repair facility and transportation company.
3. If the property is sold or the use changes the new owner/operator shall review said changes with Scott County Zoning Administration, Building Inspections and Environmental Services Departments and the New Market Town Board to determine if the Conditional Use Permit needs to be updated or amended.
4. The New Market Town Board may conduct an annual review of the business to ensure that they are in compliance with the CUP conditions.
5. The applicant shall pay an annual inspection fee for the CUP, if and when the County adopts an inspection fee ordinance.
6. The property shall be developed according to the applicant's narrative and approved plans including Overall Site Plan, Grading, Drainage & Erosion Control Plans and Landscaping Plan dated 10/20/2022 (As maybe amended prior to County Board Action); any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the New Market Town Board.
7. All signage and lighting shall comply with the Scott County Zoning Ordinance.
8. Oils, solvents, and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. A hazardous waste inspection and license shall be obtained as required by Scott County Environmental Services.
9. All outside vehicle parking shall be located behind (west & south) of the building as permitted by the Scott County Zoning Ordinance and shall be screened, fenced, or landscaped as shown on the approved plan.

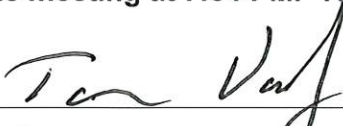
Only vehicles being repaired shall be stored on site, no other unlicensed, inoperable or salvage vehicles shall be stored on the property.

10. Landscaping shall be installed according to the approved landscaping plan dated 10/19/222. Any dead or dying plant shall be removed and replaced according to Zoning Ordinance requirements.
11. The property shall be maintained in a neat and orderly manner.
12. Building Permits shall be obtained for any modifications to the building as required by the State Building Code, State Fire Code, and the County Building Official.
13. Only vehicles owned by the applicant and repaired by the applicant's business may be sold from the property.

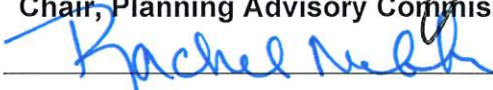
VI. PLANNING MANAGER UPDATE REPORT-Presented by Brad Davis

VII. GENERAL & ADJOURN

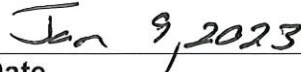
Motion by Commissioner Johnson; second by Commissioner Hentges to adjourn the meeting at 7:54 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission



Rachel Nosbush
Deputy Clerk to the Board



Date



Date