



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, April 10, 2023
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:40 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, and Lee Watson; Donna Hentges was absent with notice.

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

II. APPROVAL OF MARCH 13, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Picha; second by Commissioner Robbins to approve the minutes of March 13, 2023 Planning Advisory meeting. The motion carried unanimously.

III. CONSENT AGENDA

Chair Vonhof introduced the two Consent items and asked the Board and public if anyone wished to remove the Consent items to be considered separately. No motions were made.

3.1 PUBLIC HEARING 6:42 PM: MEIERBOCHTAL REZONE (PL#2023-017)

- A. Request for Rezoning of 40 Acres From A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District

Location: Section 20
Township: Blakeley
Current Zoning: A-1 Agricultural Preservation District

Criteria for Approval:

- 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.
- The proposed use is or will be compatible with present and future land uses of the area.*
Single family dwellings are a permitted use and while the lot size is being reduced the overall density will remain at one unit per 40 acres.
- The proposed use conforms to all performance standards contained in this Ordinance.*
The use of the property is permitted, the majority of the property will remain in agricultural production. All performance standards will be met unless a variance is granted for specific standards.

4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
Only one additional housing unit will be added 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 has frontage on Keystone Lane and the access point will not be altered.

Motion by Commissioner Robbins; second by Commissioner Huber to approve the Consent Agenda. The motion carried unanimously.

3.2 PUBLIC HEARING 6:44 PM: DOGZ & KATZ LUXURY PET BOARDING INTERIM USE PERMIT (PL#2023-012)

- A. Request for Interim Use Permit for Dogz & Katz Luxury Pet Boarding to Operate a Commercial Kennel for Boarding up to Twenty-Five Dogs

Location: Section 34
Township: St. Lawrence
Current Zoning: UER Urban Expansion Reserve

Criteria for Approval:

1. *The use will not create a burden on public facilities and utilities which serve or are proposed to serve the area.*
The proposed use will not have any significant impact on public facilities that serve the property.
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.*
As proposed, the location of the dog kennel facilities exceeds the required property line setbacks, is surrounded by mature trees and will be more than 1300' from any residence outside of the subject parcel.
3. *If improvements are made, they shall be so designed and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*
The structures currently exist on the site and are designed with the same materials that are typical of homes and rural accessory buildings.
4. *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 on-site parking.*
It is not anticipated that an expansion of the existing use will create traffic congestion. Access will be via the existing residential driveway to Goshen Trail. Minimal onsite parking is required.
5. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*
There is currently a holding tank onsite to handle waste from the kennel building. The Environmental Services Department has reviewed the request and will require further review of the holding tank and septic system at the second phase expansion.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*
The applicant will be required to apply for a building permit and follow State Building Code.

Motion by Commissioner Watson; second by Commissioner Huber to approve the Consent Agenda. The motion carried unanimously.

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

Commissioner Husain: Aye
Commissioner Picha: Aye

Commissioner Robbins: Aye
Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Absent
Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

IV. PUBLIC HEARING 6:45 PM: CASEY BEATON - HOLIDAY STATIONSTORES, LLC., AMEND CONDITIONAL USE PERMIT, PRELIMINARY PLAT AND FINAL PLAT (PL#2023-013)

- A. Request to Amend Conditional Use Permit for Holiday Stationstores, LLC., to expand truck parking.
- B. Request for Preliminary Plat of Holiday Chestnut Boulevard
- C. Request for Final Plat of Holiday Chestnut Boulevard

Location: Section 15
Township: Jackson
Current Zoning: C-1 General Commercial

Nathan Hall 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: [April 10, 2023 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:

Chari Vonhof asked if the parking lot will have video surveillance to help reduce crime.

Mr. Hall responded the Applicant could provide this answer as this is a topic he has not been informed of.
Chair Vonhof strongly advised the Applicant's use of video surveillance.

Commissioner Pica asked if the 17 additional parking spaces would be used as overnight sleepers.

Mr. Hall confirmed they would be for daytime and overnight parking.

Commissioner Pica questioned if the area between the parking lot and Hwy. 41 would be designated as a backup septic site.

Mr. Hall explained this area involves easements and grading will be done in this space Mr. Hall further clarified Applicant had meet with the Development Review Team (DRT) back in December where the Environmental Service Department clarified there are no septic issues and pointed out there has already been secondary septic sites located north of the station.

Commissioner Husain brought up use of internet and wifi and if this could be available to customers.

Mr. Hall responded the Applicant would take this into consideration.

Chair Vonhof verbally opened the public hearing.

No one approached the podium.

Motion by Commissioner Huber to close the public hearing; second by Commissioner Pica.
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 of the Conditional Use Permit amendment for Holiday Stationstores, LLC, and the Preliminary and Final Plat noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration.

Commissioner Watson strongly recommended the use of video surveillance.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

Criteria for Approval:

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.
The property is served by paved public roads. The City of Shakopee met with Holiday Stationstores LLC and informed them that there is not an imminent plan to annex the property and provide municipal utilities.
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 use is allowed in the C-1 district through a CUP, and adjacent uses are generally industrial in nature. The site is bordered by three public roadways, and the mobile home park across Highway 41 is screened by a 20 foot sound wall.
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 proposed expansion is a parking area; there will be no additional structures.
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 C-1, General Commercial District.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
The Comprehensive Plan guides this property as Commercial.
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 from the Highway 41 Frontage Road and the internal Holiday Stationstores drive aisles.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
The business utilizes an individual well and private sewage treatment system; the new parking area will have a new infiltration basin for stormwater runoff.
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.
No new structures are being proposed.

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). Failure to do so may be a basis for revocation of the Conditional Use Permit.
2. If ownership of the building changes, the new owner shall contact the Jackson Township Board and Scott County Zoning to review the conditions of the Conditional Use Permit.

3. The site shall be developed according to the approved plans for the existing site (dated 8/14/1996) and according to the narrative for the expansion area dated February 27, 2023 with the new project civil plans for the expansion area prepared by Sunde Engineering (dated 3/21/2023, as may be amended prior to County Board consideration).
4. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
5. The property shall be maintained in a neat and orderly manner.
6. Signage and lighting shall conform with the Scott County Zoning Ordinance.
7. All solid waste shall be managed according to the Scott County Solid Waste Ordinance.

V. PUBLIC HEARING 6:59 PM SHAKOPEE BOWL, LLC., CONDITIONAL USE PERMIT AMENDMENT (PL#2023-015)

- A. Request to Amend Conditional Use Permit site plan for Shakopee Bowl, LLC to expand the Outdoor Commercial Recreational Use and add three sand volleyball courts.

Location: Section 22
Township: Louisville
Current Zoning: C-1, General Commercial

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: [April 10, 2023 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 questioned which individuals will be using these courts.

Dave Johnson, Owner of Shakopee Bowl, LLC., explained the Shakopee Volleyball Association will use the courts Sunday, Monday and Tuesday night for their youth league and Shakopee Bowl itself will have an adult co-ed league Wednesday, Thursday and Friday nights.

Commissioner Husan asked if restroom/shower facilities would be provided and if they plan to expand their restrooms.

Mr. Johnson explained there will be a cold-water line outside for the customers to rinse their feet off. Mr. Johnson further explained as the bowling leagues are over for the season, they do not expect an increase in restroom use so there are no intentions of expanding their restrooms.

Chair Vonnhof verbally opened the public hearing.

Public Comments and Questions at the Podium

No one approached the podium.

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

Motion by Commissioner Huber; second by Commissioner Robbins, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit amendment for

Shakopee Bowl, LLC., to expand the Outdoor Commercial Recreational Use and add 3 sand volleyball courts. Friendly Amended added to include Louisville Township approval.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

Criteria for Approval:

1. The use will not create an excessive burden on public facilities and utilities that serve or are proposed to serve the area.
The use has been operating since 1978 and has not created a burden on public facilities or utilities.
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 7-acre property is surrounded on all sides by vacant commercially zoned property. The nearest residential home is 1/8 mile to the east and the east lot line of the subject property has a mature wood line that provides screening.
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 proposed use is sand volleyball courts and are not considered a structure.
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.
Outdoor Commercial Recreation uses are allowed as Administrative Permits in the Commercial District.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
The Comprehensive Plan guides this property as Commercial, which would support this type of recreational use.
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.
The site has two existing paved accesses to 133rd Street West, a paved township road, and the applicants repaved and striped the parking lot where it previously had no delineated parking rows or spaces. Proposed parking meets County Ordinance standards for required spaces. No off-site parking is allowed.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
The commercial recreation uses utilize the restroom and other facilities within the bowling alley building, which installed a new septic system in 2022.
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.
No building permits are needed for the proposed volleyball courts.

Existing Conditions of Approval:

1. The applicant is to file with Scott County Zoning Administration in January of each year a statement indicating that the site and business are in compliance with the conditions of the Conditional Use Permit (CUP).
2. If ownership of the business changes, the new owner shall contact Scott County Zoning Administration and Louisville Township to review the permit conditions.
3. This CUP issued specifically to Shakopee Bowl LLC to allow an indoor/outdoor commercial recreational facility and bar/restaurant, with additional outdoor events such as weddings, corporate functions, flea

markets, car shows, antique shows, farmers market, family carnivals, athletic events. Outdoor concerts where tickets are sold/provided for customer entertainment are not permitted under the CUP.

4. Any one-time event not enumerated by this CUP shall be subject to the Scott County Large Assembly Ordinance procedures and requirements. The maximum number of people at any outdoor event shall be established as part of a Large Assembly Permit Application review by the County and Township Board.
5. All parking shall be provided on site. No parking shall be allowed on private driveways or state, county, or township road rights-of-way. All lighting shall comply with the Scott County Zoning Ordinance for lighting standards.
6. Signage shall comply with the Scott County Zoning Ordinance.
7. The site shall be developed in compliance with existing building and three 30'x60 sand volleyball courts, and new outdoor recreation areas as identified on the application site plan that include a 50'x 50' concrete patio for bar/restaurant seating, a 30'x 50' concrete area for recreational games (corn hole, rope toss, and other similar games) with seating and a 42"x42" firepit, a 20'x 40' smoking patio, and two 100'x 100' whiffle ball play fields. (Site plans attached to this report will be stamped and dated on County Board approval date).
8. Alcoholic beverages may be allowed by approved liquor license for the sale and consumption of alcohol according to state and county regulations.
9. Hours of operation for serving food and liquor on the outdoor patios shall be from 9:00 a.m. to 1:00 a.m., or as otherwise established under an approved liquor license. Hours of operation for outdoor events, specifically the volleyball courts and wiffleball field, shall be limited from 9:00 a.m. – 10:00 p.m. on Sunday through Thursday, and until 11:00 p.m. on Friday and Saturday. Live music allowed outside on the patio area shall consist of acoustic style performance with acoustic style speakers only. Speakers shall face westward, so sound is directed toward the west opposite from residential areas to the east and south. Hours for any outdoor patio music shall be 9:00 a.m. to 10:00 p.m. Noise levels shall at all times comply with MPCA decibel standards for noise control.
10. No camping or open fires shall be allowed, except for the outdoor fire pit allowed on the patio.

VI. PUBLIC HEARING 7:08 PM SMAAGAARD OAKS REZONE (PL#2023-003)

- A. Request to Rezone of 10.13 acres from Rural Residential Reserve District, RR-1, to Rural Residential Single Family District, RR-2.
- B. Request for Preliminary Plat of Smaagaard Oaks consisting of 3 lots on 12.18 acres.
- C. Request for Final Plat of Smaagaard Oaks consisting of 3 lots on 12.13 acres.

Location: Section 27
Township: Spring Lake
Current Zoning: RR Rural Residential

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: [April 10, 2023 Planning Advisory Commission](#) Agenda Packet. The staff report can be found in the full agenda packet located by clicking Planning Advisory Commission.

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Commissioner Comments and Questions:

Chair Vonhof questioned when reviewing the original HOA documents, it appeared it did not include the properties in question and if this was correct.

Mr. Schmitz explained this is the Applicant's thought process as well and per the County Attorneys advice it is not in the authority of the Planning and Zoning Department to make this determination.

Commissioner Huber asked if it is 1 foot or 2 above 100-year floodplain for elevation in the County.
Mr. Schmitz confirmed 1 foot above 100.

Commissioner Robbins asked what the Applicant intends to do with this property.
Mr. Schmitz responded Applicant intends to market this property for residential sale.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium

Gary Shelton, neighboring Hickory Hollow property owner, explained he wrote a letter to the Township requesting they impose the HOA upon the two parcels in question. Mr. Shelton's reasoning is the potential property owners will be using Hickory Hollow entrances and roads to access their properties. As per County ordinances and requirements the HOA is required to maintain the streetlight, while it is a minimum fee, he feels it is fair the potential owners contribute to this as the County and Township do not want to maintain streetlights. Mr. Shelton also expressed concerns on how the parcels would develop and how they could affect his property. Mr. Shelton questioned a Memo from Mr. Schmitz explaining the County could not require the properties to be part of the HOA as the development is not requiring any public improvements or developer's agreement. He still feels they should take into consideration what the property owners will be using from the HOA.

Mr. Shelton would like to go on record and note the Board disregard his letter and requests. While he wishes the Board would impose the HOA upon the two parcels, he does not feel the Smaagaard's should be compelled to do so.

Commissioner Robbins asked for clarification that Mr. Shelton originally wished they would join but after looking at matter more closely he does not feel the Smaagaard's should be compelled to do so.
Mr. Shelton expressed he would like them to but does not feel they should be compelled to.

Paul Smaagaard, Applicant, expressed when he purchased the property there was no mention of an HOA. He would rather leave this decision up to the purchasers of the parcels to make this decision.

Kathleen Smaagard, Applicant, explained they have lived in their home since 1983 and the natural land surrounding them is what appealed to them to purchase the property. They wish to not limit the potential owner's future use to not include the ability to have chickens, horses, or a large garden. With the HOA this freedom of land use is not an option. Mrs. Smaagaard stated they take care of their land and enjoy their land.

Kurt Whitman, Scott County Assistant Attorney, made comments explaining Mr. Shelton is correct that the County does not have authority to impose the HOA as the County's authority comes from a development agreement. There are no additional public improvements, which prompts a development agreement; therefore, they cannot impose the two parcels be a part of the HOA.

Commissioner Huber questioned why the County and Township do not maintain the streetlights.
Mr. Whitman explained the HOA is handling the costs of the streetlights.

Commissioner Huber expressed he does not understand why the HOA must maintain these.
Mr. Whitman explained it is an option. The County ordinance says that they will not pay so either the Township or HOA pays. And the Township does not want to pay.

Mr. Shelton wished to counter some comments. There is only one HOA not two; all residents pay these fees, not just one HOA. Mr. Shelton expressed his apologies to the Smaagaard's for the distress he caused and explained the reasonings behind the actions he took.

Bryan O'Chetti, neighboring property owner, expressed concern with the road right-of-way connecting Hickory Trail and 206th Street. Mr. O'Chetti questioned how Hickory Hollow residents will feel when tractors are being driven past their homes because of the new road and questioned why this is even happening.

Chair Vonhof asked Mr. Schmitz to clarify the road development.

Mr. Schmitz explained this is County policy and ordinances require street interconnectivity between developments for safety of school buses, mail trucks, garbage trucks, etc., so they need to go out on an arterial street to get from one development to another.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Picha. 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 of 10.13 acres from Rural Residential Reserve District, RR-1, to Rural Residential Single Family District, RR-2, and preliminary and final plat of Smaagaard Oaks, consisting of 3 lots on 12.18 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 Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed unanimously with 6 Ayes.

Chair Vonhof made a comment that while he lives in the area he does see and appreciate the differences between the two neighborhoods.

Conditions to be Satisfied Prior to County Board Consideration:

1. Any conditions stated in the Scott County Environmental Health Department review of the plat and the proposed septic drain field sites.
2. Any conditions stated in the Scott County Natural Resources Department review of the plat including establishing 100 year flood elevations and submittal of Conservation Easements.
3. Any conditions listed in the Spring Lake Township recommendation.
4. Submittal of required title work and review by the County Attorney.
5. County Surveyor and Recorder review and signing of the plat Mylars.
6. Payment of all Spring Lake Township and Scott County Final Plat fees.

Criteria for Approval:

1. *Adequate Drainage* – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance. Grading and erosion control plans will be required at the time building permits are applied for on the lots.
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 utilize Hickory Trail and 206th Street East, Spring Lake Township roads, for frontage and access. Right-of-way is being dedicated allowing a connection between 206th Street East and Hickory Trail in the future
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 Growth Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize existing Township roads for access.
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 7:57 PM JMH LAND DEVELOPMENT COMPANY, LLC COMPREHENSIVE PLAN AMENDMENT (PL#2023-004)

- A. Request for a Comprehensive Plan Amendment to re-guide 52.32 acres from Commercial Reserve to Rural Industrial (47.86 acres) and General Commercial (4.46 acres)

Location: Section 27
Township: Spring Lake
Current Zoning: RR Rural Residential

Brad Davis presented the staff report for this application. For a further detailed presentation Mr. Davis introduced Mark Sonstegard of JMH Land Development Company, LLC. The specific details within the staff report and a video are available at the Scott County Website link: [April 10, 2023 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 Huber questioned why the applicant's presentation showed flood control concept plans for the subject property.

Mr. Sonstegard responded that these concepts showed voluntary options where the watershed is looking to improve flood control in the area. Mr. Sonstegard said this property does not flood.

Commissioner Robbins asked how many businesses, or lots, are to be expected if the comp plan amendment is approved and the applicant applies for a future plat

Mr. Sonstegard explained there will be 5-7 lots or businesses with the option of combining some of the smaller lots if a buyer is looking for a larger lot.

Commissioner Robbins asked what will happen with the property if this Comp Plan Amendment does not go through.

Mr. Davis explained the property will remain in the urban business reserve district and intensive development with platting into smaller lots would not occur at this time.

Commissioner Huber wondered about the parcel to the south and if it would be industrial.

Mr. Davis responded the property south of the Hentges parcel would be industrial as well according to city plans

Commissioner Watson questioned the uses permitted in the UBR and if the Hentges could use that zoning as a fallback to develop the property, such as a winery.

Mr. Davis confirmed it would be a fallback and there are a range of uses permitted by right or by conditional use in the UBR zoning district. However, the property owner could not subdivide the property into 5-7 lots as envisioned in the concept plan.

Commissioner Picha asked for an estimation of when this property could get annexed by the City.
Mr. Davis responded with an estimation of 4-6 years, according to information provided by the city.

Frank Boyles, Prior Lake resident and former City Manager, expressed his concerns of the precedential nature and the decision and the effect this will have on other areas to be annexed. Mr. Boyles is concerned with leapfrog development and he fully supports the County Staff recommendation of denial.

Commissioner Huber questioned the location of the sewer lines and the use of a lift station and how far would this service.

Jason Wedel, Prior Lake City Manager, explained the location of the sewer and water lines. They are 40 feet deep and cost \$700,000 with the intention of expanding further south to the Henges property which is roughly 4,000 feet from where they are now. They were holding off on expanding at this moment until after this public hearing and County decision on the request. Mr. Wedel explained they put in a lift station near the west side of Spring Lake and said a lift station would service this area to the south.

Commissioner Huber asked how many years it would take for Prior Lake to make progress in the area in question and if there could be any compromise.

Mr. Wedel responded that it depends on what is driving the progress. The time frame will depend on what is driving it.

Commissioner Huber questioned plotting ghost sewer and water connection lines for future connection for each lot as a possible compromise between City and Township.

Mr. Wedel responded ghost lines are possible, but there has not been good luck with this concept. A business or company building on one of the lots will not want to connect to city sewer and water a few years later, after already installing their own septic without knowing the cost of the potential project.

Matt Stordahl, Spring Lake Township Engineer, made comments on the City's trunk infrastructure and the area in question. This property is roughly 3% of the proposed annexation area. The City has a lot of acres already in place for annexation. The Maxfield Study shows that Prior Lake needs to have 40-45 acres of industrial use by 2040. Mr. Stordahl questioned how long is it reasonable to ask a property owner, who bought the property 20 years ago with the intention to develop it, to pay his taxes and not be able to move forward with his intentions.

Mr. Huber asked if it was possible to plan for a connection without having to rip up the streets.

Mr. Stordahl responded it is possible.

Peter Tiede, Spring Lake Township Attorney, stated that this comp plan amendment is a policy issue. The City has had 20 years to annex Mr. Hentges property and has yet to proceed. Mr. Tiede expressed the City wishes to deny the amendment because of the financial impact this development could have for the City, yet the tax base is essential for the Township. The agreement between the City and the Township has exceeded its expiration and the Metropolitan Council does not expect the Township to dissipate.

Ted Kowalski, Spring Lake Township Supervisor, stated the orderly annexation agreement has been in place since 1972, and the City has yet to take action. Mr. Kowalski explained there are companies who have been searching for this type of industrial property for their businesses, which the City does not want in their city limits. He also stated how this project would be a part of SCALE's Live Learn Grow agenda and goal by having more job opportunities for the residents of Scott County. Mr. Kowalski expressed the Township's desire for the tax base. He also questioned how many years it will take for the City to develop this property and waste potential tax base. The Township is asking for 53 acres out of the annexation area for industrial use.

Mr. Huber asked Mr. Kowalski if the Township would be willing to compromise with the City for future connection.

Mr. Kowalski said the Township is willing to do so.

Chair Vonhof requested a motion to open the public hearing.

Motion by Commissioner Robbins to open the public hearing; second by Commissioner Huber. The motion carried unanimously.

Public Comments and Questions at the Podium

Lee Theis, Part-Owner of JL Theis Construction, made comments that this area lacks a supply of lots for rural industrial uses. For five years his company has been searching for a 10-acre parcel to grow their company and have yet to find anything like the subject property. Mr. Theis stated he has 30 employees with 6 onsite, which requires a low demand on the septic services. Mr. Theis also expressed he would be willing to set up his parcels so in the future there can be connection with City utilities.

Jack Hougen, resident and former Mayor of Prior Lake, stated he was the mayor while this Comprehensive Plan was set in place. Mr. Hougen expressed that although the City did not reach the target areas under the staging map, they made many improvements with their Orderly Annexations. Many of the agreements the City has made need to be revisited. Mr. Hougen supports County Staff's recommendation of denial but encourages future agreements and conflicts to be looked at as a partnership.

Mike Myser, former Mayor of Prior Lake, stated how the 2007-2010 recession had set back many of the City's projects and those setbacks continue to impact today's projects, including this one. Mr. Myser expressed concern that on-site septic systems wreak havoc for planning future annexations and stated that onsite septic systems have failed and have polluted waters in the area. After the Highway Department's septic system failed the City was able to service the Highway Department with city sewer. Mr. Myser supports County Staff's recommendation of denial.

Ken Hedberg, resident and former City Council Member of Prior Lake, made comments there have been areas to the east of the subject property, which were not a part of any annexation agreement, that have been annexed into the City without issues. Mr. Hedberg noted the 2040 Transportation Plans identified County Rd. 17/Marshall Road will be redesignated as Hwy. 13 and the Board needs to take into consideration that this road will become a principal arterial and the area a major hub in the future and what will be best for this area.

Jim Larson, resident and owner of the property in New Market Township that was platted into a rural industrial park called Fieldstone, made comments he worked with the Planning Commission in the past for a similar property he had developed. Mr. Larson stated the lots he created sold out in six months, the tax base increased by at least twice the amount and because there are only so many onsite employees the septic system is used minimally. Mr. Larson noted two companies bought lots on his development as the City does not want those types of industrial businesses in city industrial parks. Mr. Larson questioned why the applicant is supposed to wait another twenty years for the City to make their move. Mr. Larson strongly suggests the Hentges property is allowed 7 wells and septic sites.

Mr. Huber made comment that septic engineering has come a long way from the 1970s and 1980s. Today's systems are mound systems, and primary and alternate septic sites are required.

Lisa Quinn, Spring Lake Township Supervisor, stated she owns property in the Orderly Annexation area along the lake that uses a well and septic system, which the City has not expressed any concerns over. Ms. Quinn noted she understands the negative effects of septic systems, yet the age and system itself needs to be taken into consideration and not just the location of property wanting to use well and septic. Ms. Quinn expressed how essential this parcel is for the Township for tax base reasons. She stated that along the south side of

Spring Lake, property being annexed into the City will result in an 11% tax loss. The addition of the Hentges development tax base would help compensate the loss of revenue. Ms. Quinn asked the Board to take this into consideration.

Kirt Briggs, Mayor of Prior Lake, stated that the Township has known about this portion of the annexation area identified for eventual annexation for over 20 years. He stated that several other portions of the annexation area have already received sewer and water. Mr. Briggs stated that the City is discussing with the Shakopee Mdewakanton Sioux Community on setting up a water treatment facility that would not only service this entire area but eliminate the need for any other water towers or water treatment plants. These discussions have the subject property in mind. Mr. Briggs asked the Planning Commission to deny the request.

Barbara Johnson, Prior Lake resident and business owner in the Dairy Lane Business Park, commented 100% of her employees live in Scott County, which is a part of Scott County's Live Learn Grow agenda. Mrs. Johnson stated for her company to have a snow plowing and road maintenance contract with Spring Lake Township, her business needed to be located in the County and Township. Mrs. Johnson explained her home has been part of the Orderly Annexation since the 1980s and which has expired with no movement made. Mrs. Johnson asked the Planning Commission to approve the request.

Joni Giese, Administrator of the Prior Lake Spring Lake Watershed District, stated the MPCA has designated Prior Lake and Spring Lake as impaired water bodies, and the District is working to improve the quality of the water. Ms. Giese stated there are 30 sq. miles that drain into Spring Lake, which drains into Prior Lake. One of the District's goals is to lower the flood levels of these water bodies, and to do that one of the strategies is to find upland areas to retain water. She stated one of those identified upland areas is the subject parcel. Ms. Giese stated that the District opposes the request.

Mr. Kowalski asked Ms. Giese if it would be different if it was City property being developed instead of being developed in the Township.

Ms. Giese responded it costs money for the District to secure these types of upland properties and with the current zoning it would be more amenable to the District to purchase today.

Jason Wedel, Prior Lake City Manager, stated that this amendment request conflicts with the State's mandatory comprehensive plans. Mr. Wedel said the City has been working with the Township trying to implement a new orderly annexation agreement, while they are also supportive of Mr. Hentges plans to develop. Mr. Wedel said the City would consider proactively extending utilities to serve industrial and commercial development at this intersection area, before absorbing any land along the way. When it comes to retrofitting and connecting to existing development in the growth area, he stated that business owners will have zero motivation to connect to City sewer and water if their septic sites work. He also questioned what will happen to other annexation areas if the amendment passes. Mr. Wedel stated this development is premature and would negatively harm the values of this area and he supports County Staff's denial.

Commissioner Watson asked if the city could further explain why water and sewer extensions for commercial and industrial development, and not related to residential properties.

Mr. Wedel responded that a plan could serve this subject parcel and particular area immediately and then, after this parcel has been connected, the plan would work on developing residential uses along the way.

Commissioner Hussain questioned why the city is unable to speed up the extension of utilities now to serve this area.

Mr. Wedel stated they are working with the Scott County CDA to work out the funding and designs.

Commissioner Hussain asked if there was a plan in place.

Mr. Wedel responded there is not an engineer plan at the present moment.

Commissioner Hussain questioned if they could work together and come up with a timeline.

Mr. Wedel responded they were working on a plan until this item came up, so they put any discussion on hold until after the County makes a decision on this request

Jim Moclay, resident, asked for clarification on the connection of the Scott County Public Works septic system. Mr. Wedel responded the Public Work building's septic system had failed and there is now a 2 inch line which runs north to the City's utilities.

Douglas Johnson, VP of Johnson Trucking, made comments on how Johnson Trucking was forced out of their previous location because residential properties were moving in and there was nowhere else to go. Mr. Johnson further stated that for the City to invest \$700,000 on a "maybe" does not sit well with him as the contract has expired. Mr. Johnson expressed the contract is expired and questioned the reasoning for the City to expand to this area. Mr. Johnson voiced his approval of this project.

Jordan Haag, Spring Lake Township resident and small business owner, made comments on the demand for properties like this is needed. Scott County has been a great partner to work with, and his company works with the community schools and is supporting this matter for the growth and opportunities this would bring to the families and the community.

Ben Heller, Spring Lake Township resident, expressed his support for the industrial area. Mr. Heller was approved for a home extended business IUP and if he was not allowed this, he questioned where he would go if this had not happened.

Casey McCabe, Community Development Director for Prior Lake, made comments that the City still intends to serve this area with municipal utilities, even if it has expired from the orderly annexation boundary. He noted that the property still remains guided and zoned urban business reserve. Mr. McCabe stated this request does not meet the goals and policies of the County's Comprehensive Plan. He said Prior Lake supports the denial of the request.

Mr. Kowalski made further comments that the Township is asking for a small amendment to the County's comprehensive plan after 20 years of nothing happening.

Chair Vonhof expressed his gratitude for all residents, Township, City and Watershed District staff for coming forth and speaking out for or against the request.

Commissioner Huber asked for members of the Township and the City to come up to the podium. He asked if the Township and City could agree to implement a plan where the property can develop now with on-site septic with the understanding there will be connection down the line to municipal sewer and water.

Mr. Kowalski stated he found this agreeable but ultimately it would be up to the property owner.

Mr. Wedel, responded to Commissioner Huber's question and explained if the property owners are willing to cover all the costs of the connection, they would entertain the idea.

Steve Hentges, applicant and property owner, stated he is willing to work with the City on a concept where the property would hook-up to the County Public Work's 2 inch force main and put in a lift station. Mr. Hentges stated he is not interested in connecting to city water system, and the private community well should stay in place for fire suppression.

Commissioner Robbins asked for clarification if there is middle ground of allowing on-site septic now and an agreement for connection to city sewer and water later.

Mr. Hentges responded he would discuss with the City his solution where he could bring only the sewer line to the lift station on 282 but will be keeping his well for fire suppression.

Commissioner Huber questioned why the applicant is willing to connect onto city sewer but not city water.

Mr. Hentges stated a water well should not lay dormant until the connection is made.

Commissioner Watson made comments that this comp plan request is like a business plan and plans need to be flexible.

Mr. Briggs expressed that any revision to the Comprehensive Plan causes challenges for everyone.

Chari Vonhof moved for motion to close the meeting.

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

Motion by Commissioner Huber; second by Commissioner Watson, the Commission recommends approval of the Comprehensive Plan Amendment to re-guide 52.32 acres from Commercial Reserve to Industrial (47.86 acres) and Commercial (4.46 acres) of Section 18 in Spring Lake Township noting that the Commission hopes that prior to County Board action, that there is some agreement between the City and the Township to look at future planning for sewer and water for the subject property and the growth area in general; and there is some mechanism in place tied to the future development of the subject parcel that notifies future lot owners that they will have to pay for that infrastructure when it's made available.

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

Commissioner Husain: Aye

Commissioner Picha: Aye

Commissioner Robbins: Nay

Commissioner Huber: Aye

Commissioner Vonhof: Aye

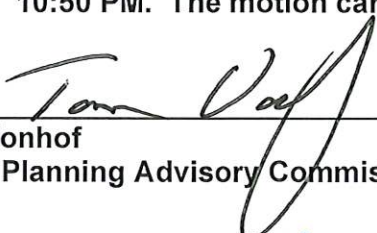
Commissioner Hentges: Absent

Commissioner Watson: Aye

The motion passed with 5 Ayes, 1 Nay.

VIII. GENERAL & ADJOURN

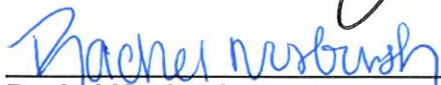
Motion by Commissioner Robbins; second by Commissioner Huber to adjourn the meeting at 10:50 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission

Date

May 8, 2023



Rachel Nosbush
Deputy Clerk to the Board

Date

May 8, 2023

