



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, August 14, 2023
County Board Room at 6:50 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:50 PM with the following members present: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Donna Hentges, and Lee Watson.

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 JULY 10, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Huber; second by Commissioner Robbins to approve the minutes of July 10, 2023 Planning Advisory meeting. The motion carried unanimously.

Chair Vonhof announced Public Hearing Item 4.2 Shakopee Sand Interim Use Permit (PL#2012-023) is continued to the September 11, 2023 Commission Meeting. If members of the audience had questions or comments, Staff were present to answers any questions.

III. CONSENT AGENDA

Chair Vonhof presented the Consent Agenda and asked members of the audience if anyone wished to remove an item from the Consent Agenda to be moved as a Public Hearing item.

No motions were made.

3.1 CONSENT HEARING 6:52 PM: TANGEN PRELIMINARY PLAT AND FINAL PLAT (PL#2023-051)

- A. Request for Preliminary Plat of Tangen Estates Consisting of 2 Lots on 6.23 Acres
- B. Request for Final Plat of Tangen Estates Consisting of 2 Lots on 6.23 Acres

Location: Section 10
Township: New Market
Current Zoning: RR-2 Rural Residential Single Family

Criteria for 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 existing home has access on 230th Street East and the proposed lots will have frontage and access off of France Circle, both paved New Market Township roads.
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 as the lots will utilize existing township road for access.
7. *Consistency with the Minnesota Environmental Quality Board's Policies*- the proposed subdivision does not meet the minimum thresholds for an Environmental Review.
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.

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: Aye
 Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

3.2 CONSENT HEARING 6:52 PM: BARBARWARI CONDITION USE PERMIT (PL#2022-063)

- A. Request to Amend Conditional Use Permit to Operate a Farm Market – Meat Processing Facility

Location: Section 17
 Township: Blakeley
 Current Zoning: A-1, Agricultural Preservation District

Criteria for Approval:

1. The use does not create a burden on public facilities and utilities, which serve or are proposed to serve the area.
2. The use is sufficiently compatible and screened from adjacent land uses so as not to deter agricultural use or development of adjacent parcels.
3. The existing buildings are agricultural in nature, which are similar to accessory building styles found on other properties in the area and are thus not unsightly in appearance.
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.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
6. The property has an existing driveway with access to German Road, County Road 53.
7. Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.
8. All buildings/structures meet the intent of the State Building Code and/or fire codes.

Conditions of Approval:

1. This Conditional Use Permit is issued for use of the subject property for a Farm Market – Meat Processing Facility. Any change or expansion of the farm market shall require this Conditional Use Permit to be reviewed by the Blakeley Town Board and Scott County Zoning Administration.
2. The applicant is to file with Scott County Zoning Administration in January of each year a letter stating that they are in compliance with the conditions of the Conditional Use Permit.

3. This Conditional Use Permit shall be annually reviewed by the Township at a time and in a manner as prescribed by the Blakeley Town Board.
4. The applicant shall pay an annual inspection fee for the Conditional Use Permit, if and when the Scott County Board of Commissioners adopts an inspection fee ordinance.
5. The Farm Market – Meat Processing Facility shall be operated in accordance with the applicant's business narrative dated April 12, 2023, and site plans D1-D2 dated April 12, 2023 and building plans D3, D4, and A5 also dated April 12, 2023. Parking shall be provided as indicated on site plan sheet D2.
6. The Meat Processing Facility shall comply with all requirements of the Zoning Ordinance including that 51% of the product sold from the site must be grown or produced on the property, and the owner or operator of the farm shall be the same person or family member that owns and homesteads the property.
7. Hours of operation shall be 7am to 8pm Mon through Friday and 8am to 6pm on weekends.
8. Changes to the Conditional Use Permit that include expansion of the facility, hours of operation, or any increases in stated traffic to and from the site shall be reviewed by Scott County Transportation for road safety improvements, specifically the addition of turn lanes.
9. The applicant shall comply with all requirements of the Environmental Health Office regarding sewage treatment systems, holding tanks, and proper disposal of processing waste products in compliance with all applicable state and local regulations.
10. The applicant shall obtain and maintain all necessary licensure and permits from the Minnesota Department of Agricultural, Minnesota Department of Health, and any other applicable agencies.
11. The property shall be kept in a neat and orderly manner. All pastures shall maintain cover vegetation to avoid feedlot conditions that could result in runoff into ravines on the property, including Big Possum Creek, a DNR Protected Stream. Runoff pollution into a protected public water is a violation of State MN Pollution Control Agency rules.
12. Building Permits are required in compliance with the MN State Building Code for all proposed building improvements, additions to other structures, and as determined by the County Building Official. Parking shall be provided in compliance with all applicable standards.
13. Signage shall be in compliance with Scott County Zoning Ordinance regulations.

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

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

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

The motion passed unanimously with 7 Ayes.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:53 PM: SHEPILOV INTERIM USE PERMIT (PL#2023-021)

- A. Request for Interim Use Permit to Add a Detached Accessory Dwelling Unit (ADU) for a Family Member

Location: Section 11
Township: Spring Lake
Current Zoning: UER, Urban Expansion Reserve District

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: [August 14, 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:

Chair Vonhof explained this matter was continued from the July 10, 2023 hearing and the public hearing had been closed.

Commissioner Robbins asked who will be occupying the dwelling and why.

Mr. Hall clarified the Applicant's mother-in-law as she is need of care.

Commissioner Robbins questioned the type of containers on the property.

Mr. Hall responded they are railroad shipping containers used for storage.

Commissioner Robbins asked if Staff had been in contact with the concerned neighbor.

Mr. Hall explained there has been contact, and the concerned neighbor sent an email which was in the Staff Report.

Commissioner Hentges asked if all the issues raised by the concerned neighbor had been investigated and resolved.

Mr. Hall responded Staff went to the property and found nothing on site that pertained to the concerned neighbor's issues.

Commissioner Huber commented there are two different property owners with a shared driveway and the concerned neighbor's issues could be considered a perceived issue with the non-applicant property.

Commissioner Watson questioned the noise issues raised.

Mr. Hall responded Staff visited the Applicant's property and noted there was nothing that would be considered a noise issue to the level of which the neighbor had expressed.

Commissioner Watson asked if there was a timeframe for the Applicant to remove the shipping containers.

Mr. Hall replied there is no timeframe for removal yet but is something Staff can request.

Commissioner Watson questioned the chicken coop situation.

Mr. Hall responded the Applicant will need to reduce the accessory building area on the site, potentially by removing one of the chicken coops.

Mr. Watson commented that compliance staff should keep an eye on this property with the coops in question.

Commissioner Hentges asked the Applicant their plans for removal of the shipping containers and of the second chicken coop.

Denis Koloshuk, son-in-law of the Applicant and neighboring property owner, responded the shipping containers were used for storage and are now empty and can give a timeframe if needed. Mr. Koloshuk further explained one of the coops is his and will be moved to his property. The two coops are next to each other for convenience reasons.

Commissioner Husain questioned the noise complaint and where this was coming from.

Mr. Koloshuk explained they are next to a nursery which has tractors to use on their property to feed animals and run the nursery's day to day business which could be the noises the neighbor is hearing.

Mr. Hall made further comment it is hard to determine exactly where a sound is coming from, and Applicant does not have large running equipment on a day to day basis.

Commissioner Husain asked if this explanation satisfied the concerned neighbor's complaints.

Mr. Hall explained no noise studies were taken in the area and after viewing the property Staff saw no equipment which would create construction sounds on a daily basis.

Planning Manager Brad Davis made comment Staff did investigate the property and made notes regarding what they saw, and the request before the Commission is regarding the dwelling.

Commissioner Hentges commented in the country you hear all sorts of noises and can be hard to place where the sounds are coming from.

Commissioner Husain questioned the concerned neighbor's complaints could continue if the noise issue is not addressed and to have the findings conveyed to them.

Mr. Koloshuck further explained the past month he hired a landscaping company to drop off rock, dirt and other supplies to finish projects and they were driving through his property, and he has been using his own bobcat to move the rock, which could explain some of the noise issues.

Chair Vonhof reiterated Mr. Koloshuk's comments that the past few months they had landscaping supplies dropped off at his property, which is between the concerned neighbor and the Applicant's property, where dump trucks are backing up and unloading supplies and Mr. Koloshuk is using his own equipment to spread the supplies throughout his property to complete his landscaping project.

Commissioner Robbins asked if the worked being performed on his property is during the day or night.
Mr. Koloshuck responded only during the day.

Chair Vonhof made further comments this is not a zoning topic this is an accessory dwelling unit on the Applicant's property and not the property between the concerned neighbor's and Applicant's properties.

Commissioner Robbins questioned when the dwelling will be completed.
Mr. Koloshuck estimated 6-7 months.

Public Comments and Questions at the Podium:

Kevin Mahowald, neighboring property owner, asked to make comment pertaining to the noise and stating there is no noise issue in the area even with the nursery being located where it is.

Chair Vonhof asked for motion.

Motion by Commissioner Picha; second by Commissioner Hentges, based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Vladimir Shepilov to add a detached Accessory Dwelling Unit.

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: Aye
Commissioner Watson: Aye

The motion passed unanimously with 7 Ayes.

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 a significant impact to the public facilities that serve the property and the surrounding area.

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 ADU will be near the existing home and there will be limited visibility of the structure from neighboring properties.
3. *If improvements are made, they shall be so designated 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 proposed ADU is designed to look like a small residence and would not be unsightly.
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.*
The property will continue to use the existing driveway to Panama Avenue.
5. *Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*
The ADU will be connected to private well and septic. The septic system will be reviewed by the Environmental Services Department for compliance with the applicable standards prior to issuance of a building permit.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*
The structure will require a building permit and will be reviewed by the County Building Official for State Building Code requirements.

Conditions of Approval:

1. This IUP is issued to Vladimir and Ludmila Shepilov for a detached Accesory Dwelling Unit (ADU) to be added to their property.
2. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of this Interim Use Permit. This shall include an annual verification that the persons living in the ADU are related to the applicant/owner.
3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Spring Lake Township Board.
4. The applicants shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
5. The ADU shall be connected to a compliant septic drain field system as required by County Ordinance and Scott County Environmental Services.
6. The structure utilized for the ADU shall meet the requirements of the Scott County Building Official and the State Building Code.
7. The IUP shall be reviewed for termination when the property is sold, further subdivided, rezoned, or upon notification that the ADU is no longer occupied by family members.
8. Upon termination of the IUP, the ADU shall be removed from the property or modified in such a way that it can no longer be described as a dwelling unit.
9. Any cargo containers shall be removed from the property. If cargo containers are found onsite after the date of approval, it shall be considered a violation of the Interim Use Permit and the Permit will be reviewed for termination.

4.2 PUBLIC HEARING 7:22 PM: SHAKOPEE SAND INTERIM USE PERMIT (PL#2012-023)

A. Request to Amend Grading Plan Within the Approved Reclamation Plan

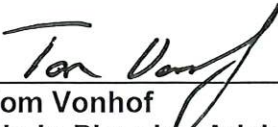
Location: Section 4 & 33
 Township: Sand Creek & Louisville
 Current Zoning: A-1, Agricultural Preservation District

Chair Vonhof reiterated Public Hearing Item 4.2 Shakopee Sand Interim Use Permit (PL#2012-023) is continued to the September 11, 2023 Commission Meeting.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

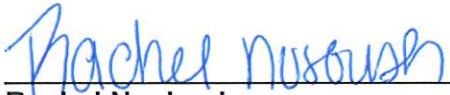
Motion by Commissioner Hentges; second by Commissioner Robbins to adjourn the meeting at 7:30 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date

