



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, October 9, 2023
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: Ammar Husain, Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, and Lee Watson; Donna Hentges, absent with no 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 SEPTEMBER 11, 2023 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Huber; second by Commissioner Robbins to approve the minutes of September 11, 2023 Planning Advisory meeting. The motion carried unanimously with Commissioner Huber abstaining.

III. CONSENT AGENDA

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

No motions were made.

3.1 CONSENT HEARING 6:30 PM: CAMPING WORLD REZONE (PL#2023-066)

- A. Request to Rezone 2.85 Acres From I-1, Rural Industrial, to C-1, General Commercial

Location: Section 4
Township: Sand Creek
Current Zoning: I-1, Rural Industrial

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

Motion by Commissioner Watson; second by Commissioner Robbins to approve the Consent Agenda. 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: Abstained

Commissioner Vonhof: Aye
Commissioner Hentges: Absent
Commissioner Watson: Aye

The motion passed unanimously with 5 Ayes, 2 Abstention.

Criteria for 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 commercial land.
2. *The proposed use is or will be compatible with present and future land uses of the area.*
The proposed retail use of the property is compatible with nearby properties and consistent with the use of adjacent commercial land.
3. *The proposed use conforms to all performance standards contained in this Ordinance.*
The proposed use conforms to the performance standards for commercial property.
4. *The proposed use can be accommodated with existing and planned public services and will not overburden the County or Township's service capacity.*
The proposal to expand the sales lot 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 Greystone Lane and the access will not be altered.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:31 PM: PRELIMINARY PLAT, FINAL PLAT AND CONDITION USE PERMIT OF JL THEIS ADDITION (PL#2023-064)

- A. Request for Preliminary Plat of JL Theis Addition consisting of 1 lot on 5.3 acres.
- B. Final Plat of JL Theis Addition consisting of 1 lot on 5.3 acres.
- C. Conditional Use Permit (CUP) for JL Theis Inc. to operate a contractor yard to include office, warehouse, shop/maintenance facility and outside storage.

Location: Section 4
Township: Sand Creek
Current Zoning: I-1, Rural Industrial District

Marty Schmitz presented the staff report for this application. Available for download are the details of the staff report, video recording of the meeting and minutes are available at the Scott County Website link: [October 9, 2023 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting the official Scott County website at www.scottcountymn.gov then by searching Government > County Board Agendas & Minutes > selecting Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

Commissioner Robbins questioned the replat of the property is to include storage.
Mr. Schmitz confirmed. Applicant wants to optimize their storage area.
Commissioner Robbins asked besides the fence if there are going to be other security measures.
Mr. Schmitz responded there will only be a fence.

Commissioner Pica asked how deep the gas line is they will be working over.
Mr. Schmitz responded Applicant is unaware at the moment, but they will be responsible for any pavement removal and replacement.

Chair Vonhof asked for confirmation the planting will be outside the fence perimeter.

Mr. Schmitz confirmed.

Chair Vonhof verbally opened the public hearing.

Public Comments and Questions at the Podium:

Beverly Koehnen, neighboring property owner, expressed concern of stormwater management.

Mr. Schmitz explained the stormwater management plan includes an infiltration basin and stormwater pond. These facilities control the rate and volume of runoff from the site. The stormwater pond also improves water quality by allowing sediment to settle out prior to leaving the site. Mr. Schmitz extended further clarification by having staff from the Natural Resources reach out to Ms. Koehnen with further details.

Commissioner Huber questioned the county's requirements of now having less water leaving sites.

Mr. Schmitz explained county rules requires the applicant to reduce the runoff rate from the site to meet a predevelopment condition.

Ms. Koehnen further questioned what will be produced on the property.

Mr. Schmitz clarified there will be no production onsite. The site is proposed to be used as a contractor yard with equipment and material storage.

Chair Vonhof made for motion to close the hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Huber. 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 preliminary and final plat of JL Theis Addition and approval of the Conditional Use Permit for JL Theis Inc., to operate a contractor yard, noting that this recommendation is subject to the conditions 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.

Conditions to be Satisfied Prior to County Board Consideration of the Preliminary Plat or the Conditional Use Permit:

1. Any conditions stated in the Scott County Natural Resources Department review of the stormwater management plan, grading plan, or erosion control plan.
2. The applicant shall provide the County with a \$5,000 landscaping guarantee to ensure stormwater infrastructure and landscaping are installed according to the approved plans.
3. Any requirements listed in the Sand Creek Township recommendation or the review comments of Township staff.
4. If required by the Township, a Development Agreement is drafted to ensure all required site improvements are constructed and installed according to the approved plans. This agreement will be between the Developer, Township and County.
5. The applicant shall provide a copy of up-to-date (within three [3] months) commitment for title insurance or opinion.
6. The County Surveyor, Recorder, and Attorney shall review and sign the final plat.

Criteria for Plat Approval:

1. *Adequate Drainage* – the proposed plat will meet all stormwater drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.
2. *Adequate Potable Water Supply* – the proposed plat, utilizing an individual well, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property has frontage on Jordan Avenue and Greystone Lane, paved Sand Creek Township roads.
4. *Adequate Waste Disposal Systems* – the proposed lot 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 development in the Industrial Area.
6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers.
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.

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 industrial 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 I-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. Any expansion of the existing building or additional buildings will require building permits and meet all Building Code requirements.

Conditions for 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 JL Theis Inc., applicant, to construct and operate a contractor yard to include office, warehouse, shop/maintenance facility and outside storage as described in the application narrative.
3. If the property is sold or the use changes within the structure, and/or a new user is considered said changes shall be reviewed by the Scott County Zoning Administration, Building Inspections and Environmental Health Departments and by the Sand Creek Town Board to determine if the Conditional Use Permit needs to be updated or amended.
4. The Sand Creek 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 approved project plans; any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and by the Sand Creek Town Board.
7. All signage shall comply with the Scott County Sign Ordinance.
8. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance. A hazardous waste license shall be obtained as required by Scott County Environmental Health.

9. All outside storage shall be located as documented on the approved site plan and shall be landscaped, screened, and fenced as shown on the approved plans. Any dead or dying plants shall be removed and replaced.
10. The property shall be maintained in a neat and orderly manner.
11. Landscaping shall be installed according to the approved landscaping plan dated _____. Any dead or dying plants shall be removed and replaced according to the approved plan and Zoning Ordinance requirements.
12. Material stockpile heights shall be limited to 15 feet.

4.2 PUBLIC HEARING 6:49 PM: CONDITIONAL USE PERMIT FOR EQUIPMENT SHARE.COM (PL#2023-067)

- A. Request to Operate an Equipment Office/Service Contractor Yard with Equipment Rental and Outdoor Storage/Display

Location: Section 13
Township: New Market
Current Zoning: RBR, Rural Business Reserve

Greg Wagner presented the staff report for this application. Available for download are the details of the staff report, video recording of the meeting and minutes are available at the Scott County Website link: [October 9, 2023 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting the official Scott County website at www.scottcountymn.gov then by searching Government > County Board Agendas & Minutes > selecting Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

Commissioner Watson made comment to the traffic will be below the amount identified in the traffic study.

Mr. Wagner explained the proposed hours will be Monday through Friday with no weekend hours. Traffic will likely not be as expected when the property was originally proposed as a trucking operation.

Commissioner Huber questioned if lowering the berm along the south side had helped with traffic vision.

Mr. Wagner confirmed.

Commissioner Huber asked about the neighbors to the north side and how quiet it is.

Mr. Wagner explained there have been a few minor complaints from a neighbor directly across to the north but since trees were planted this spring it seems to have helped with the concerns as no complaints have been received in several months.

Commissioner Husain asked if the height of the trees meets expectation.

Mr. Wagner confirmed the minimum trees height required by ordinance is 6 feet, and some trees to the north have been planted larger, around 8-10 feet, and closer to 20-30 feet when fully grown.

Commissioner Husain questioned the removal of two restrooms from the old, proposed plan to the new plan.

Mr. Wagner explained the new proposal has less employees who will be onsite at all times and the use of additional restrooms would be unnecessary.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonhof made for motion to close the hearing.

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

Motion by Commissioner Robbins; second by Commissioner Huber, based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit (CUP) for EquipmentShare to operate an Equipment Office/Service contractor yard with equipment rental and outdoor storage/display.

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 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 (CUP) is for EquipmentShare to operate an Equipment Office/Service contractor yard with equipment rental and outdoor storage/display.
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.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VII. GENERAL & ADJOURN

Motion by Commissioner Robbins; second by Commissioner Pica to adjourn the meeting at 7:10 PM. The motion carried unanimously.



Tom Vonhof
Chair, Planning Advisory Commission

11/13/2023

Date



Rachel Nosbush
Deputy Clerk to the Board

NOV. 13.2023

Date

