



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
County Board Room 226
200 Fourth Ave West
Shakopee, Minnesota

Monday, May 13, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

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

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 APRIL 8, 2024 PLANNING ADVISORY COMMISSION MINUTES

Commissioner Robbins requested an amendment to the April 8, 2024 minutes under Section III, Consent Agenda to be changed from "Chair Vonhof made" to "Chair Vonhof asked".

Chair Vonhof asked for approval on the Amended minutes. Motion by Commissioner Picha; second by Commissioner Robbins to approve the minutes of April 8, 2024 Planning Advisory meeting. The motion carried unanimously.

III. CONSENT AGENDA

There are no Consent Items for this Meeting.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:51 PM: REZONING FOR BAUER BROTHERS (PL#2024-016)

- A. Request to Rezone 79.04 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District

Location: Section 12
Township: Belle Plaine
Current Zoning: A-3, Agricultural Preservation Density

Greg Wagner presented the staff report for this application. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [May 13, 2024 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting Scott County website at www.scottcountymn.gov search Government > County Board Agendas & Minutes > select Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

Commissioner Robbins asked if the A-3 zoning district is a denser zoning district.

Mr. Wagner responded A-1 and A-3 zoning district are 1 dwelling per 40 acres.

Commissioner Robbins asked what is the difference.

Mr. Wagner explained A-1 has a minimum lot size of 40 acres, A-3 zoning is able create a parcel less than 40 acres, which is what the Applicant wishes to do.

Commissioner Picha questioned the access into the existing farmstead and the agreement between the two owners.

Mr. Wagner explained the access agreement does include the proposed easement description as the owner of the farmland will always have access to it and it will be recorded on the deeds.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonhof asked for a 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 rezoning of 79.04 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Chair Vonhof called for a roll call 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 with 7 Ayes.

Criteria for IUP Approval (Chapter 2-7-1):

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 land preservation in the Transition Area.

2. *The proposed use is or will be compatible with present and future land uses of the area.*

The use is not changing and while the lot size is being reduced the overall density will remain at one unit per 40 acres.

3. *The proposed use conforms to all performance standards contained in 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 planned public services and will not overburden the County or Township's service capacity.*

The use is not changing 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 homestead and farm field have access from 230th Street West (County Road 64) via a shared access, and no increase in traffic generation is anticipated since the uses are not changing.

4.2 PUBLIC HEARING 6:59 PM: INTERIM USE PERMIT OF TIMOTHY & SANDRA BREEGGEMANN (PL#2024-019)

A. Request for an Interim Use Permit to Construct a Detached Accessory Dwelling Unit

Location: Section 27
Township: Louisville
Current Zoning: UER, Urban Expansion Reserve District

Nathan Hall presented the staff report for this application. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [May 13, 2024 Planning Advisory Commission](#). Planning Advisory Commission packets can be found by visiting Scott County website at www.scottcountymn.gov search Government > County Board Agendas & Minutes > select Planning Advisory Commission under the Event Categories or going to meeting date.

Commissioner Comments and Questions:

Commissioner Hentges expressed concern over the large layout of the footprint of the property, when they should be compliant with the size requirements.

Mr. Hall responded that with minimal modification the applicants will technically be compliant with the requirements of an ADU and suggested that the applicant may be asked to address the Commissioners regarding the size of the proposed unit.

Commissioner Watson questioned the meaning of No. 8 of Conditions of Approval "shall be removed..."

Mr. Hall explained when a time comes when the ADU is no longer in use it is either to be physically removed or renovations such as walls being removed, kitchen taken out to no longer resemble a living unit.

Commissioner Watson commented on why build something when you can't live in it.

Commissioner Hentges made comment that the proposal appears to be a house, not an ADU.

Commissioner Robbins made comment that hallways and storage do not count towards the habitable space of a typical ADU, this is a large space.

Mr. Hall did confirm a lot of the area is not defined as habitable and does not count as habitable area.

Timothy Breeggemann, Applicant, made comments stating the reasoning behind the application is because he and his wife will be living in the ADU and to continue helping with the family farm, while his son will be living in the main house. Mr. Breeggemann explained they followed the ordinance regarding the living space rules, and did point out the large spaces and extra storage, as they have a large family and it is continuing to grow.

Commissioner Robbins expressed his appreciation for the explanation.

Commissioner Watson questioned the plan for the end of the IUP and the ADU itself.

Mr. Breeggemann explained he plans on living the rest of his life out of that house.

Commissioner Husain asked what is stopping the Applicant from building a new home.

Mr. Breeggemann responded he would have to separate a lot and buy extra land, build up the driveway, blacktop it and give it back to the Township which would cost up to a half million which he does not have.

Chair Vonhof asked if the property will be transferred to his son.

Mr. Breeggemann confirmed.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

No one approached the podium.

Chair Vonhof made a motion to close the hearing.

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 Interim Use Permit for Timothy and Sandra Breeggemann to construct a detached Accessory Dwelling Unit.

Chair Vonhof called for a roll call 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 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 incorporated into the existing farmstead 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 145th Street W.
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 proposal has been reviewed by the Environmental Services Department and a new septic system will be designed for the structure.
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 Timothy and Sandra Breeggemann for a detached Accessory 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 Louisville 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 no can no longer be described as a dwelling unit.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VI. GENERAL & ADJOURN

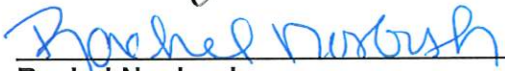
Motion by Commissioner Robbins; second by Commissioner Picha to adjourn the meeting at 7:20 PM. The motion carried unanimously.



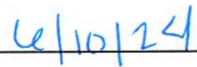
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date

