



SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

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

Monday, July 8, 2024
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting 6:30 PM with the following members present: Jay Picha, Kent Robbins, Ray Huber, Tom Vonhof, Lee Watson and Donna Hentges; Ammar Husain absent with notice.

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

II. APPROVAL OF JUNE 10, 2024 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Robbins; second by Commissioner Hentges to approve the minutes of June 10, 2024 Planning Advisory meeting. The motion carried unanimously.

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.

Chair Vonhof moved for motion to close the Consent Agenda. Motion by Commissioner Picha; second by Commissioner Robbins. The motion carried unanimously.

3.1 CONSENT HEARING 6:32 PM: INTERIM USE PERMIT OF ANDERSON (PL#2024-029)

- A. Request for an Interim Use Permit for a Home Extended Business to Operate a Painting Business

Location: Section 20
Township: Spring Lake
Current Zoning: RR-1 Rural Residential Reserve

Motion by Commissioner Huber; 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: Absent
Commissioner Picha: Aye
Commissioner Robbins: Aye

Commissioner Huber: Aye
Commissioner Vonhof: Aye
Commissioner Hentges: Aye
Commissioner Watson: Aye

The motion passed unanimously with 6 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 utilize public facilities or utilities, other than the Township road, and this use will be limited to personal and business trips.
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 pole buildings are similar to other accessory buildings on adjacent parcels and are more than 500 feet from any adjacent residence. The use is allowed on parcels 5 acres or larger in the RR-1 zoning district.
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 structure is designed of materials that will not be unsightly in appearance. The building is similar to accessory buildings located on adjacent properties and on large residential parcels in the area.
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 nature of the business does not generate customer parking. The need for employee parking will be very limited.
5. *Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*
The existing individual sewage treatment system is large enough to accommodate both the house and accessory building. Erosion control and stormwater management is not needed as no further site improvements are proposed.
6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*
A Building Permit is required for the change of occupancy of the structure. Any future improvements shall require building permits in compliance with applicable Minnesota State Building Codes.

Conditions of Approval:

1. The Interim Use Permit (IUP) is issued to Tresa Anderson to operate a painting company as a Home Extended Business. If the property is sold or the business operations cease for 1 year, the IUP shall terminate.
2. The applicants are to file with the Scott County Zoning Administration in January of each year a statement indicating that they are in compliance with the conditions of the Interim Use Permit (IUP).
3. This IUP shall be annually reviewed by the Township at a time and in a manner as prescribed by the Spring Lake Township Board.
4. The applicant shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.
5. The business shall be run according to the applicants' business narrative and shall comply with all County Zoning Ordinance regulations for home businesses.
6. Any signage shall comply with the Scott County Sign Ordinance and sign regulations for home-extended businesses.
7. All business associated materials, equipment, vehicles, and products shall be stored inside the building, and there shall be no outside storage associated with the business.
8. There shall be no more than one non-resident employee working on site.
9. The business shall be limited to three (3) business associated vehicles (truck & trailer combinations). No overnight outside storage of vehicles, equipment, or supplies is allowed.
10. The applicant shall schedule inspections and obtain a Hazardous Waste License as required from Scott County Environmental Services Department.

11. Any floor drains or shop sinks that would have grease/oil/cleaners, etc. must drain to a holding tank.
12. The structure utilized for the business shall meet the requirements of the Scott County Building Official and the State Building Code. The applicant shall apply for a change of use permit.

IV. PUBLIC HEARING

4.1 PUBLIC HEARING 6:35 PM: REZONE & PRELIMINARY PLAT OF SAND CREEK BUSINESS PARK (PL#2023-084)

- A. Request for Rezoning of 67.82 Acres From Urban Business Reserve, UBR, to Rural Business Reserve, RBR
- B. Request for Preliminary Plat of Sand Creek Business Park Consisting of 7 lots and 1 Outlot on 67.82 Acres.
- C. Request for Final Plat of Sand Creek Business Park Consisting of 7 Lots and 1 Outlot on 67.82 Acres.

Location: Section 8
Township: Sand Creek
Current Zoning: Rural Business Reserve, RBR

Greg Wagner presented the staff report for this application; Jennifer Haskamp consultant planner for Mesenbrink Construction also presented information on the project. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [July 8, 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 Huber made comment on the benefits of an infiltration system and how it slows down the water and cools it at the same time prior to the water entering the ground water.

Commissioner Robbins questioned who owns the water system.

Ms. Haskamp responded Mesenbrink will own the water system until they are able to hook up to city utilities in the future.

Commissioner Huber made comment that preparing water and sewer hookups now instead of the ripping the roads up in the future is a good thing.

Brad Davis, Planning Manager questioned if the City of Jordan was provided the same information provided in Mesenbrink's presentation as it relates to future utility hook-ups.

Ms. Haskamp responded that the utility plans were part of the application submittal packet, but she does not believe the information provided this evening was sent directly to the City but is willing to discuss the plans with the City for future use.

Commissioner Picha questioned who will own, maintain and who will pick up debris if a flood would happen to the strip of land that will become the outlot.

Ms. Haskamp responded Mesenbrink will own the outlot/floodplain area so Mesenbrink will be responsible for debris clean up to the conservation boundary line, but they are exploring options for donating the land.

Commissioner Robbins questioned if the current flood has impacted the project.

Ms. Haskamp responded not to her knowledge.

Mr. Wagner further explained that County Staff visited the property recently and showed with photos where the creek was located, where the 2024 creek flooding occurred, and that the developable area was not affected.

Chair Vonhof asked about the roadways and access points.

Mr. Wagner responded the County and Township have been working to improve Hwy. 169 by removing access points and creating a frontage road connection between 173rd and Jordan Avenue. Mr. Wagner further commented the township road improvements would also include removing two railroad crossings.

Commissioner Huber made comment that the 173rd to Jordan road connection will be on the northwest side of the railroad.

Mr. Wagner confirmed.

Chad Sandy, Sand Creek Township, stated the Township was able to attain state grants to remove access points along the railroad and Hwy 169 and create a continuous frontage road. Mr Sandy also stated that the Township obtained grants to pave and reconstruct Valley View Road. There are preliminary designs showing a new "s-curve" over the railroad tracks to slow traffic speed along Valley View and improve the crossing.

Chair Vonhof asked for a timeline for these road improvement projects.

Mr. Sandy explained they are in the final stages of planning and the construction will begin 2025.

Commissioner Watson questioned if the timeline of the road and the project will time up nicely.

Mr. Sandy confirmed that is the intention.

Commissioner Huber questioned the Bluff Drive overpass project timeline.

Mr. Sandy responded 2025.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Peggy Dunnette, neighboring property owner, stated that the proposed rezone and plat does not show good stewardship to the land as the flooding in the area is unpredictable and with thin soils the contaminants of the land use will quickly enter the ground water. Ms. Dunnette further commented the applicant already knows this about the land as they would not be giving up 14 acres for conservation. Ms. Dunnette referenced the County's 2040 Comprehensive Plan and stated the project is not in keeping with the natural state of Scott County.

Commissioner Robbins asked if Ms. Dunnette believes the project is not in compliance with the Comprehensive Plan.

Ms. Dunnette confirmed that this area is a designated Natural Area Corridors and further stated the County said we must respect the natural features in Scott County and to rip this up is not under the guidance of the 2040 Comp Plan.

Commissioner Robbins stated the subject land is being changed to Rural Business Reserve in the recent comprehensive plan amendment.

Ms. Dunnette responded these proposed developments are not being kept to the County's standards which they claim they want.

Zack Perkl, Shakopee resident and possible future neighboring property owner, made comment that this area is nature reserves and agricultural, not industrial. Mr. Perkl said he shared his concerns with the Scott County Natural Resources staff and discussed with them how there is not enough ground water separation so there will need to be retention ponds. Mr. Perkl further commented the infiltration basin is not deep enough for the types of proposed rural industrial businesses going into this area.

Chair Vonhof asked Mr. Wagner a question on infiltration.

Mr. Wagner responded that the County Water Resources Engineer has reviewed the designed stormwater facilities and the proposed facilities meet the required groundwater separation requirements as well as other requirements for stormwater design and management as required by County Ordinance.

Commissioner Huber commented that while this area has fast draining soils, he feels through proper engineering certain soils can be brought in to slow down the process and make this work.

Commissioner Huber further questioned the elevation of the 100-year flood and if the buildings are above the floodplain and made comment that there are ways to elevate the slopes for future flooding response.

Mr. Wagner respond the low floor and site elevations are above the regulatory floor elevations as shown along Sand Creek.

Chair Vonhof asked what the surrounding uses are on Valley View Road.

Mr. Wagner said to the west there are county facilities including a SCALE regional training facility and the County's juvenile facilities along with the Metropolitan Mosquito Control District, and to the north is the Sand Creek Industrial Park.

Chair Vonhof asked how big is the proposed outlot and will it never be developed.

Mr. Wagner responded 37 acres, and because of the wetlands, floodplain and protective easement buffers the outlot will never be developed.

Mr. Davis referenced the City of Jordan's letter dated July 3, 2024 and asked when the developers plan to respond to the City of Jordan comments specifically related to the water system, fire hydrant spacing, fire fighting pressure modeling, and retrofitting the sewer utilities in the future.

Justin Bohm, Mesenbrink Construction, responded they are willing to discuss the comments with the City of Jordan and explained the that their water system is designed to connect to municipal utilities.

Commissioner Robbins said he is uncomfortable making a vote on the matter before the Township does. The Township is not meeting until a couple of days to make a recommendation.

Chair Vonhof made comment that this project could be tabled.

Mr. Davis commented that before the rezone and plat requests go to Board for final approval, comments from the City of Jordan will need to be addressed.

Ms. Haskamp responded there is time to have the City and Township and Developer all on the same page as it relates to future utility hook-ups and much of the detail will be spelled out in the Developers Agreement, which will accompany the Final Plat.

Chair Vonhof asked for a motion to close the hearing.

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

Chair Vonhof asked for discussion.

Commissioner Robbins suggested tabling the project until the Township meeting has occurred and they make a recommendation.

Commissioner Huber felt it is appropriate to continue with the project prior to the Township meeting as septic and water table safety concerns have come along way.

Commissioner Watson commented his approval for continuing the project moving forward tonight.

Commissioner Hentges questioned the timeline for the project.

Mr. Wagner explained the Board has until October to decide on the applications for rezone and plat before them and the next Township meeting is August 1.

Commissioner Hentges asked about moving forward prior to the Township meeting.

Mr. Wagner explained there are always conditions making the Commission's recommendation subject to the Sand Creek Town Board recommendation that must be satisfied before the County Board meeting to make a final decision on the applications.

Commissioner Picha said his impression is that the Township is supportive of the proposed project and there is no reason to wait.

Motion by Commissioner Huber; second by Commissioner Watson, based on the criteria for approval listed in the staff report, I recommend approval of Rezoning, Preliminary Plat and Final Plat of Sand Creek Business Park consisting of 7 lots and 1 outlot on 67.82 acres noting this recommendation is subject to the conditions of approval listed in the staff report to be satisfied prior to County Board consideration of the plat.

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

Commissioner Husain: Absent

Commissioner Picha: Aye

Commissioner Robbins: Nay

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed with 6 Ayes, 1 Nay, 1 Abstention.

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 wells, meets the requirements of the zoning and subdivision ordinances.
3. *Adequate Roads or Highways to Serve the Subdivision* – the property has frontage on Valley View Drive, a paved Sand Creek Township road. A new cul-de-sac will be constructed to serve the lots within the development. The applicant has met with Sand Creek Township on future Valley View Drive and 173rd Street West improvements and specific cost participation requirements will be memorialized in the development agreement.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance, and the developer shall provide documentation of all demolition permits and septic abandonment.
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 Rural Business Reserve 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.

4.2 PUBLIC HEARING 7:50 PM: REZONE & PRELIMINARY PLAT OF VALLEY VIEW INDUSTRIAL PARK (PL#2024-012)

- A. Request for Preliminary Plat of Valley View Industrial Park Consisting of 7 Lots and 2 Outlots on 97.13 Acres.
- B. Request for a Rezone of 97.13 Acres From Urban Business Reserve, UBR, to Rural Business Reserve, RBR

Location: Section 8 & 17

Township: Sand Creek

Current Zoning: UBR, Urban Business Reserve

Nathan Hall presented the staff report for this application and introduced Mark Stonstegard from JMH Land Company, the developer, for further presentation. Available for download are the details of the staff report, video recording and minutes are available at the Scott County Website link: [July 8, 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:

Brad Davis, Planning Manager, asked Mr. Sonstegard if the preliminary plat lot lines will change at some point due to the possible redesign "S-curve" of Valley View Road.

Mark Sonstegard, confirmed yes, it will likely change.

Commissioner Picha questioned if the neighboring property owners are aware of the redesign of Valley View Road.

Matt Stordahl, Sand Creek Township consultant engineer, explained they have not spoken with the neighboring landowners yet as they were awaiting preliminary approval from the UP railroad that this redesigned crossing was event feasible.

Commissioner Robbins asked if the recent flooding made its way to the identified Flood Fringe boundary on the subject property.

Mr. Sonstegard confirmed that floodwater did move into the fringe area but has not reach the 730 elevation line.

Commissioner Robbins questioned if the floodwater was in the proposed fill area.

Mr. Sonstegard responded it is, but it would only take 2 to 4 and up to 6 feet of fill to meet the needs.

Commissioner Huber asked for clarification that the developers can compensate the area with fill.

Mr. Sonstegard confirmed yes, and they are still working with the watershed district to compensate volume storage for any fringe areas filled in.

Commissioner Robbins asked what types of businesses would operate in the proposed business park.

Mr. Sonstegard said construction companies, an automotive shop, small manufacturing and storage companies have all reached out to them.

Chair Vonhof opened the public hearing.

Public Comments and Questions at the Podium:

Zack Perkl, Shakopee resident and potential future neighboring property owner, explained he is purchasing the land south of the Hentges development and is concerned how the development will affect his property. Mr. Perkl shared photos he took on June 26, 2024 showing the extent of the flooding onto the proposed property. He stated the business park is an incompatible use of the land, and he spoke with Scott County Natural Resources staff and said staff are still determining if Lots 1 and 2 would even be feasible for development. Mr. Perkl made further comment on development of Valley View Road which would make the traffic worse in the area and concerns of mining taking place on the property with excavation trucks going in and out.

Katie Sawyer, Shakopee resident and potential future neighboring property owner, questioned if this is the best use of land as she compared this project to the lack of housing in Duluth due to the large industrial use for many years left the land unsuitable for housing and this industrial site will lower property prices and deter people away from living in the area. Ms. Sawyer made further comment of the redesign of Valley View Road stating the Township had never reached out to property owners informing them of the plan.

Mary Schenck, neighboring property owner, stated the entire area is under water and a few years back a flood broke through a berm, which took several years to fix, and the recent flooding did the same thing.

Peggy Dunnette, neighboring property owner, stated she spoke with County Natural Resource staff and they feel Lot 1 is already compromised. Ms. Dunnette said this is not a good use of the land as there is a nursing home and a juvenile center where there are pedestrians walking about. Ms. Dunnette further commented they could reach out to the Shakopee Mdewakanton Sioux Community or Minnesota Valley Landscape, LLC as a more ideal candidate to own and use the land.

Commissioner Huber asked if the developer if they raised the grade on Lot 1 and 2 and kept the septic tanks above the 100-year flood plain - and tie down the tanks in case of flooding – would this is all feasible.
Mr. Stonstegard confirmed his comments were correct.

Mr. Davis asked about a landlocked property adjacent Lot 7 and if there has been any discussion or consideration of granting access from this plat to the landlocked parcel.
Mr. Stonstegard said there have been discussions about a private access driveway and explained they have options for the septic and are willing to work with the landowner.

Chair Vonhof asked for a motion to close the hearing.

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

Chair Vonhof asked for discussion.

Commissioner Robbins stated he is not comfortable with this project and has concerns with flooding even with filling the land.

Chair Vonhof commented his concerns with filling the fringe area in the flood plain and the redesign of Valley View Road would push the lots back and these issues need to be resolved prior to continuing.
Commissioner Hentges commented she visited the property and it is all under water.

Commissioner Huber stated it is not uncommon to fill in a flood fringe area and to put in storage and ways of controlling the flow to where he feels comfortable.

Commissioner Picha felt the septic sites were placed in the proper spot but does have concerns with the flooding on the property.

Motion by Commissioner Huber; second by Commissioner Watson, based on the criteria for approval listed in the staff report, I recommend approval of rezoning the 97.13 Acres From Urban Business Reserve, UBR, to Rural Business Reserve, RBR, and the Preliminary Plat of Valley View Industrial Park consisting of 7 Lots and 2 Outlots on 97.13 Acres. Noting this recommendation is subject to the conditions of approval listed in the staff report to be satisfied prior to County Board consideration or the plat.

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

Commissioner Husain: Absent

Commissioner Picha: Aye

Commissioner Robbins: Nay

Commissioner Huber: Aye

Commissioner Vonhof: Nay

Commissioner Hentges: Nay

Commissioner Watson: Aye

The motion passed with 3 Ayes, 3 Nays, 1 Abstention.

Mr. Davis stated because the motion to approve did not pass, the Planning Commission could entertain an alternate motion. After discussion, the Planning Advisory Commission decided to table the application to the next meeting.

Motion by Commissioner Watson; second by Commissioner Vonhof, to table the rezoning the 97.13 Acres From Urban Business Reserve, UBR, to Rural Business Reserve, RBR, and the Preliminary Plat of Valley View Industrial Park consisting of 7 Lots and 2 Outlots on 97.13 Acres pending the outcome of Lot 1 and 2.

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

Commissioner Husain: Absent

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

The motion passed with 6 Ayes, 1 Abstention.

Noting Commissioner Huber only approved to table the item instead of denying it.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VI. GENERAL & ADJOURN

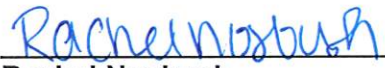
Motion by Commissioner Robbins; second by Commissioner Hentges to adjourn the meeting at 8:55 PM. The motion carried unanimously.



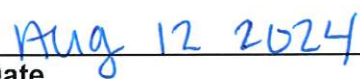
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date

