



**SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES**

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

**Monday, March 10, 2025
County Board Room at 6:30 PM**

I. ROLL CALL AND INTRODUCTIONS

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

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

II. APPROVAL OF FEBRUARY 10, 2025 PLANNING ADVISORY COMMISSION MINUTES

Chair Vonhof called for a motion to approve the minutes. Motion by Commissioner Hentges; second by Commissioner Robbins to approve the minutes of February 10, 2025, 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.

Staff requested Item 3.1 Rezone of Dave M. Westrum (PL#2025-011) be moved from the Consent Agenda and heard as a public hearing.

3.1 PUBLIC HEARING: REZONE OF DAVE M. WESTRUM (PL#2025-011)

- A. Request to Rezone 129.28 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Location: Section 23
Township: Belle Plaine
Current Zoning: A-1, Agricultural Preservation District

Item removed from Consent Agenda for presentation and discussion.

3.2 PUBLIC HEARING 6:42 PM: SCOTT COUNTY ZONING ORDINANCE AMENDMENT – CHAPTERS 4 AND 6

- A. Request to Amend Scott County Zoning Ordinance No. 3: Chapter 4 to comply with the current Minnesota Pollution Control Agency MS4 permit requirements for salt storage facilities and Chapter 6 to add an investigation fee for non-permitted grading activities.

Commissioner Robbins questioned why the salt storage language needed to be added.

Mr. Wagner explained this language is required for the County to stay compliant with our MS4 permit issued by the MPCA. This is a recent rule change and the county needs to update our ordinance to be consistent.

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

Motion by Commissioner Huber; second by Commissioner Robbins to approve the Consent Agenda item 3.2.

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

Commissioner Husain: Absent

Commissioner Picha: Absent

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 5 Ayes, 2 abstentions.

IV. PUBLIC HEARING

3.1 PUBLIC HEARING 6:44 PM: REZONE OF DAVE M. WESTRUM (PL#2025-011)

- A. Request to Rezone 129.28 Acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Location: Section 23

Township: Belle Plaine

Current Zoning: A-1, Agricultural Preservation District

Nathan Hall presented the staff report for this Application. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [March 10, 2025 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions

Commissioner Robbins asked for clarification that the Applicant wishes to develop the property into smaller lots.

Mr. Hall explained the rezone would allow for the Applicant to sell off the farm site of 4.5 acres and keep the remainder of the property as agricultural. Because the entire 129.28-acre parcel is proposed for rezoning, the new A-3 zoning classification would allow for only 2 additional homes to be built on the remaining 125 acres of farmland. Those two additional home sites could be on smaller lots.

Commissioner Watson questioned the zoning density.

Mr. Hall responded that either under the current zoning classification of A-1 or under the proposed zoning classification to A-3, the density remains 1 unit per 40 acres. This means there are 3 building eligibilities for this parcel.

Chair Vonhof opened the public hearing at 6:53 pm.

Public Comments and Questions at the Podium:

Judy Vogel, neighboring property owner, asked for clarification as to how many acres will be left for the current home and what the intention is for the rest of the property.

Mr. Hall explained the current home site would sit on 4.5 acres, and the rest of the property will remain agricultural.

Chair Vonhof made comment that besides the one homestead on the property, there could only be 2 additional homes built on the parcel.

Mr. Hall confirmed.

Commissioner Huber asked for confirmation that the A-3 zoning allows for 1 acre lot size but when you include additional sites for septic projects like these end up with more acreage.

Mr. Hall confirmed that typically with the home, septic and accessory buildings the lots end up larger in size, more like 3 to 5 acres in size. But the ordinance only requires 1-acre of non-hydric soils for new lots in the A-3 zoning district.

Chad Vogel, neighboring property owner, stated he opposes the rezone as he does not wish to see small lot clustered housing development in this area.

Lindsey Walerius, neighboring property owner, asked what the plan is for the agricultural land if this property is rezoned.

Mr. Hall stated it would remain agriculture. He showed examples of other nearby properties rezoned as A-3 and from the aerial photos it appears the remaining property is used for agricultural purposes.

Joel Evers, neighboring property owner, questioned why the entire parcel needs to be rezoned, and not just the 4.5 acre lot area?

Mr. Hall explained the reason for the entire parcel to be rezoned to A-3 is to track the development densities so that the overall property density remains at 1 dwelling per 40 acres.

Jim Peterson, Real Estate Agent, spoke on behalf of the Applicant that their intention is to sell the homesite and continue to rent the remaining land out to a local farmer. Mr. Peterson stated the Applicant does not have intentions to sell off any additional acres at the moment.

Commissioner Robbins asked for clarification that the land is an investment property and will continue to be farmed?

Mr. Peterson responded that if the Applicant decided to develop the land, they can only build two additional homes on the parcel.

Marty Schmitz, Scott County Zoning Administrator, made comment that there cannot be more than 3 homesites total on this property due to its zoning at 1 per 40. And, if additional lots less than 40 acres are created those lots need to be platted. And that the platting process requires another public hearing, so neighboring landowners would be notified.

Brad Davis, Planning Director, made comments to the public that if the Applicants were to split the property under A-1 zoning, they could create three 3 separate 40-acre parcels without rezoning and without a public hearing notice. But the County allows property owners to cluster their density onto smaller lots in order to preserve prime farmland. Because the Applicant only wishes to sell off the homesite and keep the remaining acreage as farmland, the rezoning to A-3 allows them to keep more farmland together.

Greg Wagner presented the zoning map and made comment that Scott County staff tracks how the land is rezoned from A-1 to A-3 in order to keep track of the density to ensure that it is at 1 per 40 and that people aren't "double-dipping" or getting additional lots.

Chair Vonhof asked for a motion to close the hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Hentges. 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 129.28 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District, and with the Township recommendation.

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

Commissioner Husain: Absent

Commissioner Picha: Absent

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 5 ayes, 2 abstentions.

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 preservation of agricultural land.
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 less than 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 existing house has access to Church Avenue and the access point will not be altered.

4.1 PUBLIC HEARING 7:18 PM: PRELIMINARY PLAT AND FINAL PLAT SANDERS SMITH ADDITION (PL#2025-009)

- A. Request for Preliminary Plat of Sanders Smith Addition consisting of 1 lot on 1.34 acres.
- B. Request for Final Plat of Sanders Smith Addition consisting of 1 lot on 1.34 acres.

Location:	Section 33
Township:	Louisville
Current Zoning:	I-2 Heavy Industrial

Nathan Hall presented the staff report for this Application. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [March 10, 2025 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date.

Commissioner Comments and Questions

No comments were made.

Chair Vonhof opened the public hearing at 7:24 pm.

Public Comments and Questions at the Podium:

Commissioner Hentges asked for the Applicant to explain why they wish for this item to be tabled. *Aaron Sanders, Applicant, explained there is current development in the area which may affect the size of the property and alignment of Smith Drive. He stated he would prefer to wait out and see what happens with the neighboring development before taking further action.*

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 tabling the Item until a future meeting once more information has been gathered on the neighboring development and alignment of Smith Drive.

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

Commissioner Husain: Absent

Commissioner Picha: Absent

Commissioner Robbins: Aye

Commissioner Huber: Aye

Commissioner Vonhof: Aye

Commissioner Hentges: Aye

Commissioner Watson: Aye

The motion passed unanimously with 5 ayes, 2 abstentions.

4.2 PUBLIC HEARING 7:26 PM: CONDITIONAL USE PERMIT AMENDMENT OF ACE AUTO (PL#2025-012)

A. Request for Conditional Use Permit to Expand Their Outdoor Storage Area.

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

Greg Wagner presented the staff report for this Application. Planning Advisory Commission packets, staff reports, video recording and approved minutes are available for download at the Scott County Website link: [March 10, 2025 Planning Advisory Commission](#) or by visiting www.scottcountymn.gov/pacreports and selecting the current date. Mr. Wagner explained the existing CUP and the code compliance issues ongoing with the CUP.

Commissioner Comments and Questions

Commissioner Hentges commented it would be difficult to approve this CUP amendment when there are so many compliance issues with the existing CUP.

Eduard Tabakov, Applicant, commented that the area of non-compliance comes down to interpretation, if the vehicles awaiting repair that are parked in front of the building constitute storage or not.

Commissioner Huber asked if the expanded storage area requested for the amendment will be a sufficient amount of space to clear out the vehicles in front of the building and become complaint.

Mr. Tabakov explained the expanded area should be enough space for the overflow vehicles and he would not want to have to get rid of the vehicles. He stated if he had to get rid of those vehicles, he would have to let go of half of his employees.

Commissioner Huber questioned if it would be possible to expand to the back side of the property to the west? *Mr. Tabakov responded it is a wetland and drop off and feels it is unusable.*

Mr. Wagner explained there is floodplain to the west; however, if stormwater facilities were modified there could be room above the floodplain to explore that as an option and gain some storage space.

Commissioner Watson asked about the Applicant's property he owns across the street and the feasibility of converting that property into a sales lot which would free up space for more storage.
Mr. Tabakov responded that is a last resort idea and was hoping the extra added space from this application would help clear up some issues.

Commissioner Vonhof asked whether the Applicant had explored rental space elsewhere for overflow and that this application appears to be an interim solution but does not fix the larger problem.

Chair Vonhof opened the public hearing at 8:22 pm.

Chad Sandy, Sand Creek Township, made comment that Sand Creek wants Ace Auto to continue to grow and the Township sees the non-compliance issues as a business outgrowing its space. Mr. Sandy further indicated that to approve this amendment it would be a step the Applicant can take in clearing up his non-compliance issues because the site has grown into non-compliance and is a focal point of the area so the Township would like the site cleaned up, screened, and brought into compliance.

Public Comments and Questions at the Podium:

Chair Vonhof asked for a motion to close the hearing.

Motion by Commissioner Robbins to close the public hearing; second by Commissioner Hentges. 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 Conditional Use Permit Amendment for Ace Auto LLC to operate an Auto, Truck Major Body Shop with accessory sales and outdoor storage, noting that this recommendation is subject to the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the CUP and recommending Sand Creek Township and Scott County staff to work with the Applicant to find a feasible solution to storage issues and screening.

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

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

The motion passed unanimously with 5 ayes, 2 abstentions.

Commissioners Robbins thanked the Applicant and the staff for their work on this project and asked for updates at the next meeting regarding this project and the non-compliance issues.

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

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 within an Industrial area served by paved public roads, with frontage road and access management improvements occurring for access to US Highway 169. The property will continue to be served by Jordan Avenue, and municipal utilities are not planned in this area for some time.

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 I-1 district through a CUP. The two adjacent parcels to the north and south, also zoned I-1, contain single family residential uses that are non-conforming and will be phased out over time.

Currently, the wooded areas on the north and south boundaries are in place to help screen the use from those parcels; however, the proposed expansion will need to provide more details on screening plans for site development.

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 existing structure is a finish coated steel panel building with varying vertical colors and windows to break up the length of the building. It is of similar type and style to other buildings in the Sand Creek Industrial area.
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 I-1, Rural Industrial District.
5. The use is not in conflict with the Comprehensive Plan of Scott County.
The Comprehensive Plan guides this property as Industrial, so the proposed use is allowed within this area.
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 is from Jordan Avenue via Bluff Drive, both paved Sand Creek Township Roads. The township and county code enforcement officer have observed vehicles parked outside of the fenced area along the township road. Parking on or along the township road is prohibited. Through this CUP amendment approval, the applicants will have more area for compliant storage.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.
The proposed business utilizes an individual well and private sewage treatment system, as well as a stormwater infiltration area.
8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.
Building Permits were obtained for construction of the building; no building expansion is proposed at this time. The Jordan Fire Department commented during the original CUP review that a rear drive access is not required.

Conditions of Approval:

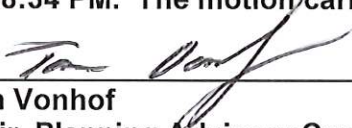
1. The applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are compliant with the conditions of the Conditional Use Permit (CUP).
2. This CUP is issued to Ace Auto LLC (Eduard Tabakov), applicant and property owner, for the operation of an Auto, Truck Major Repair Body Shop, to include sales of repaired vehicles and outdoor storage as allowed by the Scott County Zoning Ordinance. No other uses may be conducted on the property without review by Sand Creek Township and Scott County, as allowed by the Ordinance.
3. The Sand Creek Town Board may conduct an annual review of the CUP to ensure compliance.
4. The CUP holder shall pay an annual inspection fee for the CUP, if and when Scott County adopts an inspection fee ordinance.
5. If property ownership changes or a new applicant/operator is proposed, the applicant/operator shall contact the Sand Creek Township Board and the County Zoning Administration Department to review the conditions of the CUP, and any proposed operation changes. The applicant/owner shall notify the Zoning Administration Department of any possible operation changes and obtain a Certificate of Compliance from Scott County Zoning Administration.
6. The property shall be developed in substantial compliance with the approved project plans (to be amended prior to County Board consideration) and according to the performance standards listed in the Scott County Zoning Ordinance. Any modifications to the approved plans must be reviewed and approved by Scott County Zoning Administration and the Sand Creek Town Board.
7. Oil, 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 from Scott County Environmental Services and shall include provisions for proper removal (draining) of fluids from salvage vehicles to avoid leaks, spills, or other potential contamination of the site or surrounding properties and adjacent water resources.
8. The property shall be maintained in a neat and orderly manner. The Applicant shall promptly remove all garbage, trash, construction waste, debris, concrete rubble and all other nonessential or nonfunctional materials from the Property.

9. This is a priority condition: Outdoor storage is permitted only as an accessory use to the primary business and must occupy a space other than a required front yard setback (no storage of vehicles is allowed in front/forward/east of the building). All outdoor storage of vehicles brought to the site must be in a side or rear yard and shall at all times be screened by fencing or a greenbelt planting strip. Violation of this condition will result in the termination of the CUP.
10. No vehicles shall be parked or stored along or on any Township Road or Township Road right-of-way.
11. Landscaping and Screening shall be installed per plans dated April 12, 2018 (As maybe amended prior to County Board action). All plant material required as part of the Landscaping/Screening Plan shall be maintained and kept alive. Any dead or damaged plants shall be replaced. All plants shall be warranted for a full growing season. Fencing used for screening shall be maintained and replaced if damaged or otherwise removed.
12. The applicant/owner shall, upon reasonable advanced notice, provide the Township and County staff and/or its agents with access to the property for inspection for determining compliance with this conditional use permit.
13. All necessary building/electrical permits shall be obtained for construction of all structures on the property. The buildings shall comply with the State Building Code and other applicable codes.
14. A septic permit is required for installation of the sewage treatment system. The septic sites identified on the project plans shall be protected from any disturbance, grading, or compaction, and shall be fenced prior to construction.
15. All signage shall comply with the Scott County Sign Ordinance.
16. All lighting shall comply with the Scott County Zoning Ordinance.
17. Site grading and construction shall be consistent with the approved Resource Management Plan and approved project plans (to be amended prior to County Board action).
18. Issuance of the CUP is not a substitute for any other permit required in conjunction with the Project, including but not limited to building permits, electrical permits, and driveway permits.
19. Applicant shall construct and operate the Project in full compliance with the approved application narrative, approved project plans and in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.

V. PLANNING MANAGER UPDATE PRESENTED BY BRAD DAVIS

VI. GENERAL & ADJOURN

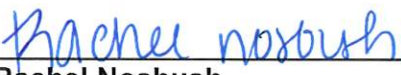
Motion by Commissioner Watson; second by Commissioner Hentges to adjourn the meeting at 8:34 PM. The motion carried unanimously.



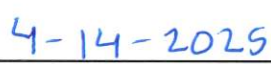
Tom Vonhof
Chair, Planning Advisory Commission



Date



Rachel Nosbush
Deputy Clerk to the Board



Date