Scott County
Planning Advisory Commission
February 11, 2019
6:30PM

Scott County Government Center
County Board Room
200 Fourth Avenue West
Shakopee, MN
Scott County
February 11, 2019
Planning Advisory Commission Meeting

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AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. APPROVAL OF JANUARY 14, 2019 MINUTES

III. CONSENT AGENDA
(All items listed are considered by the Planning Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Planning Commission Board member or public member so requests, in which event the item will be removed from the Consent Agenda to be considered separately.)

3.1 PUBLIC HEARING 6:30 PM BASTYR ESTATES 2ND ADDITION(PL#2018-098)
   B. Preliminary Plat and Final Plat of Bastyr Estates 2nd Addition consisting of 1 lot and 1 outlot on 57.99 acres.
      Location:        Section 21
      Township:        Helena
      Current Zoning:  A-3

3.2 PUBLIC HEARING 6:30 PM NEISEN REZONING(PL#2018-118)
   A. Request for rezoning of 76.98 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.
      Location:        Section 32
      Township:        Belle Plaine
      Current Zoning:  A-1

3.3 PUBLIC HEARING 6:30 PM ACTION OVERHEAD GARAGE DOOR(PL#2019-001)
   A. Request to amend Conditional Use Permit to expand existing facilities.
      Location:        Section 17
      Township:        Credit River
      Current Zoning:  I-1
IV. PUBLIC HEARING 6:35 PM SAFETY SIGNS, INC (PL#2018-050)
   A. Preliminary Plat and Final Plat of Safety Signs Addition consisting of 1 lot on 35.75 acres.
   B. Request for Conditional Use Permit for office facility and contractor yard.
      Location: Section 01
      Township: New Market
      Current Zoning: I-1

V. PLANNING MANAGER UPDATE

VI. KICK-OFF WORKSHOP FOR 2019 ORDINANCE REVISIONS

VII. GENERAL & ADJOURN
SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, January 14, 2019
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: Gary Hartmann, Donna Hentges, Ed Hrabe, Ray Huber, Lee Watson, Barbara Johnson and Tom Vonhof.

County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Greg Wagner, Senior Planner; Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF DECEMBER 10, 2018 MINUTES
Motion by Commissioner Watson; second by Commissioner Huber to approve the minutes of December 10, 2018 Planning Advisory meeting. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM: James Michael Country View (PL#2018-092)
A. Rezone 10 acres from RR-1, Rural Residential Reserve to RR-2, Rural Residential Single Family District.
   Location: Section 26
   Township: Spring Lake
   Current Zoning: RR-1

Commissioner Vonhof reported this item was originally on the consent agenda but has been moved to public hearing timed agenda.

Nathan Hall, Associate Planner, presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website January 14, 2019 Planning Advisory Commission Agenda Packet.

For the staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on James Michael Country View (PL#2018-092). The video of this meeting is also available for viewing by clicking the media button for video.

In addition to the staff report, Nathan Hall presented a fourth condition of approval as listed in the conditions for approval as set out below.

Chair Vonhof opened the public hearing
Commissioner Johnson asked if it would be possible for lots 2 & 3 to have a common driveway and one culvert. Mr. Hall reported the road is a township roadway and the township has not provided any recommendation on that matter. It could be a condition if the Commission deems it appropriate.

Commissioner Johnson indicated no representatives from Spring Lake Township were present at the time.

Commissioner Hentges asked about a condition referring to a driveway permit requirement from the township and wanted to know if such application has been made for the driveways are currently platted. Mr. Hall responded he is not aware of any driveway permit applications for the respective lots. It is his understanding that the application for a driveway permit would not be obtained until the time in which a building permit is submitted for the property as they are not typically issued for vacant lots.

Applicant James Michael reported he had a conversation with the township about idea of a common driveway for the 2 new lots. He stated the township basically passed over it saying there are often more neighbor problems with shared driveways than individual ones. He noted the area is relatively flat and culverts are not taking a lot of water run-off at the top of the hill.

Commissioner Vonhof requested Mr. Michaels sign in at the podium and asked him if he had any other information he would like to provide on his application.

Applicant James Michael reported he also discussed the issue of the outlying shed structure at a township meeting. He described the building and the added structure on the building. He expressed his thoughts on the structures placement, willingness to sign a deed restriction and future buyers will be aware of the structure’s location. He noted the township’s approval to allow the structure as it is.

Commissioner Hentges commented on information that indicated the township wanted the structure removed and also asked the applicant the use of the shed structure. Mr. Michaels noted the township recently approved the structure to remain as it stands and it will be used by his son for storage.

Commissioner Vonhof requested clarification on the reason the structure is in question. Is it due to the square footage or that it is within the 30 foot setback. Mr. Michaels replied it is due the placement of the structure in the 30 foot setback. Instead of 30 feet, it 15 feet from the property line.

Commissioner Vonhof confirmed that Mr. Hall and Mr. Michaels were done with their comments and informed the public the podium was open for comments and noted the podium sign in sheet.

Bill Teat, 20720 Mushtown Rd is concerned about:
- Water run off due the downward slopes in the area
- Encroaching on their lifestyle and chopping of the neighborhood
- He has honey bees and said he is being compiled in on
- He could also add lots to his property but this would bother neighbors to the north
- It is expensive to live in the area due everything needing to be done on larger scale such as lawn fertilizer.
- All the new wells and septic's going in around the area
- He noted several reasons they have chosen to live in the country and concerns about what will become of the area in the future with more growth.

Rob Molstad, 4895 209th St. E. is concerned about:
- Nothing against the applicant but the plan changes everything
- Piece of privacy like walking your dog down the street without a thousand cars driving by
- Taxes resulting from more expensive homes coming to the area citing the 26 new homes coming to the 80 acres north of the area. He noted the effect of his own taxes increasing in the recent past.
- As a retired cop he is home and watches the neighbor and it is not the way it should be.
Steve Gross, 4950 208 St E is concerned about:
- Possibility of surface water issues such as run off.
- The type of recourse if any that would be available to him if it becomes an issue.
- Currently manageable but concerned with added driveways and structures.
- It is not why they moved to the area and as long has he can do what anyone else is allowed to do.

Commissioner Vonhof responded to Mr Gross’ concerns about the surface water and run off. He reported that the rate of water movement across the land to the development cannot be changed without approval. There is recourse if something like that should happen. It also depends on the land and the soils.

Kevin Bjorge, 20799 Calmor Ave is concerned about:
- They came to the area for space and privacy.
- How the rules keep changing over time regarding acre limits and road frontage limits.
- Other restrictions or lack of with regards to building on the lots such as house size.

Commissioner Vonhof commented that the county recently went through a 2 year process to decide these very issues with the townships and citizens as they developed the 2040 Comprehensive Plan. He described the varying densities across the townships. He commented on the tax impacts.

Clare Friedman, 20720 Mushtown Rd is concerned about:
- Their privacy being jeopardized which is one of the reasons they moved to the country.
- The impact of additional drainage on to their property.

Applicant James Michael responded to some of the concerns expressed. He noted he purchased the property at a higher price because of the ability to split the lot. This has been part of Spring Lake Township’s ordinances for many years including the building eligibility and current density allowances. He also commented there will now be 2 more homes paying taxes on the same land where there was only one home paying taxes.

Commissioner Hartman asked Mr. Michaels about possible drainage issues and the option of grading the site with a swale type grade as to direct the water more towards the wetland. Mr. Michaels replied describing that through the building permit process a certified surveyor will plot the house and the property which will include a drainage plan to show where water runoff will go. This will then be reviewed and approved by the building department.

Kevin Bjorge, 20799 Calmor Ave asked Mr. Michaels about road frontage requirements. Mr. Michaels reported that the frontage road requirements on lots 12 acres or less is an average of 200 ft. Therefore the lots can have different frontage as long as they average is 200 ft.

Rob Molstad, 4895 208th St E commented about how property taxes work stating it is not quite how Mr. Michael described. He explained how his taxes went up when the million dollar homes came in the Credit River development.

Commissioner Johnson noted taxes are not an issue for the Planning Commission Board and are not taken into consideration. She explained the applicant’s request is allowed through the zoning ordinances, it is not a new situation and the ordinance has been in the plan for approximately 20 years. She noted her own experience in Spring Lake township with similar situation which is why she moved.

With no further public comment there was a motion to close the public hearing. Motion by Commissioner Johnson; second by Commission Watson to close the public hearing. The motion carried unanimously.

Motion by Commissioner Johnson; second by Commission Watson based on
the criteria for approval listed in the staff report, to recommend approval of the rezoning, preliminary plat and final plat of Country View, consisting of 3 lots on 10 acres noting that this recommendation is subject to approval of the four conditions recommended by staff that must be satisfactorily addressed prior to County Board consideration of the project, and noting the Township of Spring Lake recommended approval of the application. The motion carried unanimously.

Conditions for Approval:

1. Approval of the wetland delineation by Spring Lake Township, and dedication of conservation easement over the delineated wetland.
2. County Surveyor, Attorney and Recorder review and signing of the plat Mylars.
3. Payment of all Spring Lake Township and Scott County Final Plat fees.
4. Accessory building be brought into compliance with the setback requirements of the Scott County Zoning Ordinance or financial guarantee be provided to ensure the structure becomes compliant.

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 proposed lots have frontage and driveway access to 208th Street East, a paved Township Road.
4. Adequate Waste Disposal Systems – the proposed lots meet all requirements of the individual sewage treatment system ordinance. A septic permit for the existing dwelling must be applied for on Lot 1 before a new house permit on Lot 2 can be approved.
5. Consistency with the Comprehensive Plan – the proposed plat conforms to the goals and policies contained in the 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.
6. Public Service Capacity – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.
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.

And noting that Spring Lake Township recommended approval of this request at their December monthly meeting.
IV. PUBLIC HEARING 7:15 PM STEVEN GEIS BUFFALO RIDGE 2\textsuperscript{nd} ADDITION (PL#2018-116)

A. Rezoning of 129.83 acres from RR-1, Rural Residential Reserve District to RR-2, Rural Residential Single Family District.

B. Preliminary Plat and Final Plat of Buffalo Ridge 2\textsuperscript{nd} Addition consisting of 7 lots and 1 outlot on 129.83 acres.

Location: Section 36  
Township: Spring Lake  
Current Zoning: RR-1

Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website [January 14, 2019 Planning Advisory Commission Agenda Packet](http://www.scottcounty.org/). For the Staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on the Steven Geis Buffalo Ridge 2\textsuperscript{nd} Addition.

Chair Vonhof opened the public hearing

Commissioner Hentges asked if there has been any studies looking at the impact the additional housing and traffic will have on County Road 8. Citing how busy and constricted the road is already. Mr. Wagner replied the county has undertaken a number of studies on the County Road 8 corridor. The main outcome over the years concludes it is a principal arterial road which is the highest functioning road. Other examples are County Road 42, Highway 169 and Interstate I-35. This is why there are space requirements for access onto those roads and why Flag Trail will eventually be closed, all in an attempt to alleviate connections to the county road. The County will likely have plans to expand the roadway but they are not imminent. He noted the Township does allow for the development of the parcel. The County Highway Department also reviewed the request and had no comments on it. If the applicant chooses to develop outlot A, there will be improvements needed to Flag Trail at that time.

Commissioner Hentges commented on the current high traffic volume on County Road 8 especially during rush hour times to and from work for residents. She asked about later when the rest of the property develops and what will be done to handle that additional traffic. Mr. Wagner explained the land use decisions in the 2030 and 2040 plans include a whole chapter on transportation and the road improvements that will be needed to accommodate the growth. When Spring Lake Township decided 15 years ago they wanted to move to 2.5 acres lots, the county looked at county road infrastructure to determine if it can accommodate the increased amount of traffic. At this time the answer is yes but as further development occurs the county knows the road will have to be expanded at some point.

Commissioner Johnson asked whether or not the people purchasing the new 7 lots will know there may be future lots developed around them including lots 1 & 3, which will have a road going between them. Mr. Wagner responded that if citizens do their due diligence and contact the Planning office, they are provided copies of the plat. Also the developer and land owner can provide copies of the future plans. Once the lots are sold, the Planning office does not review sales only the building permits. It would be up to the landowner, developer or buyer to review the types of activity that could go on around the property. There is no requirement from the county that the buyer receive a copy of any future plats.

Commissioner Hentges is concerned on the process of approving these types of develop in sections, only looking at a piece at a time. She questioned whether they are approving 7 houses in this addition or are they really starting to approve a 30 house development that will come in the future. It’s difficult to make an informed decision without knowing this piece of information.

Commissioner Vonhof commented saying one challenge is the county has a capital improvement plan for its roads and the townships have their own roadway system, often dependent on when lots are developed. He
asked if townships have an overall network approach to their roadways like the county does. He also referenced
the ADT’s, average daily trips, per household that will grow with the addition of more households and how that
impacts the roads and traffic. Mr. Wagner said to some extent they may do this. For example, when Spring Lake
went to 2.5 acre lots, the township did a detailed area study that looked at roads, road connections and what will
be needed to accommodate the growth. They may develop a plan but how they implement that plan he did not
know. The County cannot require the Township make road improvements however, may provide suggestions on
road improvements. Mr. Wagner responded to the concern about approving a section at a time. He emphasized
that the county does not control when properties develop referencing the Harvest Hills development. This is all
dependent on when property owners choose to develop.

Commissioner Johnson asked about the wetland issues surrounding lots in the Raven Point 2nd Addition that had
to be addressed. Mr. Wagner stated he did not recall the issues specifically but noted the area being discussed
is in a higher position, up near the road, and found no concerns in staff review of the area.

Planner Marty Schmitz commented on the grading that occurred on the Raven Point project and how it impacted
the project.

Reino Maijala, 5740 Raven Pt Rd, is concerned about:
- The current conditions of the township road and ability to handle more traffic.

Mike Kretchmer, 5790 Raven Pt Rd, is concerned about:
- The headlights that will affect his property from the road that will come from the larger development that is
  planned for the outlot.

Commissioner Hartman commented on the headlight situation as he had previously considered which property
would be affected by traffic exiting from that point onto the road.

Vicke Fricke, 21700 Flag Trail is concerned about;
- The road conditions and the addition of more traffic. The possible closing of Flag Trail onto County Road
  8.
- The small piece of adjacent property from outlot A, that may be developed in the future, which lies directly
  behind her property and how that will impact her land and home.

Thomas Fricke, 21700 Flag Trail is concerned about:
- The small piece adjacent property from outlot A as well, and the potential to cut their property off from
  access to the lake.
- Conditions and use of Flag Trail

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

Motion by Commissioner Johnson; second by Commission Huber based on
the criteria for approval listed in the staff report, to recommend approval of the
rezoning, preliminary plat, and final plat of Buffalo Ridge 2nd Addition,
consisting of 7 lots and 1 outlot on 129.83 acres and noting that this
recommendation is subject to the conditions listed that must be satisfactorily
addressed prior to County Board consideration. Noting the Township of
Spring Lake made further recommendations that have to be addressed. The
motion carried unanimously.
Criteria for Approval:

1. **Adequate Drainage** – the proposed plat will meet all storm water 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 individual wells, meets the requirements of the zoning and subdivision ordinances.

3. **Adequate Roads or Highways to Serve the Subdivision** – The proposed lots will have frontage and access off of Raven Point Road, a paved Spring Lake Township road.

4. **Adequate Waste Disposal Systems** – the proposed lots 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 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged 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 the existing Township road for access.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** – the property is below the 80 acres of changed land use that would require an Environmental Assessment Worksheet (EAW) be completed.

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. **Adequate Drainage** – the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.

And noting Spring Lake Township recommended the approval of this request with conditions at their January 10, 2019 meeting.

V. PUBLIC HEARING 7:40 PM: Ames Construction, LLC (PL#2018-100)

A. Request for Interim Use Permit to operate a mine to extract material solely for the 169/41/78 interchange and frontage road project.

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<thead>
<tr>
<th>Location:</th>
<th>Section 21</th>
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<tbody>
<tr>
<td>Township:</td>
<td>Louisville</td>
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<td>Current Zoning:</td>
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Marty Schmitz presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website January 14, 2019 Planning Advisory Commission Agenda Packet.

For the Staff report please click on the download arrow and click on Agenda, Save and Open. Open the bookmark at the top of the page and click on the Ames Construction, LLC.

Mr. Schmitz also presented the township recommendation and updated staff recommended conditions.

Commissioner Vonhof opened the meeting for comment and asked if the township and applicant wanted to comment.
Commissioner Johnson inquired about the large load quantities of 200-300 per day cited in the application and the type of hauling truck that will be used in the process.

Pat Mason, Ames Construction, explained the load counts in the reports are estimates. They are expecting to extract 80-100 thousand yards total depending on the true quantity found on the property. The counts are a range of loads that will be ingressing and egressing and may vary from day to day. The company will use end dumps as much as possible.

Commissioner Huber asked Marty Schmitz if the frontage road will end at the property being discussed and when the property is developed, will the septic systems be pumped uphill. Mr. Schmitz replied that the frontage road will run adjacent to Highway 169 down to Highway 14. He explained future septic systems may need to pump which is not that uncommon.

Commissioner Hartmann inquired about if the county aggregate tax will be paid on the project. Mr. Schmitz reported the tax will apply.

No one approached the podium for further comment.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Huber to close the public hearing. The motion carried unanimously.

Motion by Commissioner Hartmann; second by Commissioner Huber subject to the conditions of approval and based on the criteria for approval listed in the staff report, to recommend approval of the Interim Use Permit for Ames Construction to operate a borrow pit for the 169/41/78 interchange and frontage road project, noting that Louisville Township Board has recommended approval of the request. The motion carried unanimously.

Conditions to be satisfied prior to County Board Consideration:

1. Any conditions stated in the Scott County Natural Resources Department review of the storm water management and erosion control plans for the project.
2. Any condition stated in the Louisville Township review of the project.
3. Any condition stated in Scott County Public Works Department review of the project.
4. Revise the cross sections to make them consistent with the Reclamation Plan (Sheet 6.20).

Criteria for Approval (Chapter 2-6-1):

1. The proposed use does not create an excessive burden on public facilities.
   The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.

2. The proposed use is compatible with uses on adjacent lots.
   The Borrow site will be open for approximately 2 years to provide material solely for the 169/41/78 interchange and frontage road project. The applicant will maintain the required 200’ setback to the residential zoned lot in the August Sky Development.
3. The proposed structures will be designed of materials that are not unsightly in appearance.  
   *No buildings are proposed for this temporary mining operation.*

4. The use is consistent with the purpose of the C-1 Zoning District.  
   *The General Commercial district allows mining through Interim Use Permits.*

5. The use is not in conflict with the Scott County 2030 Comprehensive Plan.  
   *The Comprehensive Plan encourages extraction of aggregate resources prior to more intensive land use or development.*

6. Adequate measures have been taken to provide ingress and egress, access to public roads and on-site parking.  
   *The proposed operation utilizes the frontage road under construction as part of the 169/41/78 interchange and frontage road project and County Roads 14 & 78 and State Highway 169 as haul road. Truck hauling & stop signs will be installed as required by Scott County. Ames Construction is responsible for any damage they cause to County or Township Roads.*

7. The proposed buildings will need to meet all Building Code requirements.  
   *No buildings are proposed for this temporary mining operation*

**Conditions of Approval:**

1. The permit shall be operated in compliance with the applicant's plans dated December 20, 2018 (as may be amended to address outstanding Erosion Control and Stormwater Management items) prepared by Ames Construction and narrative dated January 3, 2019. To the extent there are any conflicts between either the plans or the narrative and this permit, the conditions of this permit shall control.

2. The borrow site shall be used solely to provide material for the 169/41/78 interchange and frontage road project.

3. Hours of operation for the mine shall be:
   - Mining/Truck loading/ hauling 7:00 a.m. to 7:00 p.m. Monday-Friday & Saturday if necessary
   - Staging/Start up One hour before and one hour after the mining and trucking hours (this includes non-noise generating activities such as employee meetings, safety meetings, and fueling of equipment)
   - Equipment Maintenance Permitted during daylight hours
   - No work on Sundays or holidays

4. Haul roads shall be limited to the frontage road under construction adjacent to the mine and County Roads 14 & 78, and State Highway 169.

5. The Operator shall water the haul roads and processing areas of the mine as needed to minimize dust.

6. The Operator shall identify a person within the company for the residents, the Town Board, or Scott County to contact regarding their concerns of the IUP.

7. The Operator shall comply with all rules, regulations, requirements, and standards of the Minnesota Pollution Control Agency (MPCA) and other regulations and standards applicable to the mining operation.

8. The applicant shall provide to the Scott County Auditor's Office appropriate payment due for gravel tax in accordance with State and County regulations.

9. The stockpiled topsoil must be re-spread on the site and shall not be sold or removed.

10. Oils, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.

11. The property shall be maintained in a neat and orderly manner. Noxious vegetation shall be controlled in compliance with County Ordinances.
12 No crushing or blasting activities shall be allowed.
13 There shall be no overnight camping of employees of the company on the site.
14 The applicant shall comply with all requirements of the Scott County Highway Department for needed traffic control signs and obtaining any required access permits.
15 The applicant shall be responsible for cleaning the frontage road, CR’s 14 & 78, and State Highway 169 as required by the Project Engineer.
16 As required by the Scott County Traffic Engineer the applicant will be responsible for installing signage along the haul route.
17 The applicant shall provide Scott County with a $50,000.00 Letter of Credit to insure the Erosion Control Plan and Reclamation Plan are followed and that no damage is done to township, county, or state roads as a result of the project.
18 When mining is completed, a registered engineer shall certify to the County that the site has been restored in accordance with the end use plan.
19 Ames Construction shall be responsible for any damage to public roads caused by the hauling of material.
20 All mining and reclamation shall be completed by November 30, 2020.

VI. ELECTION OF OFFICERS FOR THE PLANNING COMMISSION

Motion by Commissioner Johnson; second by Commissioner Huber to nominate the same Officers as prior year. Commissioner Vonhof read the nominations on the record. Tom Vonhof for Chair, Barbara Johnson for Vice Chair and Lee Watson for Secretary. The motion carried unanimously.

VII. PLANNING MANAGER UPDATE

VIII. GENERAL & ADJOURN

Motion by Commissioner Watson; second by Commissioner Huber to adjourn the meeting at 8:37 PM. The motion carried unanimously.

________________________________________
Tom Vonhof
Chair, Planning Advisory Commission

Date

________________________________________
Barb Simonson
Deputy Clerk to the Board
Rezoning, Preliminary Plat & Final Plat of Bastyr Estates 2nd Addition

Request:

A) Rezoning of 57.99 acres from A-3, Agricultural Preservation, to TR, Transition Reserve District
B) Preliminary Plat of Bastyr Estates 2nd Addition consisting of 1 lot and 1 outlot on 57.99 acres
C) Final Plat of Bastyr Estates 2nd Addition consisting of 1 lot and 1 outlot on 57.99 acres

Greg Wagner, Senior Planner, is the project manager and is available for questions at 952-496-8360.

General Information:

<table>
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<tr>
<th>Applicant:</th>
<th>Denielle &amp; Timothy Stepka</th>
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<tbody>
<tr>
<td>Property Owners:</td>
<td>Greg &amp; Jean Stepka</td>
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<tr>
<td>Public Hearing Date:</td>
<td>February 11, 2019</td>
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<tr>
<td>Site Location:</td>
<td>East of Helena Blvd (TH 21) &amp; South of 255th Street W</td>
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<td>Township:</td>
<td>Section 21, Helena</td>
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<td>Action Deadline:</td>
<td>April 26, 2019 (120 Day)</td>
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Zoning/Comprehensive Plan Information:

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<th>Zoning District:</th>
<th>A-3, Agricultural Preservation</th>
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<tr>
<td>Comprehensive Land Use Plan:</td>
<td>2030: Urban Expansion 2040: Transition Reserve</td>
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<td>Overlay Zoning District:</td>
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<td>Chapter 27</td>
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<td>Ambulance District:</td>
<td>North Memorial Ambulance</td>
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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Preliminary Plat
4. Final Plat
5. Lot 1, Block 2 Bastyr Estates Survey
6. Scott County Environmental Services review memo dated January 2, 2019
7. Helena Township Recommendation
Comprehensive Plan- The property is currently guided as Urban Expansion under the 2030 Comprehensive Plan, but is planned for Transition Reserve in the 2040 Comprehensive Plan.

Adjacent Land Use/Zoning- North – 20 acre residential/agricultural lots, zoned A-3
South – 50 acre agricultural parcel, zoned A-3
West – 80 acre agricultural parcel, zoned A-1
East – 20 acre residential lot, zoned A-3

Existing Conditions- The 57.99 acre parcel is mainly open farmland. Some wetland areas were delineated on the east side of the parcel adjacent to the existing Bastyr 1st Addition lot.

Ordinance Requirements- Density – 1 dwelling unit per 10 acres
Lot Size – 1 acre of non-hydric soil to accommodate two (2) individual sewage treatment drain field sites.
Lot Width – 100 feet from the front setback line maintained to the primary building site.
Structure Setbacks:
Front Yard: 100 feet from township road centerline
Side Yard: 15 feet
Rear Yard: 30 feet

Proposed Development- Density – 1 dwelling unit per 57.99 acres
Lot Size – 2.88 acres & 55.10 acre outlot
Lot Width – The lot width proposed is 100 feet
Setbacks – The proposed building location meets required setbacks.

Existing Roads- The property has frontage on 255th Street West, a Helena Township Road.

Proposed Roads- No new roads are proposed for this project. The applicants will be obtaining a driveway permit from the Township.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.

Background:
Denielle & Timothy Stepka are proposing to rezone and plat 57.99 acres owned by Greg & Jean Stepka located in section 21, Helena Township. The property was rezoned to Agricultural Preservation District, A-3, and platted in 2004 as part of Bastyr Estates. The applicants are now requesting to create a 2.88 acre residential parcel to build a home. Most of the property is used for agricultural crop production and would continue to be used for agricultural purposes. County staff met with the landowner, Greg Stepka, and with the applicant Denielle Stepka in 2018 to discuss the request due to the changes to the County's Comprehensive Plan.
Comprehensive Plan:
The Stepka property is guided as Urban Expansion, 1 home per 40 acre development density, under the 2030 Comprehensive Plan. Through discussions with the City of New Prague during the 2040 Comprehensive Plan Update, it was determined that the City's future planned sewer area would not extend north past County Road 2 to where the Stepka property is located. Scott County therefore has guided the property as Transition Reserve in the 2040 Update, which allows development density of 1 home per 10 acres. The Stepkas have timed their application to coincide with the anticipated adoption of the 2040 Comprehensive Plan following the mandatory Metropolitan Council review. The Met Council review would be complete at the end of March 2019, allowing for County Board adoption of the 2040 Comprehensive Plan in April 2019.

Site Photo: View looking north at the Stepka property and future home location.

Analysis:
Assuming adoption of the 2040 Comprehensive Plan and guiding of the property to Transition Reserve, the Stepka property rezoning would conform to the standards for the Urban Transition Reserve Cluster (UTR-C) Zoning District. The property has 44.5 acres of non-hydric soils, of which the applicants will be preserving 41.62 (93.5%) non-hydric soils on Outlot A (or continued agricultural use and future development (70% non-hydric preservation is required by Ordinance). Action on the rezoning and plat cannot be scheduled on the County Board agenda until the 2040 Comprehensive Plan is adopted.

The proposed home location meets required setbacks, and the home will take access from 255th Street West; the applicants have made application to the township for a driveway access permit. Two septic drainfield locations were identified by the applicants' septic designer, and have been field verified and approved by Scott County Environmental Services. Wetlands were delineated and dedicated in drainage & utility easements for the original Bastyr Estates plat. These easements are shown on the 2nd addition plat, and are outside of the agricultural areas of the property. All other site development items will be reviewed at time of building permit application.

Township Recommendation:
The Helena Town Board recommended approval of the rezoning and plat at their July 2018 monthly meeting. A copy of this recommendation is attached to this report.
Staff Recommendation:
Based on the project information submitted by the applicants and subject to the
conditions of approval, the proposed rezoning and plat conforms to the Zoning and
Subdivision Ordinances; therefore, staff recommends approval of the Rezoning,
Preliminary Plat, and Final Plat of Bastyr Estates 2nd Addition.

Conditions to be Satisfied Prior to County Board Consideration:
1. The Scott County Board of Commissioners shall adopt the 2040 Comprehensive
   Plan re-guiding the Stepka property to Transition Area.

2. The County Recorder and Surveyor review and approve the plat.

3. Approval of the of Title Commitment by the County Attorney.

4. Payment of all Helena Township and Scott County Final Plat Fees.

Criteria for Approval:
1. **Adequate Drainage** – the proposed plat will meets all storm water drainage
   requirements as identified in Chapter 6 of the zoning ordinance.

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 and lot
   have frontage on 255th Street West, a gravel Helena Township road. The
   applicants have applied for a driveway permit through the Township.

4. **Adequate Waste Disposal Systems** – the proposed lot meets 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 proposed 2040 Comprehensive Plan for the
   development in the Transition Area and continued agricultural use.

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.

Planning Advisory Commission/Township Alternatives:
1. Approve the request as recommended by Planning Staff with the specified
   conditions.

2. Approve the request as recommended by the Planning Staff with amendments to
   the conditions.
3. Table the request for a specific reason.

4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**
Based on the criteria for approval listed in the staff report, I recommend approval of Rezoning, Preliminary Plat and Final Plat of Bastyr Estates 2nd Addition consisting of 1 lot and 1 outlot on 57.99 acres, 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 project.
HELENA TOWNSHIP
SECTION 21
DENIELLE & TIMOTHY STEPKA
REQUEST FOR REZONING &
PRELIMINARY PLAT
HELENA TOWNSHIP
SECTION 21
DENIELLE & TIMOTHY STEPKA
REQUEST FOR REZONING &
PRELIMINARY PLAT
The Scott County Environmental Services Department has completed a review of the project plans dated December 2018 for conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080. We find this application to be complete.

If you have any questions, please contact me at (952) 496-8652.
TOWNSHIP RECOMMENDATION FORM

On June 7, 2018, the Town Board of Helena discussed with [signature] the request to remove a plat for an additional home on [address].

After reviewing the Request, the Town Board:

✓ RECOMMENDS APPROVAL
   WITH THE FOLLOWING CONDITIONS:
   - taxer current
   - driving permit required
   - lot off 4 83K drive @ myler signoff

RECOMMENDS DISAPPROVAL FOR THE FOLLOWING REASONS:

HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

[Signature]
CLERK

[Signature]
SUPERVISOR

[Signature]
SUPERVISOR

[Signature]
SUPERVISOR

White - County
Yellow - Township Copy
Pink - Applicant's Copy
Rezoning – Colin Neisen – PL2018-0118

Request:

A) Rezoning of 76.98 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.

Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

General Information:

Applicant: Colin Neisen
Site Location: 10916 280th Street W. Belle Plaine

Property Owners: Elizabeth Neisen Estate
Township: Section 32, Belle Plaine

Public Hearing Date: February 11, 2019
Action Deadline: April 19, 2019 (120 Day)

Zoning/Comprehensive Plan Information:

Zoning District: A-1, Agricultural Preservation District
Comprehensive Land Use Plan: Agricultural Transition

Overlay Zoning District: none
School District: Belle Plaine #716

Watershed District: Scott WMO
Fire District: Belle Plaine

Ordinance Sections: Chapter 27
Ambulance District: Ridgeview

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Narrative
4. Certificate of Survey dated December 14, 2018
5. Township Comment dated January 8, 2019
Comprehensive Plan- The property is located within the 2030 Comprehensive Plan's Agricultural Transition Area.

Adjacent Land Use/Zoning- North – 80 acre agricultural parcel, zoned A-1
South – Le Sueur County
West – 67.5 acre agricultural parcel, zoned A-1
East – 3.02 acre residential parcel, zoned A-1 & 150 acre agricultural parcel, zoned A-1

Existing Conditions- The property consists of an existing farmstead surrounded by large parcels in agricultural production. An approximately 3-acre parcel with a 1970's house exists in the SE corner of the parent parcel.

Ordinance Requirements- Density – 1 dwelling unit per 40 acres or quarter-quarter section.
Lot Size – The minimum lot size for an existing farmstead shall be determined by the topography of the property, the ability to locate the principal dwelling, any accessory structures, and two (2) individual sewage treatment systems, which all meet applicable setback requirements.
Lot Width – 300 feet for existing farmstead from the front setback line maintained to the primary building site
Structure Setbacks:
Front Yard: One hundred fifty (150) feet from the centerline of a State road, or one hundred (100) feet from the State road right-of-way, whichever is greater.
Side Yard: Thirty (30) feet
Rear Yard: Sixty (60) feet

Proposed Development- Density – 1 dwelling unit per 40 acres or quarter-quarter section.
Lot Size – 9.49 acres of land for existing farmstead; The remaining agricultural parcel is 67.49 acres.
Lot Width – Minimum proposed is 768.72 feet
Setbacks – The existing house is within the required front setback. The accessory and agricultural buildings will meet the required side setback but an accessory structure does encroach on the rear setback and will need modification.

Existing Roads- The property has frontage on 280th Street W. (MN 19)

Proposed Roads- No new roads are proposed for this project.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ½ mile of the project.
Background & Analysis
Colin Neisen is requesting to rezone 76.98 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District. The property is owned by the estate of Elizabeth Neisen. The rezoning will allow the family to separate the farmstead from the surrounding agricultural land. The County Subdivision Ordinance allows for existing farmsteads to be separated from agricultural land on parcels 40 acres or greater through an Administrative Subdivision.

The property is located in Section 32 of Belle Plaine Township along Minnesota Highway 19. The rezoning to A-3 will allow for creation of a parcel less than 40 acres but also will leave the agricultural land zoned at a 1 home per 40 acre density required to remain eligible for agricultural tax benefit programs.

The applicant has submitted a survey of the proposed parcel that would be created after a successfully rezoning to the A-3 District. An existing structure is shown within the required 60’ setback from the north property line. Prior to the completion of the administrative subdivision, the three-sided, agricultural structure or proposed parcel line will need to be altered to meet the setback requirement.

Environmental: The applicant had a new septic system installed in 2005. A new alternative septic site was located in December, 2018. The current system and alternate drainfield are both within the boundaries of the proposed 9.49 acre parcel.

Natural Resources: No grading or other land disturbing activities are proposed for this rezoning request. The National Wetland Inventory notes a wetland in the center of the subject property. However, the area is in agricultural production and no further development is proposed.

Township Recommendation:
The Belle Plaine Town Board made a recommendation of approval at their January monthly meeting; a copy of this recommendation is attached.

Staff Recommendation:
Based on the project information submitted by the applicant and subject to the conditions of approval, the proposed rezoning conforms to the Zoning and Subdivision Ordinances; therefore, staff recommends approval of the Rezoning based on the criteria for approval listed below.
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 2030 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 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 existing residence has frontage on MN Highway 19 and the access point will not be altered. The remaining agricultural parcel has an existing field access.

Planning Advisory Commission/Township Alternatives:

1. Approve the request as recommended by Zoning Administration staff.

2. Approve the request as recommended by the Zoning Administration staff with specific conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Motion for Planning Advisory Commission or Township Board:

Based on the criteria for approval listed in the staff report, I recommend approval of the rezoning of 76.98 acres from A-1, Agricultural Preservation District, to A-3, Agricultural Preservation Density District.
BELLE PLAINE TOWNSHIP
SECTION 32
ELIZABETH NEISEN ESTATE
REQUEST FOR REZONING
DATE: DECEMBER 20, 2018

TO: SCOTT COUNTY PLANNING OFFICE
    PLANNING COMMISSION
    BELLE PLAINE TOWNSHIP BOARD
    SCOTT COUNTY BOARD

APPLICANT: COLIN NEISEN

REQUEST: REZONE OF PROPERTY FROM A-1 TO A-3

I respectfully request consideration of a rezone and administrative subdivision to allow a 9.49 acre parcel to be subdivided from a 76.98 parcel, PID 019320010. Current zoning is A-1. Request is to rezone a 9.49 acre to A-3 to allow a homesite to be split from the farm land. This meets the zoning density requirement. The use is compatible with present and future land uses of the area which is agricultural land. The survey dated December 14, 2018 shows compliance with performance standards. There will be no increase or changes in planned public services and will not overburden the County or Township service capacity as this has been a homesite for over 70 years.

Thank you for the consideration you give this request.

Colin M. Neisen, Applicant

Betty Neisen Estate
Property Owner: Betty Neisen Estate
Patricia Krings, POA

by

Patricia Krings
PROPOSED DESCRIPTION
Part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 113, Range 24, Scott County, Minnesota, described as follows:
Beginning at the southwest corner of said Section 32; thence on an assumed bearing of North 03 degrees 22 minutes 30 seconds East along the West line of said Southwest Quarter 538.41 feet; thence South 89 degrees 50 minutes 20 seconds East 768.72 feet; thence South 03 degrees 22 minutes 30 seconds West 538.41 feet to the South line of said Southwest Quarter; thence North 89 degrees 50 minutes 20 seconds West along said South line 768.72 feet to the point of beginning. This tract contains 9.49 acres of land and is subject to any and all easements of record.

BUILDING SITE SURVEY FOR COLIN NIKSEN
PART OF SW 1/4 – SW 1/4
SEC. 32, T113, R24 BELLE PLAINE TOWNSHIP
SCOTT COUNTY, MINNESOTA
atial: 1 INCH = 100 FEET
Dec, 2018
FILE NO. 3622
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

Register No. 15475
Registration No. 15475
Date 12/14/18
TOWNSHIP RECOMMENDATION FORM

On Jan. 8th, 2018, the Town Board of Belle Plaine discussed with Charlie Neisen, the request to change Zone A-1 (9.49 acres) to A-3 to allow a homesite to be split from the farm land.

After reviewing the Request, the Town Board:

✓ RECOMMENDS APPROVAL WITH THE FOLLOWING CONDITIONS: none

___ RECOMMENDS DISAPPROVAL FOR THE FOLLOWING REASONS: 

___ HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

CLERK

SUPERVISOR

SUPERVISOR

White - County

Yellow - Township Copy

Pink - Applicant's Copy

06500-2814 (04-00 SC)
STAFF REPORT PREPARED FOR TOWNSHIPS & COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8653 · Fax (952)496-8496 · Web www.scottcountymn.gov

Action Overhead Garage Door - Conditional Use Permit Amendment

Request:
Conditional Use Permit Amendment for Action Overhead Garage Door, LLC to expand facility.
Nathan Hall, Associate Planner, is the project manager and is available for questions at 952-496-8892.

General Information:

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<th>Applicant:</th>
<th>Site Location:</th>
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<tbody>
<tr>
<td>Action Overhead</td>
<td>18077 Murphy Lake</td>
</tr>
<tr>
<td>Garage Door, LLC</td>
<td>Boulevard Prior Lake,</td>
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<tr>
<td></td>
<td>MN 55372</td>
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<tr>
<td>Property Owner:</td>
<td>Township:</td>
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<td>Credit River, Section</td>
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Public Hearing Date: February 11, 2019

Action Deadline: February 25, 2019 (60 Day)

Zoning/Comprehensive Plan Information:

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<td>Prior Lake Fire Department</td>
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<th>Ambulance District:</th>
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<td>Chapters 2, 16 &amp; 60</td>
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Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Applicant Narrative
4. Project Plans (Sheets C1-C3) dated January 23, 2019
5. Landscape Plan dated January 23, 2019
6. Building Plans/Elevations dated January 24, 2019
7. Scott County Environmental Services memo dated January 11, 2019
8. Scott County Natural Resources review dated January 9, 2019
9. Credit River Township, Engineering review dated January 18, 2019

Request-
Conditional Use Permit Amendment for Action Overhead Garage Door, LLC to expand facility.
Comprehensive Plan- The 2030 Comprehensive Plan Update guides this parcel as Commercial/Industrial with corresponding I-1, Rural Industrial, and C-1, General Commercial, Zoning Districts

Adjacent Land Use/Zoning- North – 41.67 acre agricultural parcel, zoned UER  
South – 5.38 acre agricultural lot, zoned UER-C  
East – 11.69 acre agricultural lot & 2.9 acre residential lot, zoned UER-C  
West – 2.5 acre residential parcel, zoned UER

Existing Conditions- The 12.69 acre lot is at the corner of Eagle Creek Avenue (County Road 21) and Murphy Lake Boulevard. The property currently contains warehouse/office building and two accessory pole buildings.

Ordinance Requirements- Structure Setbacks:  
Front Yard: 100 feet from County road right-of-way.  
Side Yard: 20 feet or height of building, whichever greater.  
Rear Yard: There is no rear yard since this parcel has roads on 2 sides.  
Parking: 20 feet to right-of-way/property line.  
Outdoor Storage: Cannot be located within a front yard setback

Proposed Development- Structure Setbacks:  
Front Yard: 100 feet from road right-of-way.  
Side Yard: 269 feet  
Parking: 30 feet to road right-of-way.  
Outdoor Storage: Outdoor storage is outside of the required front yard setbacks to the rear of the building.

Existing Roads- The site has frontage on both Eagle Creek Avenue, a paved County Road, and Murphy Lake Boulevard, a paved Township Road. Site access will be from Murphy Lake Boulevard.

Proposed Roads- No new roads are proposed.

Public Hearing Notice- Required public hearing notices were mailed to all adjacent property owners within ¾ mile of the project.

Background:  
Action Overhead Garage Door, LLC, is requesting an amendment to their current Conditional Use Permit (CUP) to expand their facility. The original CUP was issued in 1999 and was transferred to new property owners in 2018. The principal building is approximately 21,600 square feet. Approximately 24,100 square feet of warehouse would be added to the facility to store overhead garage door panels, parts, and components related to the manufacturing and installation of garage doors.

The applicants met with Credit River Township and Scott County staff at a Development Review Team (DRT) meeting on November 7, 2018 to discuss the proposed expansion.
Action Overhead Garage Door, LLC is full service garage door company which sells, installs and services new and existing garage doors as outlined in their project narrative. The primary building on the property houses the company’s main office, showroom and warehouse. One of the accessory buildings on the site is used for the manufacturing, assembly and storage of wood garage doors and the other accessory building is used for storage. The facility is located on a 12.69 acre parcel located at the intersection of Eagle Creek Avenue and Murphy Lake Boulevard, paved County and Township roads respectively.

Site Photo - Location of Action Overhead Garage Door.

Building & Site Analysis:
Action Overhead Garage Door is proposing a warehouse expansion to their principal building. The proposed structure would be constructed with metal wall panels. The architectural plans illustrate the use of contrasting panel colors and artificial and stone veneer. Modifications are proposed to the existing structure as well, to provide continuity. The architect has identified four options for the east elevation of the building; the fourth option does not conform to the requirements of the Zoning Ordinance due to the size of the proposed sign.

As proposed the CUP meets the intent of uses allowed in the I-1 zoning district, and the building location meets the required structure setbacks. The outdoor storage area will be behind the building and outside of the front yard setback areas as required by Ordinance. All proposed lighting on the building will need to meet performance standards of the zoning ordinance for intensity and shielding.

Access & Parking:
The existing access from Murphy Lake Boulevard will remain in use as the sole access to the site. A residential property shares access from Murphy Lake Boulevard with the business. The Scott County Highway Department has reviewed the application and
provided the comment that “No ponding, berming, landscaping, or signage shall be located within the County right-of-way.”

Improvements are planned for the existing parking lot including the addition of stalls and a sidewalk connecting to the new front door. The number and sizing of individual parking stalls shown on the site plan meets the minimum requirements of the Ordinance. The applicant has proposed bituminous pavement for the main parking area and gravel throughout most of the driveway, loading, and additional parking areas.

**Landscaping and Screening Plan/Fencing:**

The property currently contains numerous pine and spruce trees that were established in the early 2000’s. Mature trees screen the nearest residential property to the northeast from the facility. The new addition would remove a number of trees from the site. The landscape plan submitted proposes the addition of evergreen trees and deciduous shrubs to the southern portion of the site. The existing and proposed plantings would meet the required number of landscape units required by ordinance. The loading areas would be shielded from County Road 21 by vegetation, fencing, and the building itself.

**Natural Resources and Environmental Services:**

The applicant has identified a new primary and alternate septic drainfield location on the eastern portion of the property in addition to an existing system for an accessory building. The principal, existing septic system is located in the area of the new addition and will be removed as part of the construction. The Environmental Services Department has reviewed the project plans and approved of the plan with the condition that “All existing septic systems and proposed septic systems must be protected from any construction activity.”

A Resource Management Plan addressing the stormwater management, grading, erosion, and sediment control was submitted with the application. The applicants’ engineer has submitted revised project plans to address the corrections from Scott County Natural Resources initial review.

Any outstanding items listed in the Scott County Natural Resources and Environmental Services reviews of the CUP have been listed as conditions of approval to be satisfied prior to County Board consideration, and conditions for business operations have been incorporated into conditions of the CUP. Per the County Zoning Ordinance the applicant shall provide a $5,000 financial guarantee (bond, letter of credit, escrow) to ensure installation of all stormwater infrastructure, landscaping, and other required site improvements are completed according to approved plans.

**Township Recommendation:**

The Credit River Town Board will be making a recommendation on the request at their February meeting. A copy of the recommendation will be provided at the public hearing.

**Staff Recommendation:**

Subject to the conditions of approval, the conditional use permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the conditional use permit based on the eight criteria for approval listed below:
Conditions to be Satisfied Prior to County Board Consideration:

1. Any conditions stated in Credit River Township recommendation of the Conditional Use Permit.

2. Any conditions stated in the Scott County Natural Resources Department review of the CUP and the project Resource Management Plan.

3. The applicant shall provide the County with a $5,000 financial guarantee to ensure compliance with required site improvements including grading/stormwater management facilities, landscaping, paving, screening fence, and other improvements required by the Scott County Zoning Ordinance.

Criteria for Approval (Chapter 2-6-1):

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 served by paved public roads. There are no imminent plans to provide municipal services to the 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 use is allowed in the I-1 district through a CUP. Uses in the area are primarily agricultural and the previous business owner established trees that provide significant screening. Additional plant material is proposed with the expansion.

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 proposed structure is a prefinished metal wall panel building with contrasting colors, textures, and windows to break up the length of the building. It is of similar type and style to other industrial buildings in the County.

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 Commercial/Industrial Area 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 will be maintained from Murphy Lake Boulevard, a paved Township road. Improvements and expansion of the on-site parking will provide adequate parking.
7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

*The proposed business expansion will utilize an individual well and private sewage treatment system, as well as stormwater infiltration areas.*

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

*The proposed building will require building permits and review by the Scott County Building Department for conformance to the State Building Code.*

**Conditions of Approval:**
(Existing Conditions, New Conditions, & Removed Conditions)

1. The applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Conditional Use Permit (CUP). Failure to do so may be a basis for revocation of the CUP.
2. This CUP is issued to Action Overhead Garage Door, LLC, applicant for the expansion of existing facility.
3. The Conditional Use Permit is issued specifically to Don Leehr and if the property is sold or leased, the new operator must meet with the Scott County Planning Office to review the permit.
4. The Conditional Use Permit is issued solely to allow the operation of an overhead garage door business.
5. The business shall be operated in accordance with the applicant's letter dated 7/19/99.
6. The property shall be maintained in a neat and orderly manner.
7. 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.
8. All signage shall comply with the County Sign Ordinance.
9. Adequate off-street parking shall be provided for clients and employees
10. The Credit River Town Board may conduct an annual review of the CUP to ensure compliance.
11. The applicant shall install a water meter and will be responsible to take and submit readings on a quarterly basis to Environmental Health staff to insure that the septic system is adequately sized for the water use.
12. If not already installed, the applicant shall install a water meter and will be responsible to take readings on a quarterly basis and shall make readings available to Environmental Services staff to insure that the septic system is adequately sized for the water use.
13. Only domestic sewage may be discharged to the septic tank/drainfield. All wastewater from commercial, industrial, floor drain and non-domestic sink sources shall be plumbed to a holding tank unless otherwise approved in writing by the Scott County Environmental Health Office.
14. All structures utilized for the business shall be approved by the Building Official for the intended use.
15. The applicant shall share responsibility for the construction of the holding pond indicated on the site plan.
16. All outside storage must be located within the fenced area. The fence shall be at least 6' high and provide a minimum opaqueness of 80%.
17. The applicant shall comply with the Highway Department requirements. Access to the property shall be limited to existing driveway unless an added access is approved by the Scott County Highway Department.
18. The CUP holder shall pay an annual inspection fee for the CUP, if and when Scott County adopts an inspection fee ordinance.
19. If property ownership changes or a new applicant/operator is proposed, the applicant/operator shall contact the Credit River Town 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.
20. Prior to undertaking any physical or operational changes to the business, the operator shall contact the Scott County Planning Office to determine if such expansion is in compliance with the conditions and intent of the permit.
21. The property shall be developed in substantial compliance with the approved project plans (currently dated) 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 Credit River Town Board.
22. Oil, solvents and other hazardous wastes shall be managed in accordance with the Scott County Hazardous Waste Management Ordinance.
23. Outdoor storage is permitted as an accessory use to the primary business, and must be located to the rear of the building as identified on the applicant's plans.
24. No vehicles shall be parked or stored along or on any road or road right-of-way.
25. Landscaping shall be installed per plans (Currently dated January 23, 2019 and as may be 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 shall be maintained and replaced if damaged or otherwise removed.
26. 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.
27. 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.
28. 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.
29. All lighting shall comply with the Scott County Zoning Ordinance.
30. Site grading and construction shall be consistent with the approved Resource Management Plan and approved project plans (Currently dated January 23, 2019 and as may be amended prior to County Board action).
31. 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.
32. 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.

Township Board/Planning Advisory Commission Alternatives:
1. Approve the request as recommended by Zoning Administration Staff with the specified conditions.

2. Approve the request as recommended by the Zoning Administration Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Planning Commission Motion:
Based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit Amendment for Action Overhead Garage Door, LLC to expand existing facility, 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.
CREDIT RIVER TOWNSHIP
SECTION 17
ACTION OVERHEAD GARAGE DOOR
REQUEST TO AMEND
CONDITIONAL USE PERMIT
CREDIT RIVER TOWNSHIP
SECTION 17
ACTION OVERHEAD GARAGE DOOR REQUEST TO AMEND CONDITIONAL USE PERMIT
Action Overhead Garage Door, LLC

Amendment to CUP #760-C-4

Overview

Action Overhead Garage Door, LLC is requesting to amend Conditional Use Permit # 760-C-4 for the addition of approximately 24,000 square feet of warehouse to its operations in Credit River Township. The additional warehouse will be used to store overhead garage door panels, parts, and components related to the manufacturing and installation of garage doors.

History and Existing Operations

Action Overhead Garage Door is a full service garage door company which sells, installs and services new and existing garage doors. The company was founded by Don Loehr in the 1980s and the business experienced steady growth over the next few decades and the second generation of the Loehr family took over operations in the 2000s. In May of 2018, the business was purchased by Dem-Con Companies, LLC owned by Mark Pahl and Jason Haus. Dem-Con is a third generation, family owned company located in Shakopee, MN. The Action Overhead Garage Door company currently consists of approximately 40 employees.

There are three main buildings on the existing 12 acre site. The northernmost building is approximately 7200 square feet and is used for the manufacturing, assembly and storage of wood garage doors. The building in the center of the property is approximately 7200 square feet and is used for the parking of vehicles and storage of garage door parts and components. The largest and southernmost building on the property houses the company’s main office, showroom and warehousing operations.

Hours of operations

The typical hours of operations at the site are from approximately 5am to 9pm, Monday thru Saturday. Current operational hours may extend beyond these hours for emergency and time sensitive projects. In addition, the company may incorporate a second shift if growth allows.

Outside storage

The company receives full truckloads of garage door panels and components at the site. The truckloads of materials are unloaded outside and are primarily stored inside to keep the materials out of inclement weather but are occasionally stored outside on a temporary basis until warehouse space becomes available. The company’s fleet of sales, installation and service vehicles also may be stored outside. In addition, there are open top dumpsters stored on the north side of the building for the recycling of scrap metal and disposal of garage doors generated from the business. All outside storage of the materials will be on the north and east side of the buildings.

Landscaping

A landscaping plan for the site is attached. The site currently has an abundance of mature spruce and pine trees surrounding the property with the exception of the east side which is currently being used for agricultural purposes. The revised landscaping plan continues to use spruce and pine trees particularly on the east side of the property to aid in the screening of the outdoor storage on the north and east
sides of the buildings. The attached plan meets or exceeds all of the landscaping standards in the County ordinance.

Stormwater

A detailed grading and erosion control plan along with a resource management plan is attached. The project meets the Scott County requirement for stormwater management. In general, the site is hilly with approximately 24 feet of relief from west to east. A majority of the storm water runoff from the existing site flows overland to the existing Scott County Combined Stormwater Pond 21B east of the site. Geotechnical test borings by Braun Intertec verified that the clays at the site are considered to be Hydrologic Soil Group Type D. Since permits are prohibited from constructing infiltration systems in areas of predominately Hydrologic Soil Group Type D soils (clay), a filtration system consisting of a sandy soil mix and subsurface drain tile is proposed in order to treat the water quantity volume. Storm water from the disturbed area will be captured and routed first to a pretreatment basin. Overflow from the pretreatment basin will be directed to a filtration basin which will then discharge at the southeast corner of the site to the existing Combined Stormwater Pond 21B.

Well and Septic

The site is currently serviced by an onsite well and the proposed addition will not conflict with the well. The proposed building addition is located where the existing drainfield is also located. A new drainfield and alternate septic site will be incorporated into the project. The location of the primary and alternate septic locations are shown on the site plan.

Lighting

A lighting and Photometric plan is attached.

Nuisance Mitigation

The current operation does not have noise, odor, glare, dust or other nuisance issues and the proposed warehouse expansion will not create any new nuisance issues.

Summary

Action Overhead Garage Door is looking forward to working with Scott County and Credit River Township on the project. This project will be a benefit to both the County and Township as well as the surrounding area and current and future employees.
Action Doors
18077 Murphy Lake Blvd, Prior Lake, MN 55372

Elevations
01/24/19
Memo

Date: January 11, 2019
To: Greg Wagner, Zoning Department
From: Mary VonEschen, Environmental Services Department
Subject: PL2019-0001 Action Overhead Garage Door, LLC

The Scott County Environmental Services Department has reviewed the project plans dated December 27, 2018 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #4 and Minn. Rules Chapter 7080. We find this application to be complete and approved. The only condition we have is:

- All existing septic systems and proposed septic systems on this lot must be protected from any construction activity.

Please note that the property owner must be in compliance with Scott County Solid Waste and Hazardous Waste Ordinances. All solid waste and hazardous waste must be properly managed and disposed.
Memo

Date: 1/9/19
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: PL2019-001 Action Overhead Garage Door CUP Amendment

The Scott County Natural Resources Department has completed a review project plans (sheets C1-C7, dated 12/27/18), Stormwater Management Calculations (dated 12/27/18), and the Resource Management Plan (dated 12/26/18) for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. The following items (in no particular order) appear to require revision or changes to comply with County Ordinance. Please complete the required changes and resubmit for review and approval.

1. Survey date listed on sheet C1 and C4 do not match. Please revise dates as necessary.
2. Add additional spot elevations on the east side of the existing building at the drainage break to show EOF elevation for the swale area.
3. Revise the notes for the proposed filtration basin outlet structure on sheet C2 to indicate that there is a detail on sheet C7 for the structure. Info box appears to indicate that it is a standard catch basin structure.
4. Will there be four drain tile line connections to outlet structure #2? Please update detail to show the proposed drain tile inlet connections.
5. Please revise note #12 under Sediment Control Practices on sheet C5. Scott County ordinance requires temporary sediment basins for 5 acres of disturbed area.
6. Please revise note #17 under Sediment Control Practices on sheet C5 to replace Watershed with Scott County.
7. Include a total for estimate preliminary silt sacks required on the table on sheet C5.
8. On sheet C5 replace Watershed with Scott County in the Construction Sequence table.
9. Please provide a copy of the final soil boring report when available.
10. The proposed pre-treatment pond will have a NWL of 945.00. Please revise the HydroCAD model to start the water elevation at 945.00.

Please note the review of any tree preservation, wetland issues, and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.

Cc: Greg Wagner, Planning
    Nathan Hall, Planning
    Shane Nelson, Credit River Township Engineer
    Brian Mundstock, Sunde Engineering
Submitted to:  Credit River Township

cc:  Karen Donovan Town Clerk
     Cindy Nash, Town Planner
     Bob Ruppe, Town Attorney
     Megan Tasca, Scott County Water Resources Engineer
     Greg Wagner, Scott County Planner
     Mark Pahl, Dem-Con Properties LLC
     Brian Mudstock, Sunde Engineering

Reviewed by:  Shane Nelson, Town Engineer
               Andrew Vistad, Assistant Town Engineer

Date:  January 18, 2019

Proposed Project:  Action Overhead Door

Street Location:  18077 Murphy Lake Blvd, Prior Lake, MN 55372

Applicant:  Dem-Con / Action Overhead Garage Doors

Owners of Record:  Dem-Con Properties LLC

Jurisdictional Agencies:  Credit River Township, Scott County, Scott WMO, MnDNR

Permits Required:  Town Approval, Scott County Approval, NPDES

(but not limited to)  Construction Permit
INFORMATION AVAILABLE


Civil Plans, dated December 27, 2018, prepared by Sunde Engineering Inc.

CUP application, dated December 27, 2018, prepared by Action overhead Garage Door, LLC

Landscape Plan, dated December 27, 2018, prepared by Insites Site Planning Landscape Architecture Inc.

SITE ACCESS / VEHICULAR TRAFFIC

1. The project will receive access from Murphy Lake Boulevard. The proposed site access will utilize the existing access location.
2. The parking lot pavement typical section is not included in plan set. Please provide details for review.

GRADING AND EROSION CONTROL

1. Please provide a label for the EOF elevation for the inlet area north of the existing building, in subwatershed 7S.
2. This site disturbs more than 1 acre and therefore a NPDES Construction Permit from the MPCA is required.

STORMWATER

1. The rate control comparison in the Resources Management Plan compares proposed conditions to existing conditions. The rate control comparison shall be made to pre-settlement conditions.
2. The response email regarding the Scott County review comments proposed changes to the plans. The RMP and HydroCAD model that were received do not reflect the mentioned changes. Please revise and submit updated documents.
3. The stormwater system, once constructed, will be a private system and the owner shall enter into a maintenance agreement with the City to ensure the long term operation and maintenance

SUMMARY AND/OR RECOMMENDATION

The site plan appears to be complete and we recommend approval subject to the comments herein being addressed.
STAFF REPORT PREPARED FOR TOWNSHIPS &
COUNTY PLANNING ADVISORY COMMISSION

GOVERNMENT CENTER 114 · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8653 · Fax (952)496-8496 · Web www.scottcountymn.gov

Safety Signs – Plat & Conditional Use Permit

Request:

A. Preliminary & Final Plat of Safety Signs Addition consisting of 1 lot on 35.75
B. Conditional Use Permit for Safety Signs to operate a Contractor Yard with a Business Office and
   associated Outdoor Storage.

Greg Wagner, Senior Planner, is the project manager and is available for questions at 952-496-8360.

General Information:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Safety Signs Inc.</th>
<th>Site Location:</th>
<th>11120 225th Street East</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner</td>
<td>11120 225th Street East LLC</td>
<td>Township:</td>
<td>New Market, Section 1</td>
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<tr>
<td>Public Hearing Date</td>
<td>February 11, 2019</td>
<td>Action Deadline:</td>
<td>April 30, 2019 (120 Day)</td>
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Zoning/Comprehensive Plan Information:

<table>
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<tr>
<th>Zoning District:</th>
<th>I-1, Rural Industrial</th>
<th>Comprehensive Land Use Plan:</th>
<th>Commercial/Industrial Area</th>
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<tr>
<td>Watershed District:</td>
<td>Vermillion River JPO</td>
<td>Fire District:</td>
<td>Elko New Market</td>
</tr>
<tr>
<td>Ordinance Sections:</td>
<td>Chapters 2, 4, 16 &amp; 60</td>
<td>Ambulance District:</td>
<td>Allina</td>
</tr>
</tbody>
</table>

Report Attachments:

1. Site Location Map
2. Aerial Photo
3. Applicant Business Narrative
4. Project Plans (Sheets C1-C6) dated December 28, 2018
5. Building Elevation (Sheet A1) dated October 29, 2018
6. Scott County Environmental Services memo dated November 13, 2018
7. Scott County Transportation review dated January 11, 2019
8. Scott County Natural Resources review dated January 18, 2019
9. New Market Town Board Recommendation
<table>
<thead>
<tr>
<th><strong>Request-</strong></th>
<th>Preliminary &amp; Final Plat Safety Signs Addition consisting of 1 lot on 35.75 acres, and Conditional Use Permit (CUP) for Safety Signs to operate a Contractor Yard with a Business Office and associated Outdoor Storage.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comprehensive Plan-</strong></td>
<td>The 2030 Comprehensive Plan Update guides this parcel as Commercial/Industrial.</td>
</tr>
</tbody>
</table>
| **Adjacent Land Use/Zoning-** | **North** – 28.7 acre industrial lot, zoned I-1  
 **South** – 2.5 acre industrial lots, zoned I-1  
 **East** – 5 acre residential lots, zoned RR-2  
 **West** – Interstate 35 & 10 acre residential lots, zoned RR-1 |
| **Existing Conditions-** | The 35.75 acre parcel consists of agricultural land on the north, wetland areas in the central section, agricultural land on the southwest, and a home & accessory building in the wooded area on the southeast. |
| **Ordinance Requirements-** | **Structure Setbacks:**  
 Front Yard: 100 feet from County/State Road right-of-way.  
 Side Yard: 20 feet or height of building, whichever greater.  
 Rear Yard: There is no rear yard since this parcel has roads on 3 sides.  
 Parking: 20 feet to right-of-way/property line.  
 Outdoor Storage: Cannot be located within a front yard setback |
| **Proposed Development-** | **Structure Setbacks:**  
 Front Yard: 108.6' from County Road 29; 628 feet from County Road 46; 106 feet from Interstate 35.  
 Side Yard: 1230 feet from the north property line  
 Parking: 20 feet to road right-of-way  
 Outdoor Storage: Outdoor storage shown east and north of the building. Storage cannot be within the front yard setback. |
| **Existing Roads-** | The site has frontage on County Road 29, County Road 46, and Interstate 35. |
| **Proposed Roads-** | No new roads are proposed. An entrance off of County Road 29 is proposed for the business. |
| **Public Hearing Notice-** | Required public hearing notices were mailed to all adjacent property owners within ¼ mile of the project. |
Background:
Safety Signs, Jay Blanchard, is requesting a Conditional Use Permit (CUP) to construct and operate a Contractor Yard with Office Facility and associated Outdoor Storage. The facility would be located on a 35.75 acre parcel located in Section 1, New Market Township, which is zoned I-1, Rural Industrial. County Ordinance requires I-1 zoned parcels to be platted before a building permit can be issued. The applicant is proposing to plat the entire parcel as 1 lot now, but it could be further subdivided in the future.

The applicants met with New Market Township and Scott County staff at a Development Review Team (DRT) meeting on April 11, 2018 to discuss the proposal. Safety Signs is a “wayfinding” company that specializes in traffic control for construction projects and also does private business site work as outlined in their application narrative. They are currently based in Lakeville, and are looking to relocate to the New Market site for business expansion. The proposed CUP would be for construction of a 30,000 sq. ft. (100’x300’) office and shop building on the south side of the parcel, with the area north and northeast of the building used for outdoor storage.

Building & Site Analysis:
Safety Signs is proposing an office/shop/storage building constructed of prefinished metal wall panels. They are contrasting panel colors between the office and shop sections, as well as windows and canopy on the front and west sides of the office section, and decorative concrete block. The building will be similar in style to other area industrial buildings. The east and west ends of the building will be used for office area, which will consist of approximately 6,000 sq. ft. with the remainder of the building for manufacturing, storage, and vehicle maintenance. All proposed lighting shown on the building is hooded and down facing so that no light will be directed onto any public roadway.

The requested CUP meets the intent of uses allowed in the I-1 zoning district, and the building location meets the required structure setbacks. The existing home and barn will
be removed as well as the existing driveway access. Outdoor storage will be behind the building and must be outside of the front yard setback areas as required by Ordinance. Staff has asked for a more clear depiction of the outdoor storage area. The applicants are proposing to grade a driveway through a portion of the central wetland area in order to internally connect the southern and northern portions of the property. The north side of the parcel will eventually be used for additional outdoor storage.

**Access & Parking:**
Safety Signs is proposing a main access off of County Road 29 (225th Street East), which is a B Minor Arterial roadway. County Road 46 is an A Minor Arterial roadway along the east side of the property. A plan was developed with the adjacent property to the north, owned Michels Corporation, for a shared access on the common lot line. Safety Signs is not proposing an access to County Road 46 at this time but if either parcel would be further subdivided the shared access would have to be installed.

For access improvements a right-turn lane is required at the southern access off of County Road 29. The applicants are showing this on the project plans but it is only a concept level drawing; a full turn lane design must be submitted to Scott County Transportation and approved before County Board action on the CUP and plat. Additionally, all other existing driveway and field accesses must be removed as part of the project. Acceptable financial security shall be provided to Scott County Transportation to ensure the turn lane is constructed to County standards.

The applicants will be paving the entrance area, the area in front (south) of the building, and the customer/employee parking lot east of the building (sheet C-4). The storage area east and north of the building will be class V gravel. 30 parking spaces are proposed to meet the number of parking spaces required for office. All other truck and business vehicle parking will be in the outdoor storage areas.

**Landscaping and Screening Plan/Fencing:**
The area surrounding the proposing building and outdoor storage on the southern end of the property is a mix of wetland and woodlands. The side along Interstate 35 also has existing trees and is elevated above the roadway. Safety Signs proposes to maintain a perimeter of the woodlands along Interstate 35 and County Road 46 to help screen those two sides. They are proposing to install 22 Black Hills Spruce trees to fill in gaps along Interstate 35, and mix 30 White and Norway Pine along the south side of the site. Additional decorative trees and shrubs will be installed around the parking lot and entry.

The site will have an 8 foot chain link security fence around the east, west, and south sides of the property with a security gate. No landscaping, screening or fencing is proposed on the north end of the site. Any development or use of the north end of the site would need adequate screening and landscaping installed prior to use of that area.

**Natural Resources and Environmental Services:**
Safety Signs has submitted a Resource Management Plan (RMP) that includes plans and information for site grading, stormwater management, and erosion & sediment control. The applicants are proposing to use infiltration basins to primarily manage stormwater and have provided drainage plans and calculations for this design. Scott County Natural Resources has provided the attached review memorandum with items that need to be corrected and addressed prior to County Board consideration.
A wetland delineation and MnRAM quality analysis were submitted to New Market Township and the Scott Soil & Water Conservation District (SWCD) for review. The wetland boundaries were accepted as delineated; however, based on the site grading plans there were wetland impacts identified, primarily for the connective driveway between the south and north ends of the site. The applicants submitted a Wetland Replacement Plan to the Township and SWCD for .389 acres of wetland impact. The Township approved the Wetland Replacement Plan for impacting .389 acres and replacing with .778 acres of wetland credits purchased from a Wetland Bank Account.

Primary and alternate septic sites were indent west of the proposed building for the requested plat and CUP. Scott County Environmental Services provided the attached review memorandum with questions and items that need to be addressed prior to approval of the septic locations. These questions mainly relate to the size of the business for water usage, whether floor drains (requiring holding tanks) will be installed, and if future septic sites have been identified and will be protected for any future development or subdivision of the site. No septic sites can be located on disturbed or compacted soils.

Any outstanding items listed in the Scott County Natural Resources and Environmental Services reviews of the CUP have been listed as conditions of approval to be satisfied prior to County Board consideration, and conditions for business operations have been incorporated into conditions of the CUP. Per the County Zoning Ordinance the applicant shall provide a $5,000 financial guarantee (bond, letter of credit, escrow) to ensure installation of all stormwater infrastructure, landscaping, and other required site improvements are completed according to approved plans.

Township Recommendation:
The New Market Town Board made a recommendation for approval at their July 2018 monthly meeting. A copy of the recommendation is attached to this report.

Staff Recommendation:
Subject to the conditions of approval, the proposed plat and conditional use permit conform to the Zoning & Subdivision Ordinances; therefore, staff recommends approval of the plat and conditional use permit based on the criteria for approval listed below:

Conditions to be Satisfied Prior to County Board Consideration:
1. The applicant shall clarify outdoor storage areas, not to be located in a required front yard setback (100 feet from road right-of-way) versus vehicle parking. Additionally, any storage use of the north end of the site will require landscaping or a screening berm along County Road 46.

2. Any conditions stated in the Scott County Natural Resources Department review of the Plat, CUP, and the project Resource Management Plan.

3. The applicant shall provide the County with a $5,000 financial guarantee to ensure compliance with required site improvements including grading/stormwater management facilities, landscaping, paving, screening fence and other improvements required by the Scott County Zoning Ordinance.

4. Any conditions listed in the Scott County Environmental Services Department review of the Plat, CUP, and submitted Septic Drainfield Information/Locations.
5. Any conditions stated in the Scott County Transportation Department review of the Plat, CUP and required access improvements. A detailed turn lane design shall be provided, and all other existing driveways and field accesses shall be removed. A financial security shall be provided to Scott County Transportation to ensure the turn lane is installed according to County standards.

6. The applicant shall provide a Final Plat drawing consisting with the Preliminary Plat and showing dedication of all required easements.

7. The applicant shall provide a Commitment for Title Insurance or Title Opinion for County Attorney review, and the County Attorney shall sign the plat.

8. The County Recorder and Surveyor shall review and sign the plat.

9. Payment of all New Market Township and Scott County Final Plat fees.

Criteria for Approval (Chapter 2-6-1):
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 and surrounding uses (north and south) are within an Industrial area served by County roads. There are no imminent plans to provide municipal services to the area, and this use will have similar traffic generation as the surrounding uses.

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 and is adjacent to other industrial and commercial land uses. The applicants will install landscaping and screening as required by the Scott County Zoning Ordinance.

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 proposed structure is a prefabricated metal wall panel building with contrasting colors and windows, as well as a canopy and decorative concrete block. It is of similar type and style to other buildings in the 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 Commercial/Industrial Area 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.

*The applicants will be installing a new access and a right turn lane off of County Road 29 to serve the business, as well as an internal roadway to eliminate the immediate need for an access onto County Road 46. All other existing site accesses will be removed.*

7. Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.

*The proposed business will utilize an individual well and private sewage treatment system, as well as stormwater infiltration areas.*

8. All buildings/structures must meet the intent of the State Building Code and/or fire codes.

*The proposed building will require building permits and review by the Scott County Building Department for conformance to the State Building Code.*

**Conditions of Approval:**

1. The applicant is to notify the Scott County Zoning Administration Department in January of each year, stating they are in compliance with the conditions of the Conditional Use Permit (CUP).

2. This CUP is issued to Safety Signs, Jay Blanchard, applicant for the operation of Contractor Yard with associated Office and Outdoor Storage.

3. The New Market 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 New Market 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 (currently 12/28/18) 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 New Market 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.

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. Outdoor storage is permitted as an accessory use to the primary business, and must occupy a space other than a required front yard setback. Outdoor storage shall be landscaped and/or screened as required by the Zoning Ordinance.
10. Landscaping shall be installed per plan (currently dated 12/28/18), and 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 shall be maintained and replaced if damaged or otherwise removed.

11. 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.

12. 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.

13. 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.

14. All signage shall comply with the Scott County Sign Ordinance.

15. All lighting shall comply with the Scott County Zoning Ordinance.

16. Site grading and construction shall be consistent with the approved Resource Management Plan and approved project plans dated (currently dated 12/28/18 as may be amended prior to County Board action).

17. 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.

18. 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.

19. A right turn lane shall be constructed on County Road 29 as part of the site development. This turn lane shall be built to County standards. The site access shall comply with all requirements of the Scott County Transportation Department and the County Transportation Engineer regarding access management.

Township Board/Planning Advisory Commission Alternatives:
1. Approve the request as recommended by Zoning Administration Staff with the specified conditions.

2. Approve the request as recommended by the Zoning Administration Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

Suggested Planning Commission Motion:
Based on the criteria for approval listed in the staff report, I recommend approval of the Preliminary Plat, Final Plat, and Conditional Use Permit for Safety Signs to operate an operate a Contractor Yard with a Business Office and associated 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.
NEW MARKET TOWNSHIP
SECTION 1
SAFETY SIGNS - JAY BLANCHARD
REQUEST FOR PRELIMINARY PLAT
& CONDITIONAL USE PERMIT
To Whom It May Concern,

Safety Signs is a Lakeville based Construction Company. It was formed by the Blanchard family in 1993. It has grown to approximately 130 employees, 130 trucks and 4 Minnesota locations.

The Company is involved in all aspects of "wayfinding" from striping parking lots to intelligent traffic systems on our local highways. Safety Signs also has a division that does site furnishings for Governmental and Private customers. You can see our crews working anywhere people are walking, parking, driving and even landing (airports).

Safety Signs is requesting your approval of our site plans as well as a conditional use permit. We are pursuing this project with the expectation that our current Lakeville location will be redeveloped in the near future.

We have designed, and intend to build a 30,000 square foot building with dimensions of 100 X 300. The building will have 20 foot sidewalks with a peak height of approximately 28 feet. The exterior will be finished with materials in conformance with section 4-3, 4-5 and 4-6 of the code.

The site will be graded. We will pave the drive, employee parking and areas adjacent to the building. Areas of outside storage, and the internal drive, will be covered with crushed concrete or recycled asphalt to control dust. We will screen and landscape per 4-6 of the code.

The activities that you can anticipate on the site mirror those of the businesses around it. Like our neighbor to the north, we will have heavy equipment, trucks and storage of construction materials. Like our neighbors to the south we will have employee parking, vehicle and equipment maintenance, fence and precast concrete (highway barriers).

You can expect an activity level consistent with the zoning and the nearby uses.
Memo

Date: November 13, 2018
To: Greg Wagner, Zoning Department
From: Mary VonEschen, Environmental Services Department
Subject: PL2018-0050 Safety Signs

The Scott County Environmental Services Department has reviewed of the project plans dated Oct. 30, 2018 for conformance with the regulations of the Scott County Subsurface Sewage Treatment System Ordinance (SSTS) #4 and Minn. Rules Chapter 7080. We find this application to be incomplete. Please request that the applicant complete the required changes and resubmit the changes to us for review.

1. An explanation of what the business is about. Number employees, hours of operation, what is being built, what kind of hazardous waste you have (paint, solvents, oils, greases..)
2. Floor drains in the building
3. Septic site information for the sites on the North West end of the property.
4. Areas of hydric soil need to be on the plat map.

If you have any questions, please call me at 952-496-8344.
Staff have reviewed the updated (dated December 28, 2018) CUP and Preliminary Plat for Safety Signs located in the northwest corner of the County Highways 29 and 46 intersection as it relates to Highway Department issues and offer the following comments:

- The proposed access and right turn lane to CH 29 shall require detailed plans and a County permit. The concept shown in the drawings date December 28, 2018 do not provide enough detail to determine if the concept is an adequate/acceptable design for the access and turn lane. Detailed plan sheets are required for the turn lane that meets the Street Access Permit checklist requirements. The turn lane design shall be approved by the County Engineer before County Board approval.

- The removal of all other existing accesses need to be identified in the submitted plans and preliminary plat. This includes the removal of an accesses on CH 46 located roughly 675 feet north of County Highway 29 and the existing access to the house on CH 29 roughly 400 feet west of County Highway 46.

- No ponding, berming, landscaping, or signage shall be located within the County right-of-way.

Please contact me if you have any questions or need additional information.
The Scott County Natural Resources Department has completed a review of a set of plans (sheets C1-C6 dated 12/28/18) and a Drainage Narrative and HydroCAD model dated 10/8/18 for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. The following items (in no particular order) appear to require revision or changes to comply with County Ordinance. Please complete the required changes and resubmit for review and approval.

1. Please provide a Resource Management Plan (RMP) in accordance with section 6A-3 of the Scott County Zoning Ordinance for review. Some information such as the project narrative has been provided. Please include the following information in the RMP for review:
   a. Implementation schedule for construction and erosion control
   b. Existing and proposed drainage maps
   c. Soils map
   e. Label 100-YR HWL and Ordinary High Water (OHW) elevations for all wetlands, public waters, and proposed stormwater management features on the plan sheets.
   f. A Stormwater Pollution Prevention Plan (SWPPP) meeting all requirements of the MPCA NPDES permit must be provided for review.
   g. Downstream analysis if necessary.

2. Provide soil borings in the location of the proposed infiltration basin to determine soil types and groundwater elevations. 3' of separation from the bottom of the basin to the groundwater is required.

3. Show redundant sediment control devices within the area of wetland buffer being disturbed with any grading activities. Any disturbance within 50' of the delineated edge of the wetland area requires redundant sediment control.

4. Provide an analysis of any potential downstream nuisance and damages in accordance with 6B-2.1(e) of the Zoning Ordinance.

5. Provide a MnRAM assessment of the wetland vegetative diversity to determine the required width of the wetland buffer areas. Buffer width requirements vary from 25-65’ depending on the classification.

6. Show the filter strip location for the north basin. Add hatching similar to the south basin.

7. Add existing pipe from the Michels site to the plans. There are notes indicating the existence of the pipe but no pipe shown.

8. Update references on the SWPPP plan sheet to the current sections of the MPCA NPDES permit.

9. Under Temporary Sediment Basin notes on the the SWPPP sheet revise the drainage area for a temporary basin being required to 5 acres in accordance with Scott County rules.
Please note the review of any tree preservation, wetland issues, and/or review comments by the Township are not included.

If you have any questions or need clarification of these comments, please feel free to contact us at (952) 496-8881.

Cc: Greg Wagner, Planning
    Grant Jacobson, Jacobson Engineers and Surveyors
TOWNSHIP RECOMMENDATION FORM

On July 10, 2018 the Town Board of New Market discussed with Jay Blanchard (Safety Signs), the request to approve the site plat and approve a CUP.

After reviewing the Request, the Town Board:

X  RECOMMENDS APPROVAL
WITH THE FOLLOWING CONDITIONS: meet the County guidelines.

RECOMMENDS DISAPPROVAL
FOR THE FOLLOWING REASONS: __________________________________________

HAS NO RECOMMENDATION, BUT WILL FORWARD THE REQUEST TO THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT.

SIGNED:

CLERK

SUPERVISOR

SUPERVISOR

White—County  Yellow—Township Copy  Pink—Applicant’s Copy

VLCO FORM 1910
Memo

Date: January 28, 2019
To: Planning Advisory Commission
From: Brad Davis, Planning Manager
Subject: 2019 Zoning and Subdivision Ordinance Revisions

The Scott County 2040 Comprehensive Plan has been submitted to the Metropolitan Council for formal review. Later this winter, we expect the 2040 Plan to be found consistent with Council system plans, in conformance with Council policies, and compatible with adjacent and overlapping jurisdiction plans. Once the 2040 Plan is adopted by the County Board in March or April, the County will have nine (9) months to update its zoning ordinance, zoning map, and subdivision ordinance to be consistent with the 2040 Plan. Staff plans to hold a series of workshops with the Planning Commission throughout 2019 to discuss ordinance revisions.

At our February 11 meeting, staff would like to hold a kick-off workshop with the Planning Commission. Staff will present an overview of the key updates or revisions to the zoning and subdivision ordinance under consideration based on recommendations coming out of the 2040 Plan or based on questions or issues that have arisen over the past 10 years administering these ordinances since the last comprehensive revision. Staff will also share a proposed timeline to work through these revisions throughout 2019, and a list of the key stakeholder groups we plan to engage to get feedback and direction on certain topics.

Please come to this kick-off workshop with ordinance items or topics you would like staff to research or focus on over the next year based on your observations or perspective on the Planning Commission. We welcome and value your perspectives.

We look forward to a good discussion. Thank you.