SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, February 11, 2019
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS

Chair Vonhof opened the meeting at 6:35 PM with the following members present: Donna Hentges, Ed Hrabe, Ray Huber. Lee Watson, Barbara Johnson and Tom Vonhof. Gary Hartmann was absent.

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 JANUARY 14, 2019 MINUTES

Motion by Commissioner Watson; second by Commissioner Hrabe to approve the minutes of January 14, 2019 Planning Advisory Commission meeting. The motion carried unanimously.

III. CONSENT AGENDA

3.1 PUBLIC HEARING 6:30 PM: BASTYR ESTATES 2ND ADDITION (PL#2018-098)

A. Request for rezoning of 57.99 acres from A-3, Agricultural Preservation Density District to UTR-C, Urban Transition Reserve Cluster District

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

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.

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.

And noting that Helena Township recommended approval of this request at their July 2018 monthly meeting.

### 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

**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.

And noting the Belle Plaine Town Board made a recommendation of approval at their January 2019 monthly meeting.
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

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 (Chapters 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 prefabricated 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.

Motion by Commission Johnson; second by Commission Huber to approve all 3 matters of the consent agenda. The motion carried unanimously.

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.

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<th>Location</th>
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<td>Township</td>
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<td>Current Zoning</td>
<td>I-1</td>
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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 February 11, 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 Safety Signs (PL#2018-050). The video of this meeting is also available for viewing by clicking the media button for video.

The public hearing was opened up to the public.
Commissioner Hrabe asked if lighting issues with regards to glare onto Interstate 35 have been discussed. Mr. Wagner reviewed the plan for current lighting consisting of industrial lighting on the building itself which will be directed downward with the use of hooded lights. This type of security lighting is standard. If owners want to utilize any type of pole lighting in the parking lot or storage area, the matter would have to be reviewed for county lighting standards of the Zoning Ordinance.

Commissioner Hentges asked of the outside storage would be fenced. Mr. Wagner replied the area would have an 8 foot high chain-link security fence.

Commissioner Johson asked about expectations for property owners to maintain their outside storage in a neat and orderly fashion. Mr. Wagner reviewed the landscape plans to enhance the tree line along Interstate 35 to reduce the view from the road. He referred to the adjacent Michels property. The county looks for an organized yard but if no complaints from others then the owners may organize as they see fit and indicated the county code enforcement officer does review properties on a regular basis.

Commissioner Huber inquired about the elevation of the property from Interstate 35. Mr. Wagner reported it is about 10 feet higher than the road so traffic would be looking up at the site and likely cannot see onto the property.

Applicant and Owner Jay Blanchard approached the podium and reported further on the site elevation and related views from the roads.

Commissioner Vonhof asked for verification there will be a turn lane of Highway 29. Mr. Wagner confirmed and demonstrated on the overhead map where the right turn lane will be located.

Resident LeAnn Ring, 22351 Pillsbury Ave, New Market commented about:
• As a neighbor to the property is concerned the property will have a good view or possibly a blocked view of the outside storage as seen from their home across County Road 46.

Mr Wagner presented the plans for the property again on the screen reviewing the current landscape. He stated there are no current county ordinances that would require a roadside screen on the front yard but stated they could ask the owner to work with the neighbors regarding the concerns. This will involve considering work in the road easement and power line easement that are along the road as well. He cited the neighboring Michels berm, which the applicant will consult with County Transportation staff to find a solution for allowable screening.

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

Motion by Commissioner Watson; second by Commission Hrabe based on the criteria for approval listed in the staff report, to recommend approval of the Preliminary Plat, Final Plat, and Conditional Use Permit for Safety Signs to 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. The motion carried with 5 Aye’s and with Commissioner Johnson abstaining.
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 CUP 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 prefinished 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 MarketTown 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.

And noting the New Market Town Board made a recommendation for approval at their July 2018 monthly
meeting.

V. PLANNING MANAGER UPDATE

VIII. GENERAL & ADJOURN

Motion by Commissioner Hrabe; second by Commission Huber to adjourn the
meeting at 7:00 PM. The motion carried unanimously.

Tom Vonhof
Chair, Planning Advisory Commission

Barbara Simonson
Deputy Clerk to the Board

Date April 16, 2019