

MINUTES OF PLANNING COMMISSION MEETING

March 8, 2010

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 8th day of March, 2010 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Nelson, Sannes, Dean, Coleman, Jorgenson and Ferris
Borgstrom arrived at 6:45

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: Community Development Director Mike Martin, Deputy Clerk Linda Rappe, Lorraine and Al Hopkins, Ken Etchason, John Buckingham, John Talcott and Jim and Dorothy Larsen, Tony Bigelow, Jason Wilker, Don Marti, Eric and Jessica Ask, Bill and Sue Theobald, Chad Boelter, Ben Finley, John VanCamp, Carol Malecha, Deanna Tompkins, Vern and Tracie Kerns, Chuck Emanuell, Jason Marwardt

CALL TO ORDER: Chairman Nelson called the meeting to order at 6:30 PM.

MINUTES FROM PLANNING COMMISSION: Motion made by Coleman, second by Jorgenson to approve the minutes from the February 8, 2010 meeting with the date corrected. All Ayes.

PUBLIC HEARING OPENED FOR CONDITIONAL USE PERMIT: A Conditional Use Permit has been applied for by Rick and Melissa Scott to operate an antique reupholstering and sales shop on the property of 301 5th St SE. Zoning Administrator Martin stated that the Scott's are out of the country and will not be in attendance for this meeting. Martin stated that the refurbishing business is a permitted use but the retail sales portion of the business requires a conditional use permit. All activity will be contained within the existing building. They are putting up a banner type sign 3 feet by 16 feet. There were no comments by the public in attendance and there are no comments that have been submitted.

PUBLIC HEARING CLOSED.

DISCUSSION: Commission Dean questioned the parking spaces, Martin stated that there is sufficient parking for this type of business. Chairman Nelson questioned if there would be any hazardous waste issues, Martin stated that all of that would be taken care of at permitting. There was no other discussion.

MOTION: Motion to recommend approval of the Conditional Use Permit, made by Jorgenson, seconded by Sannes. All Ayes.

PUBLIC HEARING OPENED FOR CONDITIONAL USE PERMIT: Bigelow-Voigt Land Development has requested a conditional use permit to allow Jason Wilker to operate a nursery and landscaping business on the former Bob More Property located at 62847 240th Ave NW. The building is a permitted non-conforming use. Martin stated that he has listed in his sample resolution the conditions he suggests to put on the conditional use permit. Jason Wilker was in attendance for this meeting as well as land owner Tony Bigelow. Mr. Bigelow stated that it is finally nice to be able to get use out of this building that has been sitting empty. Justin Zea – 807 10th St NW – concerned about loading and unloading of materials and is concerned about herbicides and pesticides, diesel smells, etc. He has talked to department of

agriculture and was told that Mr. Wilker would need a license and does not have one at this time. Mr. Zea concerned about this business since Mr. Wilker does not have a license at the present time what his education is in this area. Mr. Zea concerned about the appearance of the property. Don Marti – 63797 250th Ave – Mr. Marti owns property to the east of this property and thinks that this is a good use.

Jon Van Camp – 804 10th St NW – excited about a nursery and greenhouse and something that would beautify the area. Mr. VanCamp wants to know Mr. Wilker’s business plan and if the licenses are applied for and what licenses would be in place and how much of the property will be set aside for garden center. Mr. VanCamp wants to know from the Mr. Wilker exactly what he is putting in his backyard to see what conditions really should be put on the property and on this business.

Jason Wilker – he has not currently applied for the licenses until he knew the conditional use permit was approved. Does plan on planting a few hundred trees the first year and a few hundred each year following. Primarily he does do landscaping. He would primarily put in pine trees to sell as a cut your own Christmas tree area. Also plans on planting some deciduous trees. He does get shrubs in from time to time. Primarily now his business is landscaping but he would like to branch off in the nursery business also. Questions from Commissioner Coleman as to whether his equipment will fit into the building. Mr. Wilker stated that he plans on eventually enclose the lean-to on the west side to keep the equipment stored indoors. Mr. Wilker stated that he is not planning on using any pesticides or chemicals.

Bill Theobald – 802 10th St NW – worried about gravel dust.

Eric Ask – 805 10th St NW – his property is backed up to this property and is thrilled if this property is getting cleaned up.

PUBLIC HEARING CLOSED.

DISCUSSION: Commissioner Borgstrom – permanent buffer, hours of operation.

Commissioner Sannes – sounds like a good opportunity for improving an eyesore.

Commissioner Jorgenson – it would improve the look of the area, dust control should be addressed.

Commissioner Coleman – Good use

Commissioner Ferris – has worked with Mr. Wilker before and has no concerns with this.

Commissioner Dean – lives in that neighborhood and feels this is a good use. Asked about how many crews work for Mr. Wilker. Mr. Wilker stated that he has two crews and there would be some coming and going.

Chairman Nelson – likes the use of the property and would encourage residents and Mr. Wilker to work together.

MOTION TO RECOMMEND APPROVAL: Motion to recommend approval of the conditional use permit with the eight conditions stated made by Coleman, second by Jorgenson. All Ayes.

AMENDMENT RECOMMENDATION: Martin stated that the Commissioners should use the last revision of the amendment in their packets which incorporates recommendations made by Commissioner Coleman. The changes were in action item #1 consider zoning adjustments on all streets carrying over 5000 trips per day and only on lots large enough to support commercial development. If you are looking at North Mantorville avenue the only lots this would apply to are lots north of 7th St. The other change is in #4 “should encourage annexations requests on north mantorville ave north of the Carriage House to be C-3”. Martin also stated that the EDA has not met since the last Planning Commission meeting but he has heard from three members of the EDA that were in favor of the positive resolution.

DISCUSSION: Commissioner Coleman – This incorporates all of his suggested changes. Commissioner Borgstrom – is going back to “why” we are doing this. Chairman Nelson stated that we have been requested by two property owners to revisit and revise the comprehensive plan. We have it in place to have a comprehensive plan and the comprehensive plan is only for bringing in new undeveloped land. Commissioner Borgstrom wants to know if anyone has read the comp plan. He doesn’t see anywhere along Mantorville avenue to put this in place.

Commissioner Borgstrom wants discussion. Chairman Nelson stated that the property north of the Carriage House is still in the comp plan as being R-C so the comp plan would still need this amendment to allow commercial development in that area. Martin stated that the comp plan encompasses the entire City. Borgstrom doesn’t believe that that it is the City’s responsibility to change the comp plan to allow for commercial development. Chairman Nelson stated that if we change the comp plan we would invite commercial development.

Commissioner Sannes – doesn’t want the hopscotch effect, and all action items state that “Kasson should consider” these are considerations it does not say that this will happen. Is in favor of sending this to the City Council to be part of the entire City plan.

Commissioner Jorgenson – wants it clarified that since the Casey scenario brought this to a head that if this amendment is put into place and Casey’s came back do we have the ability to deny the request. Martin stated absolutely the Planning Commission could deny the application.

Jorgenson does not want to see the “hopscotch” effect. And the business district should be a continuous segment.

Commissioner Dean – did not like the 5000 trip per day clause in the former proposal because that opens all of Mantorville Avenue up for commercial, but with the clarification of only on lots that support a commercial development. We have to look at the whole picture and we do the appropriate steps with can avoid a contentious discussion. Dean believes this is the way to go about it. Likes the way it is worded as “encourage retail development on all streets meeting criteria, including, but not solely limited to, carrying more than 5000 car trips a day” Lot size clearly a very basic measurement for consideration. Concerned with someone buying more than one lot somewhere else on Mantorville Avenue would they be able to be considered? Martin stated that the lots would have to go through a minor subdivision to be able to be considered as one lot so that would not be an issue and they would have to go through a rezone, which is a very rigid process.

Commissioner Ferris – nothing more to add.

Commissioner Borgstrom – cannot see doing anything south of the Carriage House, and does not foresee any commercial development ever going into those lots. Martin stated that the comprehensive plan does give the Planning Commission considerable leeway but you have to start with measurable and objective criteria and not an arbitrary and capricious point. The measurable and objective criteria is the street must carry 5000 car trips per day and the lots must be of sufficient size and have the frontage for the C-3 district. Borgstrom does not want to change any zoning south of the Carriage House. Martin stated that we are NOT changing any zoning with this amendment it would only allow the Planning Commission to consider it on its merits based upon measurable criteria.

John Talcott interrupted as a public speaker and this is not a public hearing. Chairman Nelson stated that this is not substantially different than the amendment that the public hearing was held on.

MOTION RECOMMEND APPROVAL OF THE AMENDMENT: Motion made by Sannes, second by Dean to recommend approval of the amendment, Ayes: Nelson, Coleman, Jorgenson, Sannes and Dean. Nays: Borgstrom, Ferris

SEMDC COMPREHENSIVE PLAN PROPOSAL: A proposal has been submitted by the Southeast Minnesota Development Corporation to guide us through and do the legwork to update our Comprehensive Plan. Martin stated that the funds have been budgeted. Shord Elliott

submitted a quote of \$75K and WSN submitted a quote of \$30, SEMDC submitted a quote not to exceed \$14,500. Borgstrom would like to keep the process in house. Chairman Nelson stated that Martin, Nelson the Mayor and the City Administrator have discussed this and they believe that having outside input at this point in time would be the best. Borgstrom stated that everyone should read the entire comp plan and that we should not spend money to get these people up to speed. Chairman Nelson stated that all the companies have seen the comprehensive plan and are up to speed and we will have a hand in this all the way through the project. Commissioner Coleman stated that with the plan that is laid out by SEMDC there are more goals. Commissioner Ferris wouldn't mind having someone from the outside pushing us a little and has a focus beyond Kasson.

MOTION TO RECOMMEND: Motion to recommend hiring SEMDC to help the Planning Commission update the Comprehensive Plan made by Coleman, second by Sannes. All Ayes.

OTHER BUSINESS: Commissioner Borgstrom has been asked to find out about vendors setting up in Veterans Memorial Park. Staff stated that this person should talk to the Park Board.

ADJOURN: Since the agenda had been met the meeting was adjourned at 7:55

Respectfully submitted,

Linda Rappe, Deputy Clerk