

MINUTES OF PLANNING COMMISSION MEETING

February 10, 2014

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 10th day of February, 2014 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Torkelson, Nelson, Dean, Sannes, Rischette, Ferris and Borgstrom

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: Community Development Director Mike Martin and City Clerk Rappe, Admin Assistant Weigel, City Engineer Neil Britton, Paul Tucci and Tom Ryan from Oppidan, Judy and Keith Ruport, Amy Thompson, Mark and Louise Anderson, Jamie Finnie, Jason Farnsworth, Troy Andrist, Ervin Livingston, Barb Barnes, Milt Kuball, Greg Kuball, Janice Borgstrom-Durst, Diane O'Brien, Sandy Musolf, Amy Thompson, Ron Clausen, Mike Marti, Brenda Peterson, Dave Hawkins, Angela Giese, Jennifer Malecha, Nancy Sunderman

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

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS: Borgstrom wanted a line added to the minutes after he compared our park to Central park in New York City to add "no one spoke up stating that they thought that New York City would sell Central Park". Borgstrom then made a motion to accept the amended minutes, Sannes seconded. All Ayes.

PUBLIC HEARING OPENED FOR REZONE OF LAND IN SOUTHWEST: This is a request to rezone this area from R-2 (older core single family residential) to C-2 (commercial). As we have gone through various public comment, four major areas of impact have been raised and those are:

1. Flood plain impact
2. Traffic Impact
3. Loss of parkland
4. Impact to adjoining properties

The impact of the flooding was addressed by City Engineer, Neil Britton, the issue of building in the 100 year floodway but you cannot raise the floodway by more than 6 inches. If you bring in fill there must be excavation to compensate. ty there has to be a the pond must be sized for 1 inch of rainfall per acre of new impervious. It doesn't have to take care of current impervious only the increase.

Increased traffic on Mantorville Avenue and potential leakage onto residential streets was identified. There is a potential of 300 cars per day entering the property and with the store hours that is approximately one car every 2-2 ½ minutes. It has been shown that by strategically locating the entrances and exits the most convenient entrances/exits would be on Mantorville Ave and 2nd Ave SW.

As far as the loss of parkland the Park Board has added more land added to the park system in the south and will relocate the amenities and add new amenities.

The impact to adjoining properties – Oppidan has made purchase agreements with each property located on the block. There are seven homes separated by a city street.

Paul Tucci and Tom Ryan from Oppidan presented the plans for the Shopko building and the possibility of another user. The building would be 36K SF. Mr. Tucci presented the proposed traffic flow on the property and stated that there would probably have one or two trucks a week

(besides the vendor trucks) depending on volume. Chairman Nelson asked Mr. Tucci to compare the size of this store to something we currently have. Mr. Tucci stated that 36K SF would be the size of Erdman's grocery store but Shopko would have far less truck traffic than Erdmans. Commissioner Borgstrom asked how much the trucks would weigh. Mr. Tucci stated that they are full size semi's. A citizen asked about the times that the semi's would be coming through, Mr. Tucci stated that we can regulate that with the Conditional Use Permit. Mark Anderson – 405 1st Ave SW – he has a petition of 315 signatures, of which 180 are from the exact SW area, they did not go after all of the parts of town only people who would be in the direct area.

Judy Ruport – 403 3rd Ave SW – Read a letter she was submitting to the DCI as a letter to the editor for the next issue that included flooding concerns.

Jamie Finne – 401 1st Ave SW – She is located directly across from the parkland. At the Dec PZ meeting there were 3 members that were against rezoning this area, and this land is spot zoning. Mr. Martin is the first contact for these developers and they should be pushed to the already commercially zoned areas and we don't feel that he did his job properly. She agrees with Commissioner Borgstrom and that the City of New York covets their parkland and we should do the same. There is no way that a park should be developed in the "new" area it is swamp and unusable. The Oppidan Company should have known that they were not wanted here. And no one will shop there because the citizens are angry they took their park away. Everyone in this room does not want this in the park.

Jason Farnsworth – 18 5th St SW – If you don't stop this then who will stop this from taking the next street and the next one? He stated he is very against this. No one wants to drive to go to a park.

Troy Andrist – 202 8th Ave NW – His view is that Kasson shouldn't be involved in a land sale. The businesses should only deal in the private sector and government should stay out of it.

Ervin Livingston – 804 Holly Lane – has lived in town since the 40s and has lost possessions in the floods when he lived in the area. There has been terrible flooding back then and still today. If we back up the water into the farmland then who will pay.

Barb Barnes – 305 6th St SW – She has lived here 10 years and thought this a cute small town and was shocked by the police stings at the apartments and at the hotel. And can't believe we want a park closer to where these things are happening.

Jerry Berg – 506 5th Ave NW – Jerry handed out the letter he is putting in the paper as a letter to the editor. Jerry went through the comprehensive plan and pointed out his interpretations of the plan and the surveys.

Keith Ruport – 403 3rd St SW – wanted to take a poll of people in the room who were for this.

Diane O'Brien – 122 W Main St – she owns 2 businesses in town and wants to know why this isn't going by NAPA.

Milt Kuball – 407 6th Ave NW, Dodge Center – not opposed to the project and he owns 2 commercial properties in town but wondering why in the park and why are they willing to pay 3 times the tax value. This community has always had a problem having a place where businesses could grow. The City council nixed a library project in the park – what changed? The Community will be supportive of a business that is resident friendly.

Sandy Musolf – 307 4th St SW – Wants to know what Oppidan means by "another user". She wants to thank everyone who stood up and said something. Other people in other towns think we are crazy for giving up a park and we are getting a bad reputation.

Janice Borgstrom-Durst – 401 3rd Ave NW – her house never flooded but because she was on the other side of 57. She welcomes Shopko, just not in the park. She welcomes Shopko to Kasson, but not in the park. We should keep commercial in commercial areas. Burger King and Subway are not welcoming coming into town but the park is welcoming coming into town. If people wanted Shopko in the park then they would be here.

Louise Anderson – 405 1st Ave SW – She figured out how much fill they were talking about when they talked about 12K cubic yards of fill it would cover a football field 7 feet deep. This would make more water come into the neighborhood.

Amy Thompson – 305 12th Ave NW – She wants to know how Oppidan personally will limit this the one truck a day? She has gone to Shopko in Rochester and it is not busy and this one wouldn't be busy either. She thinks Main St should be revamped.

Ron Clausen – 303 2nd Ave SW – His grandkids go to the park. When he had a sewer claim it was denied and the city doesn't care.

Mike Marti – 63793 250th Ave – is speaking on behalf of the project and we need to expand our commercial. He does care about the town and has lived here his whole life.

Greg Kuball – 604 W Main St – He owns the Hardware Store and is the Chairperson for the Kasson Park Board. He has seen a lot of change and he can see pros and cons of all of this. As a business person he welcomes Shopko to town, there is always growing pains. We need a map of commercial lots for people to see where there is vacant commercial properties. The problem with the current Lion's Park is that it is too close to a busy highway to have children playing there. Not for or against he can see both sides.

Brenda Peterson – 1206 N Mantorville Ave – Her kids were crushed when they heard the park would go away.

Dave Hawkins – 307 2nd Ave SW – One time his grandson came and they went to the park then over to Burger King for ice cream. Don't take the park away.

Nancy Kleeberger – 401 3rd Ave SW – they bought the lot behind their house and were told that they couldn't build on it since it was in the flood plain. If they can't then why can this happen. The streets can't handle the truck traffic and what happens to them.

Ms. Ruport wanted to respond to comments someone else made and was told this isn't a debate so Ms. Giese said she had something to say and Ms. Ruport could speak through her.

Angela Giese – 606 13th Ave NW – just moved here 15 months ago and their son goes to daycare at Judy Ruport's. Judy walks the kids to the park all the time and would hate to see that taken away from her. Judy has had a hand in raising many children, for the last 38 years. She doesn't want to drive into this town and see a Shopko there, she likes the look of the park there. She wants to know what happens when the store fails in 5 or 10 years.

Jennifer Malecha – 1004 12th Ave NW – her kids go to Judy's day and they choose to go to that park.

Nancy Sunderman – 102 2nd St SW – she lived right on the north side of the creek and this property and has seen it flood. She has been trying to sell her property and can't.

Commissioner Borgstrom suggested to the Chairman that he let Judy Ruport speak again.

Judy Ruport – 403 3rd Ave SW – has a concern where they want to put the park because it has a wooded area. They have a wooded area where drug deals are and the police have been there. She is concerned that there are dangers when there is a wooded area in a park. And two year olds don't go to the park by themselves so there is no chance of them getting hurt there could be older kids who could get hurt.

PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION

NELSON: Commissioner Nelson wanted to address some of the concerns that were brought up by the public comment. Spot zoning was brought up and this is not spot zoning since it is an entire block that is being rezoned. Why is this not going by NAPA or south of highway 14 is because they have looked at those areas and NAPA is in more of a flood plain and south of 14 is too far off of the traffic pattern for Mantorville Ave. In answer to "another user" is that the corner where Zomok's house is could be used for a fast food establishment. In answer to why not main street is that there is not enough room on main st and this would make the parking on

main street worse. We do need to expand our choices for shopping in town. To the questions what happens to the taxes when Shopko closes is that the taxes are the first thing paid. And in answer to what happens when it closes, is what happens to any building when it closes and who can predict this? Nelson read letters pro and con that were received on the public hearing.

COMMISSIONER RISCHETTE: asked about a certain lot and Chairman Nelson stated that lot was not big enough. Borgstrom interjected that he believes the City has plenty of land to put Shopko but they only want a certain spot. Rischette likes the park there and was impressed with the way the town looked when he first drove into it.

COMMISSIONER FERRIS: asked what changed Zomok's mind, the answer is that they signed a purchase agreement with Oppidan. He has no problem with Shopko coming into town and thinks the commission should look at and has an obligation to protect the resident's surrounding the development.

COMMISSIONER DEAN: stated that his biggest issue is the reason the developers want it in this area is the traffic. Traffic gets backed up and feels this would happen even with a stop light. We don't have a sufficient way to divert traffic off of Mantorville Ave. Doesn't agree with Commissioner Borgstrom's agreement about New York City's Central Park. Central Park is the attraction there. Rochester did this same thing when they traded a 9-hole golf course for development and got a new 9 holes and that worked out.

COMMISSIONER TORKELSON: what is the flooding plan? Martin stated that we will balance the fill with excavation and at least two detention ponds. We have the land with the development we will have the money.

COMMISSIONER SANNES: Wants to know how and if the surrounding property values are depreciated. Martin stated that there is no way to tell or predict the depreciation or appreciation. It may be depreciated as residential but appreciated as commercial.

COMMISSIONER BORGSTROM: Wants a topographical map of the flood plain and flood fringe, he wants to see exactly where it is. He doesn't like that they acquired Zomok's property to put in a fast food place. As far as spot zoning he could argue either way, that it is or it isn't. He agrees with Milt Kuball that he welcomes a business like this coming into this community. We have plenty of land south of town to target a business to come out here and if he wants something specific he will drive to the other side of the highway to get it. He doesn't think the car count is important. He doesn't think the Hardware store moved because of the traffic or location but because there was nowhere else to go. He doesn't blame Shopko for wanting to come into this community, it is a good community, but he feels he is being strong-armed into saying yes or no. There is plenty of property by A&A electric or plenty of acreage to the west of us. Then he compared giving Mayo Clinic the North Park. He feels we can change our road map and comprehensive plan to put this behind City Hall, we do it all the time. He stated that his house floods too. He stated that you can't go by car count if the business is here you will use it no matter where it is. He stated that he doesn't want any pre-written resolutions for the Commissioners to adopt he wants to make his own findings. Commissioner Borgstrom asked if the coffee shop was surviving. Martin stated that they are up to date on their rent. Borgstrom stated that this park should have a ball diamond or an outdoor hockey rink and if we can support a coffee shop then we should be able to use the park better. He doesn't see the fit here and if they don't want it then go find someone who will go someone else and not in the park.

CHAIRMAN NELSON: stated that there are many towns that have commercial as you are coming into them.

COMMISSIONER BORGSTROM: he wants to do what the Citizens want and this is not planning for the future. We are elected/appointed by the citizens and we need to do what they want because they are here. Either side of Mantorville ave has the car count. Conoco didn't make it because of the left hand turn but that wasn't the City's doing it is because Kwik Trip was closer on Mantorville Ave. You want to be close to your competition but Shopko would have no competition so we can put them somewhere already set up. No one is objecting to Shopko coming but to it coming into the park. He doesn't see any pros and cons he only sees giving up

the park. Borgstrom stated that we have talked about flood control before and it got dropped. Nelson stated that we didn't have the money for it. Borgstrom asked where the findings of facts on the resolutions came from. Martin stated that these are suggestions from staff.

MOTION: Borgstrom went through the approval resolution (#1) and pointed out everything he disagreed with then made a Motion to adopt Resolution 2 to deny the rezone with the findings of fact as suggested by staff, second by Sannes, with the statement there could be a better sales job and to show what it would look like so it wouldn't look unappealing. Ayes – Dean, Ferris, Rischette, Sannes and Borgstrom, Nays – Nelson and Torkelson.

ADJOURN: Since the agenda had been met the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Linda Rappe, City Clerk