

MINUTES OF PLANNING COMMISSION MEETING

March 17, 2014

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 17th day of March, 2014 at 6:30 PM

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

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: Community Development Director Mike Martin and City Clerk Rappe, Admin Assistant Weigel, Paul Tucci and Tom Ryan from Oppidan, Judy and Keith Ruport, Mark and Louise Anderson, Jason Farnsworth, Sandy Musolf, Janet Sinning

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

MINUTES OF PREVIOUS PLANNING COMMISSION MEETINGS: Sannes made a motion to approve the minutes from February 10, 2014, Torkelson seconded. All Ayes.

PUBLIC HEARING OPENED FOR OPPIDAN SIGN CONDITIONAL USE PERMIT: This is a request for a conditional use permit for an electronic sign proposed to be located on the west side of Mantorville Avenue across from Third Street, the alley behind Hardware Hank as part of the Shopko/Oppidan development. The sign is expected to be similar in nature to other signs on Mantorville Avenue such as Subway and the City of Kasson sign. The lighting on the sign is designed so that as it gets darker the light goes down so it matches itself with the highest visibility. The proposed sign is within our sign regulations regarding the height, size and other parameters.

Paul Tucci and Tom Ryan from Oppidan presented the plans for the electronic sign. The sign would be on the north side of the driving lane coming into the parking lot. The sign is approximately 24 feet high from bottom to top with Shopko Hometown at the top and Pharmacy Drive-Thru directly underneath. The electronic reader board is just over three and a half feet tall and just under 11 feet wide with the top of the sign being about 12 feet off the ground. Mr. Tucci believes that this electronic reader sign is the same Daktronics sign as Subway and the City of Kasson signs and **Martin** confirmed that yes they are the same. **Tucci** then asked for questions regarding the sign. A **resident** asked Mr. Tucci to compare this sign to the Burger King sign. **Mr. Tucci** stated that he was guessing but that sign is probably 40 feet if not more. **Martin** agreed with Mr. Tucci. **Judy Ruport** (403 3rd Ave SW) questioned that this sign will be the same heights as Subway then? **Mr. Tucci** said no that the Shopko sign will not be the same as Subway. **Ruport** questioned that it would be higher? **Tucci** and **Martin** stated that it will be shorter than Subway. For the purpose of the Conditional Use Permit what was being referenced in regards to Subway and the City of Kasson sign was the electronic reader portion, the height of just the reader portions and that they are manufactured by the same company. A **resident** asked why the sign was going on Mantorville Avenue and not out towards the highway farther. If it's on Mantorville Avenue nobody on the highway knows it's there. **Mr. Tucci** responded by stating that his answer to that question may be different than the City's but typically when signs of this nature are put up they have to put on your property. Since this is the only property that they own they have to put it there, although they would love to put one

out by the highway, but Shopko isn't looking to draw people going to Rochester or passing through. They are looking to serve the immediate area as discussed in previous meetings so a sign on the highway would probably not be a benefit to them. **Judy Ruport** asked if the Shopko's in Rochester and Austin have these signs? **Tucci** responded that yes they did, not being able to speak directly to the specific Rochester and Austin stores but other larger Shopko stores, the bigger formats have signs that are 40 feet high. An example is the North Branch location which has a 40 foot high sign right on the west side of I-35 going north. **Ruport** then asked if the view of the Bigelow building behind this proposed sign would be blocked, would vision of this building be blocked by this sign? **Tucci** stated that the sign is open down below and the bottom of the electronic reader sign is at approximately 10 feet, doubt that the vision of that building would be blocked by anyone driving a car, walking or riding a bike. Trees will block it as much as the sign would. A **resident** asked if any trees would be removed for the project. **Tucci** stated that some trees will come out but not all of them.

Jason Farnsworth – 18 5th St SW – Farnsworth is real curious why we are here when we probably wouldn't have to go through Planning & Zoning when we could just go right to the board. Being as you are not taking Planning & Zoning seriously and you are over riding anything they have to say anyway. Farnsworth can't understand why we need to go through this anymore when we know that if Planning & Zoning says that they are not going to give the Conditional Use Permit that when it goes to City Council they will overrule you anyway. That is how we have already seen it happen, so to me Planning & Zoning is kinda out the window now because it really doesn't matter what you guys have to say or what your recommendation is.

Sandy Musolf – 307 4th St SW – Ms. Musolf wants to know if the rumor she has heard is true or not but that there is a possibility of putting in a fast food place on that property also. Is this true or not true? **Chairperson Dean** stated that again, this is not part of the discussion revolving around the Conditional Use Permit for the sign. **Musolf** is concerned where the sign will go when the fast food place goes in. **Chairperson Dean** stated that if and when such a thing happens appropriate discussion will be had at that time. **Musolf** asked if this was going in or not and **Dean** again stated that this is not what we are talking about at this time. **Dean** asked for other comments from the public, no one came forward.

PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION

Chairperson Dean asked for Commissioner input and thoughts.

Commissioner Borgstrom: It states that the top of the sign is 24 feet high, unless his book is out of date isn't it only supposed to be 20? Nonresidential district #3 I'm speaking from the center of the road but I don't know if it's going to be 4 feet down we just have to make sure. **Martin** stated that will be part of the building permit for the sign that will establish that height. Since this isn't a conditional use permit for the sign itself only the reader board portion of it. We also have to measure from Highway 14 because this could fall under that exemption which allows for a higher sign within 1000 feet of centerline.

Commissioner Sannes: No questions.

Commissioner Torkelson: I see there is a timer on it so its not going to be lit up I know we have had discussion about this in the past, like Burger King and some of the other ones too, so we aren't polluting with light all night especially for residents that are near there. **Dean** asked if it would be dimmer right? **Martin** stated yes. **Dean** said that it is less bright in full darkness than it would be during full daylight. **Martin** explained that yes the way the Daktronics technology works is that it will need to be bright at dusk to be visible but as it gets darker the ambient light is less and it can be dimmed down.

Commissioner Egler: No questions

Commissioner Ferris: Ferris asked what the hours of operation will be? **Tucci** stated that a typical store is open to the public for normal hours of 9am to 9pm and holiday hours possibly open to 10pm. **Ferris** asked if the sign would be on past 10pm? **Tucci** stated that they typically leave it on for an hour after close. **Ferris** stated that theoretically lights off at 11pm assuming a holiday schedule. **Tucci** stated that he would answer the question by if there is a condition that needs to be placed that says 60 minutes after the operating hours the sign needs to be turned down or use time and temperature only or something like that, they have done that, not for this tenant, but other tenants before they have had that question and that is what they have done. **Oppidan** is open to any kind of suggestions within reason of course. **Ferris** thanked Mr. **Tucci** for answering the question.

Commissioner Rischette: No questions

Chairperson Dean stated since there was no further discussion on that then he is open to a motion to approve or deny. **Borgstrom** asked if anyone felt like they wanted to address any conditions. **Martin** would like the Commission to say yes or no to the findings and the conditions. Those are the important parts. **Dean** said that one condition is already is to turn the sign off between 1:00am and 6:00am if you wish to broaden that further. **Martin** said the time could be limited. **Torkelson** asked if something was put a little earlier on Burger King or what was that, its been awhile ago. **Martin** stated that these conditions and findings came directly from the Burger King Conditional Use Permit. **Torkelson** thought it was earlier but **Dean** stated that Burger King also has different hours, which is probably why it's written this way. **Borgstrom** asked if we had anything on our own electronic sign. **Martin** responded with No. **Borgstrom** also asked about the KM Telecom building regarding restrictions of hours. **Martin** had asked about that one and the Commission said that KM Telecom could regulate it themselves. **Egler** stated that KM Telecom does turn theirs down at night and **Borgstrom** mentioned that the sign doesn't face any type of residential properties. **Chairperson Dean** and **Commissioner Ferris** started discussion regarding the sign at the high school. **Ferris** stated that this sign does face a residential neighborhood and was trying to think of anything they might have done that pertains to the school. **Borgstrom** said that at that time the Commission was concerned on all the color and decided to make that straight red in color to be less intrusive. **Chairperson Dean** asked the Commission if they wished to adjust the hours of operation for the sign or are you happy with the 1:00 am to 6:00 am? **Sannes** stated that this talks about a timer that would turn the sign off between 1:00 am and 6:00 am but typically they shut it off an hour after the close of business could it be better defined? **Dean** said that if the Commission wants they can require that. **Borgstrom** stated that we could require that and like **Tucci** said they could do just date and time on it, that wouldn't be as intrusive. **Martin** asked if date and time after 11:00 pm and before 6:00 am? **Egler** mentioned that he doesn't think we should pick an hour after they close because that could be different everyday, a set time needs to be set otherwise you can't regulate it. **Martin** asked if someone wanted to make that motion to amend that condition just so that we have it in writing or tell staff to write the permit that way.

Motion: **Sannes** made a motion that the late time then be 11:00 pm, second by **Richette**. Ayes – **Dean**, **Torkelson**, **Egler** **Ferris**, **Rischette**, **Sannes** and **Borgstrom**, Nays – none.

Chairperson Dean stated now that there is different criteria a motion is needed to either approve or deny the Conditional Use Permit itself with findings of fact and special conditions.

Motion: Torkelson made the motion to approve the Conditional Use Permit for the sign including the special conditions and findings of fact, second by Sannas. Ayes – Dean, Torkelson, Egger Ferris, Rischette, Sannes and Borgstrom, Nays – none.

Martin stated that this will then go before the Council on March 26th.

PUBLIC HEARING OPENED FOR OPPIDAN DRIVE-THRU CONDITIONAL USE PERMIT: Martin commented that this is a new one for him, that he has not worked with a City that required a conditional use permit strictly for a drive thru window. We also did this for Burger King when that changed, this is the second one that he has been involved with. Essentially the window will serve the pharmacy that will be located on the north side of the building. Cars will come in towards the west and curve coming around. **Martin** then asked Mr. Tucci and Mr. Ryan to address anything else regarding the window. **Tucci** commented that Martin covered most of it and the pharmacy inside the store is in north east corner of the store. The drive thru area comes along the north side of the building and has the ability to loop out either way but the window will be in that north east corner of the store. This is a pretty straight forward drive thru with a concrete pad underneath it. **Tucci** asked for any questions. **Judy Ruport** asked that the road exiting onto 2nd Ave SW was only going to be for semis. **Tucci** stated that's what Oppidan wanted but they had heard early on from residents that they wanted that to be full access from 2nd Ave SW, this can be made an out only but they were under the impression that full access was what everybody wanted. **Ruport** asked where that impression came from. **Tucci** responded that it came from previous meetings held at City Hall. **Tucci** stated that if that road has to be a one way out then they will make it that way by narrowing up the road. **Janet Sinning** (606 5th Avenue NE) asked where the cars would actually be pulling in from. **Tucci** responded that by following the arrows on the map cars would travel from east to west and loop back around. They would enter off of Mantorville Ave or 4th Street SW. **Martin** clarified with that the pharmacy will only open during normal store hours.

Judy Ruport – 403 3rd Ave SW – Ms. Ruport gave Martin a form that he was asked to sign. First of all I agree with Jason, I don't understand Planning and Zoning how you guys vote against something and then three people, three people from the whole town can make a different decision. Why would the City Council get involved with such a big company in Minneapolis instead of Kasson and not help the local people start businesses in Kasson. The City Council keeps saying that there are going to be 30 new jobs that are going to come with this Oppidan Shopko. Really do you think they are going to hire somebody from Kasson to manage it, to do the payroll? No they aren't, they are going to be bringing people from other Shopko's to help start it. **Chairperson Dean** asked Ms. Ruport if this would come around to the drive-thru discussion? **Ruport** stated that yes it is. Do you know anyone from Kasson that is a manager or in payroll at Shopko? I don't. Then are they only going to be taking applications from people that live in Kasson or are they going to open it up to people in surrounding towns like Dodge Center, Mantorville and Hayfield? No they can't do that. I'm asking you to seriously think about voting against the most recent request for the electric sign and especially the drive up window for the pharmacy. If they put a pharmacy in this, that's going to close down another business in Kasson. Are they going to have an eye department in the store to, to close down another business? The City Council may be telling people that Shopko Home will bring 30 new job opportunities but how many jobs are going to be lost in this town when local businesses close down due to them. I still don't understand, along with many other people how three people can take it in their hands to make decisions that are tearing families apart, ruining friendships, church families, neighborhoods and the town. What are they getting out of this? At the first meeting in the

park a 70 year old lady asked the mayor at the time, Tim Tjosaas, how much of this was going to be done under the table and he came unglued screaming in her face, I will not be called a cheat, I will not be called a liar. That is when the news station should have been taping. I cannot tell you how many times I have been asked the same question. One last point that I would like to make is that my husband and myself have been to almost, or at every board meeting since October and the only time that letters were brought to attention was when you guys were supposed to be voting to if the Oppidan was going to be in and the first letter brought out was Zomok's. Did they write that? No, they were forced to sign that as part of their deal. **Martin** questioned that they were forced? **Dean** commented that is pretty strong, do you have something to back that up? **Ruport** went on to say that maybe that 70 year old lady knew what she was talking about. **Martin** commented that that is a little strong. **Ruport** continued with that she was told way back in October the way to stop this ridiculous decision made by the City Council and the Mayor was to run or to get someone to run for the Mayor or City Council. All I can say is the Mayor and City Council better stop and think November is not far away and plans are in the making. Once again I am asking you to please say no to the latest request from Oppidan even though we know the City Council will probably ride over you, the citizens in Kasson will know that you said no.

Chairperson Dean asked if there were any other comments from the public.

Janet Sinning – 606 5th Ave NE – I have some questions but not about the drive up. Is there a time that we can ask questions about other items. **Chairperson Dean** stated that at this point we are only discussing the drive thru. People will be here after the meeting if you have questions specific for the gentleman from Oppidan.

PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION

Chairperson Dean asked for Commissioner input and thoughts.

Commissioner Borgstrom: No questions.

Commissioner Sannes: Wanted to clarify that the access onto 2nd Ave SW could be made into just an exit on the west side. Do we need to formalize that tonight? **Martin** stated that would come in during the platting process.

Commissioner Torkelson: He looked it over and it looked good.

Commissioner Egger: No questions

Commissioner Ferris: No questions

Commissioner Rischette: The only question is that would it be possible that directly west of the drive thru to put a row of pine trees or something just to block the headlights. **Tucci** responded by stating that at the curve in the drive through is a concrete barrier and beyond that is the 60 feet truck dock. **Martin** stated that putting a screen of trees up on the west side of the property is already part of the conditions.

Chairperson Dean stated since there was no further discussion on that then he is open to a motion and a second to an approval or disapproval whichever the case may be based on the conditions that have been discussed.

Motion: Torkelson made the motion to approve the Conditional Use Permit for the drive thru including the special conditions and findings of fact, second by Sannas. Ayes – Dean, Torkelson, Egger Ferris, Rischette, Sannes and Borgstrom, Nays – none.

Martin stated that this will also be before the Council on March 26th.

RESCHEDULE OPPIDAN PRELIMINARY PLAT PUBLIC HEARING: Martin asked that this item simply be rescheduled. We would like to send another notice out to residents when we get the preliminary plat map so everyone has a copy of the map. **Chairperson Dean** informed Commissioners and those present that the reason for the rescheduling is that Oppidan has been unable to get everything needed for us to take action. Things that are needed for state agencies such as the DNR and Department of Transportation. Not everything came into Oppidan in time for us to schedule the meeting tonight. There isn't anything to discuss at this time because we don't have a plat in front of us to discuss. **Martin** asked that this be tabled until all documentation is received and we will then hold the public hearing properly notifying everyone within 350 feet and publishing the notice in the newspaper as well. A **resident** asked what this meeting would be for. **Chairperson Dean** stated that they are talking about the preliminary plat for the actual development itself. Because it is currently in several parcels there are things that have to be determined like the one way road and such, but because we don't have the preliminary plat map in front of us it doesn't make sense to discuss it yet. **Commissioner Borgstrom** asked if after properties are acquired will this be done as a minor subdivision. **Martin** stated that no this will be done as a complete replat. Currently there are nine different parcels in there right now. **Ms. Musolf** asked if the developer could start digging before this process was done. **Martin** informed her that no, they cannot start digging before they get a building permit and they can't get a building permit until the replat has been taken care of. **Musolf** asked if there will be an open meeting at that time and **Martin** stated yes there will be a public hearing just like this.

Chairperson Dean stated that all business items have been discussed. He did state that the Commission will need an assistant chair and he would like to work on that next month. If there is an interest in serving in that capacity let someone know. Next month at the beginning of the meeting an election will be held. **Martin** is confident that there will be full attendance at the next meeting.

ADJOURN: Since the agenda had been met the meeting was adjourned at 7:05 pm.

ATTEST:

Krista Weigel
Administrative Assistant

Michael Martin
Community Development Director