

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, February 1, 2018 at 7:31 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:31p.m. Members present were: Preston Bauer, Michael Streiff, Tom Sammon, Charlie Peters. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar. Others present: see sign-in sheet.

B. Reading of Notice

Motion by Bauer, seconded by Streiff, to read the notice into the minutes.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters
EXCUSED:	Horejsi

C. Motion by Streiff, seconded by Peters, to approve the agenda as presented.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters
EXCUSED:	Horejsi

D. Motion by Peters, seconded by Bauer, to approve the minutes of January 4, 2018.

RESULT:	Approved [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters
ABSENT:	Horejsi

II. New Business

1. WOP/Perkins (Kuelbs) - Section 18, Webster Township

Yvonne Perkins, on behalf of landowner Joseph Kuelbs, has applied for a Waiver of Plat to create a 2.5 acre single-family dwelling site through the use of Transfer Development Right. The property is described as: Part of the SE1/4 of the SW1/4 of Section 18, Webster Township, Rice County, Minnesota. PID #: 02.18.3.75.002. The property is Zoned A, Agricultural.

Motion by Peters, seconded by Bauer, to table until March 1st the Waiver of Plat for Yvonne Perkins on behalf of landowner Joseph Kuelbs for them to work out road issues. This property is located in Section 18 of Webster Township.

RESULT:	Tabled [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters
ABSENT:	Horejsi

Perkins (Kuelbs) - Wavier of Plat

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

TM - With this site, the larger parcel has a Transfer Right on it but not a build-able site. So the transfer right had to be transfer to the smaller parcel.

TS - Is the building site on higher elevation?

TM - Yes.

The PC asked the applicant, Yvonne Perkins (YP), to come forward to add comments or answer questions regarding the request.

YP - I really don't have anything else to add. The buyer wants to build so is going through the hoops to make that possible.

CP - Are you aware of the 6 conditions?

YP - Yes.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Eddie Shimota (ES) - I own land to the north of this property. Am I entitled to see the 6 requirements?

TM - I will back-up the slides to the conditions.

ES - We are all in favor of the house being proposed. The biggest task at hand is the rest of the landowners want this road to be taken over. It is currently a private road but we want the township to take it over. For this to happen, we need all seven property owners' signatures and this property is the last signature we need. My question is if there is anything that county could do to ensure to see this road taken over?

PB - Is this a cluster development?

TM - I can go over that.

CP - The road is a township issue. Certain townships require certain things to take over a road.

ES - The problem is that the county gave a Conditional Use Permit before all the requirements were met. So now we are stuck in a situation, trying to see if anything can be done by the county to have the road taken over.

TS - We will take it under consideration.

TS - Trent, you wanted to talk about the background?

TM - I just thought I should give a little background on how this area was created. This group of homes was created prior to our current zoning requirements, so prior to 2004. This required multiple Conditional Use Permits and the houses to be more scattered so that they were in the right quarter quarter section. With different road and grouping requirements then we have now, there were no transfer options, public road created or platting required. Our zoning requirements now would require platting and a public road that would be at the cost of the developer.

Jeff Docken (JD) - I am confused. What was the Conditional Use Permit for and was it for the driveway?

TM - The Conditional Use Permit allowed for homes on smaller lot sizes in a quarter, quarter section. This was treated as four separate Conditional Use Permits so homes were built on various parts of this property.

PB - So there is no development agreement for this?

TM - No. The developer could not find a current recorded easement for this either. I talked to the landowners in the area and heard different input. Hopefully this can be worked out with the new owner.

JD - I am in agreement to have the township take the road over. What is a little confusing to me is that a person would be using half of another person's driveway. I am not sure we can require this but I believe this could lead to issues with ownership. Looking at the photo, the old driveway is no longer used. The County gave a permit for the new driveway. I don't think they will be able to get another permit to have a driveway somewhere else. I would encourage that the driveway issue be resolved prior to sending this on the Board of Commissioners.

TS - The problem is that driveways are out of our jurisdiction.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - There are some real issues here, but they are out of our jurisdiction.

MS - Could we table this until March to give them time to resolve the road issue?

CP - I don't think we should table. This is a township issue. I make a motion to move this forward to the Commissioners.

PB - I second that.

Julie Runkel (JR) - It makes sense to table this until they get the roadway figured out or this parcel split as shown as it does not have public road access and does not meet requirements.

PB - She has a point. For a new parcel, access is the question and with this, there is no existing access to a public road.

MS - Even if they have an easement?

JR - Even if there was an easement, it is not a public roadway so the parcel would not have public road frontage.

JD - The way the parcel is drawn does not comply with current requirements of having road frontage without that road being public.

TM - Correct, Forest Drive would have to become a public road way or the parcel would have to be re-drawn to have 50-ft on the County road. That would mean relocating the whole site.

JD - Relocating the site would require another driveway permit from the county.

PB - If they could guarantee legal access to Forest Drive, would that work?

TM - Currently, it is a shared driveway, so there is no legal access to the road.

JD - The only way this lot can work, as drawn, is with the assumption that Forest Drive is a public road. Our County Engineer would probably hesitate on giving another permit. I think we should give them time prior to sending it to the Board of Commissioners.

CP - Resolving the road issue could take a while, probably more than a month.

PB - They would need to petition the township.

Eddie Shimota (ES) requested to speak to the Planning Commission to give information on roadway request to township.

ES - I have actually approached the township and all they need is signatures from all the landowners. We went to the township with 6 out of the 7 signatures which the township did inspect everything and approved taking over the road if we had all the signatures. This property is the only signature we do not currently have.

MS - Do you think there is a survey of the road?

ES - I know all the landowners have surveys.

MS - You have to have a survey just for the roadway itself.

ES - I might have it.

TM - The surveyor does have a survey of the centerline of the road.

CP - I will withdraw my motion to move this forward and make a motion to table if it will be that easy. I make a new motion to table this request.

PB - I will second that.

TM - Do you want a written commitment from the township stating they will take it over?

PB - Yes, we want something in writing from the township stating they will take over Forest Drive.

TS - It will have to go before the township board. Can we table this for 2 months?

JR - I would suggest tabling this until March 1st. This will give everyone time to check time lines needed to resolve the road issue. It can always be tabled a second time if more time is needed by the applicant.

Motion to table this request until March 1, 2018 for applicant to work on road issue, made by

Peters, seconded by Bauer, and approved.

2. Zoning Ordinance Amendments/Jensen

Terri Jensen has applied for a Zoning Ordinance text amendment to Chapters 508 and 514 of the Rice County Zoning Ordinance to allow for inclusion of "Mixed Use Planned Unit Development (PUD) Overlay" as a Conditional Use within the Highway Commercial (HC) Zoning District.

Motion by Peters, seconded by Streiff, to recommend approval to publish the Intent to Enact and set a public hearing date for the Zoning Ordinance Amendment for Terri Jensen.

RESULT:	Referred for Approval [Unanimous]
AYES:	Streiff, Bauer, Sammon, Peters
ABSENT:	Horejsi

Jensen - Zoning Ordinance Text Amendment

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

MS - The highlighted is the proposed Zoning Text change?

TM - Yes, there would be a change to table 508 and section 514; the standards are already included in section 522.

PB - This is a change to the whole Highway Commercial district?

TM - This text change will allow Mixed-Use Conditional Use Permits in the Highway Commercial District. There is a small change to the zoning map you see here. It is a small commercial area that we have not had a chance to map yet.

The PC asked the applicant, Terri Jensen (TJ), to come forward to add comments or answer questions regarding the request.

Kevin Pfeiffer (KP) - I am speaking on behalf of applicant and Wolf Creek Motor Sports. They would like to do a development that combines residential and commercial uses. We have been working with staff and they helped write up the code changes that were submitted with the packet. I have the applicant, developer, and engineer here as well.

TS - Can you explain what you are trying to develop?

KP - There are 300+ acres and we are looking to put in some condos, road course, gas station, possibly a club house and some other commercial entities.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Bill Malecha (BM) - I own a farm just north of the round-about and I would like the commercial area to stay cornfield forever but I know the odds of that are slim. I just want to make sure the right conditions are put in place to control the noise and light that will come along with this development. For our farm there is already run-off issues with having two large culverts coming under 46 and emptying along our property. If there is a bunch of impervious surface put in, we will get a whole lot more and other things besides water that would come with it. If you decide to go with the Mixed-Use development, please keep these things in mind.

Andreas Thurnheer (AT) - I live about a mile to the west of this site and have a few controls I would like to see. State statues requires communities around the interstate to have organized

zoning. These go into a comprehensive plan and were in the 2002 County Comprehensive Plan. Now someone wants to come in and change the zoning. Why? That doesn't make sense. We have had other people do the same thing; Motokazie at another location. Every time the applicant wants the zoning changed so they can do what they want. I would like to have more consistency from the County as to what is allowed. You are making a precedence for others to come in and try to change things. The applicant proposed this at a meeting in Dundas where he talked about 38 acres with homes. There is no consistency. Every time there is a different story. We should not say yes to something like this.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - This is a light Commercial district that has not had anything done with it since it was zoned this way.

PB - And now they want to add residences?

JD - We all know change happens. We do not want the county to stand still. As far as this proposal, it is not allowed in any other zone either, so this would be the place for it. Yes, the use is leaning towards recreation, but it does create jobs. We do need to keep in mind that this discussion is for the Highway Commercial district as a whole and not site specific. I was at the Dundas meeting and I don't think there is anything different in what was proposed there except the applicant was talking about supply & services. To me, it makes sense to go down a different avenue. There is not a lot of tax value with warehouses and asphalt parking lots. I think if it is done correctly it could create a significant tax base for the County.

TS - As far as water and sewer, would it be clustered?

JD - That would be part of the Conditional Use Permit if this goes through the board. That is when the concerns presented need to be considered.

PB - Having mixed use with some residential next to commercial areas is the trend. You see a number of areas with retail on the bottom level and residential in the upper ones. It is a possible way to make use with the idea of mixing residential with what could be there.

JD - When you come down from Scott county going south, once you hit Rice County what do you see? You do not see many municipalities along I35.

CP - I did talk to our other board member last month. I don't see this as a warehouse zone and if we can control development with a Conditional Use Permit, I would be in favor.

MS - What is the density with this? One acre per residential? Where did that number come from?

Julie Runkel (JR) - We looked at other sample Planned Unit Developments in the area. Also, the golf-course cluster has a similar density.

PB - So this could open that area up for other uses such as residential?

JR - Not just to residential. It would have to be tied to another use. The wording states it must be tied to commercial or recreational use. The text amendment wording states, "...the combination or mixture of varying types of residential, commercial and recreational uses".

TS - To me, it has been sitting there since it was zoned that way. It could help the County.

CP - I will make a motion to move this forward to the Board of Commissioners.

MS - Seconded.

Motion to recommend approval made by Peters, seconded by Streiff, and approved.

III. Adjournment

Hearing no other items before the PC, a motion was made by Bauer, second by Peters, to adjourn the meeting at 8:12 pm. Motion carried 4-0.

Respectfully Submitted

Planning Commission

Anna Aguilar
Administrative Coordinator

Tom Sammon, Chair