

PLANNING COMMISSION

OCTOBER 9, 2023

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – September 11, 2023 and August 14, 2023

Public Hearings

- 3. Subdivision Variance – Ken Durst and Janice Borgstrom-Durst
 - 4. Conditional Use Permit for Fence – Caleb Reder
 - 5. Conditional Use Permit for Fence – Thomas Dolan
 - 6. Preliminary Plat – East Creek Commercial Park Second
 - 7. Ordinance – Managed Natural Landscape
8. Minor Subdivision – Ken Durst and Janice Borgstrom-Durst (tabled from September)
 9. Discussion on possible vacation of 18th St NW ROW
 10. Parking Study

MINUTES OF PLANNING COMMISSION MEETING

August 14, 2023

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 14th day of August, 2023 at 6:30 PM

THE FOLLOWING WERE PRESENT: Chairman Ferris, Commissioner Hanson, Commissioner Eggler, Commissioner Tinsley and Commissioner Johnson

THE FOLLOWING WERE ABSENT: Commissioner Buckingham, Commissioner Fitch

THE FOLLOWING WERE ALSO PRESENT: Ian Albers, Planning/EDA Assistant, City Administrator Tim Ibisch, City Clerk Linda Rappe, Mike Sinner, Stacy Sinner

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETING – July 10, 2023 Motion to Approve made by Commissioner Eggler, second by Commissioner Tinsley with All Voting Aye

PUBLIC HEARING – Zoning Amendment – Privacy Fences at Corner Lots – Community Development Assistant Albers went through the ordinances from other cities. Albers presented sample language to change the fence code. Which front yard is the actual front. The planning commissioners want the homeowners to pick what their front yard is. The Commissioners gave their comments on the proposed ordinance and those comments will be incorporated into the final language.

Ph opened

No comments

Ph closed

Motion to move forward with changes to the fence ordinance as discussed made by Commissioner Eggler, second by Commissioner Johnson with All Voting Aye.

PUBLIC HEARING - Conditional Use Permit for Fence – Sinner (Tabled from July Meeting) – Albers went through a recap and with the ordinance change this would be appropriate. We could recommend approval with standard conditions and a condition that it would not go into effect until the Council approves the ordinance change. Albers will be sending a letter to extend the 60 day rule.

Ph opened

No comments

Ph closed

Commissioner Eggler asked about site triangles and Albers stated he has verified they are good. **Motion to Approve with the conditions as stated made by Commissioner Johnson, second by Commissioner Tinsley with All Voting Aye.**

PUBLIC HEARING - Variance for Fence in Front Yard – Sinner (Tabled from July Meeting) – Albers stated that staff is recommending denial due to there not being unique characteristics.

Ph opened

Stacy sinner asked if they would get a refund for the cost of the variance. Administrator Ibisch stated they would not get the variance fee returned but we can refund the filing fee since nothing will be filed.

Ph closed

Motion to Deny the Variance made by Commissioner Egger, second by Commissioner Johnson with All Voting Aye.

PUBLIC HEARING - Conditional Use Permit for Fence – Bakken – The Bakken's are asking to extend a chain link fence to the property line on the back three sides. Albers stated the standard conditions easement acknowledgement and access agreements are linked to this.

Ph opened

No comments

Ph closed

Motion to Approve the Conditional Use Permit made by Commissioner Johnson, second by Commissioner Egger with All Voting Aye.

What is a Fence? – Discussion the Commissioners talked about a non-definition to be able to alter it based on individual circumstances. The City code has listed what you cannot use for fencing material.

OTHER - Traffic study scheduled for when roundabouts are open.

ADJOURN – 7:16pm

Respectfully Submitted,

Linda Rappe, City Clerk

MINUTES OF PLANNING COMMISSION MEETING

September 11, 2023

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11th day of September, 2023 at 6:30 PM

THE FOLLOWING WERE PRESENT: Chairman Ferris, Commissioner Buckingham, Commissioner Fitch, Commissioner Eggler, Commissioner Tinsley and Commissioner Johnson

THE FOLLOWING WERE ABSENT: Commissioner Hanson

THE FOLLOWING WERE ALSO PRESENT: Ian Albers, Planning/EDA Assistant, City Administrator Tim Ibisch, City Clerk Linda Rappe, Tim Morten

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETING – August 14, 2023 There was an error in the minutes and they will be corrected and brought back to the October Planning Commission meeting.

PUBLIC HEARINGS

MINOR SUBDIVISION – KEN DURST AND JANICE BORGSTROM-DURST – Community Development Asst Ian Albers would like to table this. The Borgstrom-Dursts own two lots and one was built before the zoning code and they would like to sell the second lot and move the property line to bring the existing structure into compliance with the setback. There are a couple of issues, the second lot would be just feet short of the minimum lot size and the building line is supposed to be 66 feet and currently is at 60.5. feet. Albers stated that we can make a small adjustment to the proposed property line to bring the lot into compliance but the building line is a bigger issue. It is already zoned for modular housing.

The overhead electric line showed up on the certificate of survey and the electric department would like an easement and will put the line underground. City Administrator Tim Ibisch stated a variance would be appropriate for adjusting the building line. We can't approve the minor subdivision without issuing a variance for the building line.

Ph Opened

No comments

Ph Closed

Motion to table made by Commissioner Johnson, second by Commissioner Eggler with All Voting Aye.

CONDITIONAL USE PERMIT FOR FENCE – TIM MORTEN – Community Development Asst Albers stated that this fence is already built and with the ordinance change this is allowed but they need a cup to put it on the property line. They will not need access agreements since this does not butt up to any neighboring properties.

PH Opened

No Comments

Ph Closed

Motion to Approve the Conditional Use Permit made by Commissioner Eggler, second by Commissioner Buckingham with All Voting Aye.

CONDITIONAL USE PERMIT FOR FENCE – JADENN CLARK AND JAREN HOLLEBACK Community Development Asst Ian Albers stated this is a chain link in the backyard and will only need an access agreement with one neighbor.

PH Opened
No comments
Ph Closed

Motion to Approve made by Commissioner Eggler, second by Commissioner Johnson with All Voting Aye.

PRELIMINARY PLAT – RENAISSANCE INFRASTRUCTURE CONSULTING (TO BE TABLED)

ZONING AMENDMENT – RENAISSANCE INFRASTRUCTURE CONSULTING (TO BE TABLED) Motion to table the Preliminary Plat and the Zoning Amendment hearing via continuance and reschedule for future date when application is deemed complete made by Commissioner Eggler, second by Commissioner Fitch with All Voting Aye.

DISCUSSION ON SIGNS PLACED IN EASEMENTS – Community Development Asst Ian Albers stated that currently the ordinance states that no signs can be placed in an easement. Albers stated that there are a few options that could be taken; the code could be amended to make an exemption for signs placed in large easements with admin location approval by staff; this specific easement could be considered unique enough to qualify for a variance; or the applicants could propose a location outside of the easement to get approved permit. Commissioner Eggler suggested that the Electric Supervisor and City Engineer give their perspective on the sign in the easement.

DISCUSSION ON NUISANCE ORDINANCE AND NATIVE LANDSCAPING STATUTE – Community Development Asst Ian Albers stated that the State recently adopted a new ordinance allowing Native Landscapes. The City of Kasson current code doesn't get specific with what is tall weeds and grass. Some cities have natural landscapes permits and have plans and maintenance plans. We could consider copying and pasting the entire state statute or we can make a reference to the state statute. Commissioner Eggler would like to copy and paste the state statute into our code. Administrator Ibisich stated that we will hold a public hearing for a code amendment.

Chairman Ferris asked about the parking study – Albers stated that phase one is complete and phase two will be starting in two weeks and once he has those figures he will compile the results and present them.

ADJOURN – 7:08pm

Respectfully Submitted,

Linda Rappe, City Clerk

STAFF REPORT

TO: Planning Commission
FROM: Ian Albers, Community Development Assistant
DATE: September 20, 2023
SUBJECT: Borgstrom Minor Subdivision + Subdivision Variance
APPLICANT: Ken Durst and Janice Borgstrom-Durst
OWNER: Ken Durst and Janice Borgstrom-Durst Living Trust
LOCATION: 601 and 601 ½ 2nd St SW
MEETING DATE: **October 9, 2023**
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single Family Residential

BACKGROUND

The applicants, Ken Durst and Janice Borgstrom-Durst, have applied for a minor subdivision and a subdivision variance involving Lots 17 and 18, Block 25 of the Original Plat. Currently, Lot 17 (601 2nd St SW) contains a rented single-family house and a detached garage. Lot 18 (601 ½ 2nd St SW) is vacant except for a small shed, though the applicants desire to place a manufactured home on this lot. Manufactured homes are permitted within the R-1 Single Family Residential District. However, the existing structure on Lot 17 (constructed in 1900) was built right up to the side property line based on the submitted site plan and survey, and thus the structure is non-conforming. To remedy the non-conformity, the applicants have applied for a minor subdivision to shift the side property line – increasing width of Lot 17 and reducing the width of Lot 18. As the required side yard setback in the R-1 zoning district is 6.5 feet, and Lot 17 is not in compliance with the setback requirements, the minor subdivision would adjust the lot line and bring the site into compliance. Additionally, both lots must conform to the area and width requirements according to the use and zoning district. For a single-family detached structure in the R-1 District, the minimum lot area is 8,000 square feet, the minimum lot width at the building line is 66 feet, and the minimum lot width at the street line is 45 feet. According to the proposed site plan, the lot area of Lot 17 would be 7,957 square feet, while the minimum lot width at both the building line and street line would be 60.5 feet. A public hearing for the minor subdivision was held on September 11, after which the Planning Commission tabled action due to a few outstanding items that needed to be resolved in the plan, in addition to the need for the applicants to apply for a subdivision variance. Following the September 11 meeting, staff worked with the applicants to address the items needing attention, and all items have since been satisfied. Staff is recommending to the Planning Commission to recommend approval of both the minor subdivision and subdivision variance – both would be required in order to move forward with the proposed project.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, “Day 1” for the resubmitted minor subdivision

application and the subdivision variance application was determined to be September 20, 2023. The City's deadline for action is November 19, 2023.

Public Hearing

The public hearing notice for the minor subdivision and subdivision variance was published in the Dodge County Independent and mailed to all affected property owners located within 350 feet of the subject properties.

APPLICATION REVIEW

Existing Site Character

See attached pictures.

Minor Subdivision Review

As described in Section 153.053(C)(1-2), the following should be considered during review of a minor subdivision application:

- (1) In making the determination, whether or not the minor subdivision is to be allowed, the City Council shall make the following findings:
 - (a) The proposed subdivision is not in conflict with the comprehensive plan of the city;
 - (b) The proposed subdivision will not disrupt the character of the neighborhood; and
 - (c) The proposed subdivision does not result in the creation of a substandard (non-buildable) lot, according to the current zoning classification.
- (2) Assessments shall be paid in full prior to the approval of the subdivision.

Subdivision Variance Review

As described in Section 153.113 (D)(1-4), the following should be considered during review of a subdivision variance application:

- (1) The requested subdivision variance is in harmony with the general purposes and intent of this chapter;
- (2) The requested subdivision variance is consistent with the comprehensive plan and all other applicable city plans;
- (3) The applicant has established that there are special circumstances or conditions, such as topography, drainage, or other natural occurring characteristics, affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and
- (4) The impact of the variance will have on the public health, safety and welfare of the other property in the vicinity in which the property is situated.

RECOMMENDATION

Staff recommends to the Planning Commission to recommend approval of both the minor subdivision and subdivision variance with no conditions attached. In recommending approval of the minor subdivision and subdivision variance, staff offers the following findings of fact:

- (1) The proposed subdivision and subdivision variance are not in conflict with the comprehensive plan of the city, which guides the area towards low density residential, and are in harmony with the general purposes and intent of the chapter.
- (2) The proposed subdivision will not disrupt the character of the neighborhood.

- (3) The subdivision variance would allow the minimum lot width at the building line of Lot 18 to be less than the requirement for the R-1 District and would resolve a non-conformity at Lot 17.
- (4) A manufactured home is proposed for Lot 18 – such homes are permitted in the zoning district.
- (5) The site plan and survey have been amended in accordance with the recommendations made by staff.
- (6) The pending assessments for PID 24.100.4000 and PID 24.100.3980 (Lots 17 and 18 respectively), have been paid in full by the applicant.
- (7) The requested subdivision variance will not negatively impact the public health, safety, and welfare of the other property in the vicinity in which the property is situated.



City of Kasson
401 Fifth Street S.E.
Kasson, MN 55944-2204
507.634.7071
(Fax) 507.634.4737
www.cityofkasson.com

Variance Application – Supplemental Information

This form provides information related to the procedures and requirements for a Variance Application with the City of Kasson. For full information on Variances, please refer to § 154.068 of the City Code.

Date Submitted: 9/20/2023

Planning Case Number: _____
(City will fill out)

Pre-Application Meeting Date: _____

A pre-application meeting with the City of Kasson Zoning Administrator pursuant to § 154.065(D) is required prior to submitting a Variance application.

Criteria for a Complete Submittal:

Submit one (1) printed Full-Size copy, one (1) printed 8 ½ X 11 copy, and one (1) digital (PDF or Similar) copy to the Zoning Administrator of the following:

<input checked="" type="checkbox"/>	Completed Application Form
<input checked="" type="checkbox"/>	Accurate Boundary Description
<input checked="" type="checkbox"/>	Evidence of ownership or enforceable option on the property
<input checked="" type="checkbox"/>	Accurate drawing, at scale, showing property lines, location of existing buildings and proposed project
<input type="checkbox"/>	A narrative explaining why the situation of the subject property creates a practical difficulty, as identified in § 154.02.24(B), and requires a variance from the provisions of Chapter 154 Zoning of the City Code <i>Use the reverse side of this form to fill in the narrative, or attach to application</i>
<input checked="" type="checkbox"/>	Any submittal materials pertaining to a Site Plan Review, as may be required at the discretion of the Zoning Administrator <i>Attach a Site Plan Review Application Supplemental Information form to this application</i>

Criteria for Review:

In its consideration of a Variance request, the Planning and Zoning Commission shall consider the following questions when making their recommendation to the City Council:

- Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that result in practical difficulties for the owner?
- Whether or not the Variance requested will alter the essential character of the locality?
- Whether or not granting the Variance requested will:
 - Impair an adequate supply of light and air to adjacent property?
 - Substantially increase congestion in adjacent public streets?
 - Endanger the public safety?
 - Substantially diminish or impair property values within the vicinity?
- Whether the Variance requested is the minimum variance that would alleviate the practical difficulties?
- Whether or not the Variance requested is consistent with the intent of this Chapter and the City's Comprehensive Plan?
- Whether or not the Variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

Variance Specifics

Zoning District: R-1

Zoning Standard	Required	Requested (or existing)	Variance
Lot Area	8000 sf.	7957 sf.	43 sf.
Lot Width – Building Line	66 ft.	60.50 ft.	5.5 ft.
Lot Width – Street Line	45 ft.	ft.	ft.
Front Yard Setback	20 ft.	ft.	ft.
Side Yard Setback	6.5 ft.	ft.	ft.
Side Yard Setback	6.5 ft.	ft.	ft.
Rear Yard Setback	25' ft.	ft.	ft.
Building Height	35 ft.	ft.	ft.
Impervious Surface	40 % 3183 sf.	% sf.	% sf.

Practical Difficulty

- “Practical Difficulty” as used in connection with the granting of a Variance shall include all the following:
 - The property owner proposes to use the property in a reasonable manner that is not otherwise not permitted by an official control;
 - The plight of the property owner is due to circumstances unique to the property, not created by the property owner;
 - The Variance, if granted, will not alter the essential character of the locality;
 - The need for the Variance involves more than economic considerations.
- “Practical Difficulties” also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems

Applicant Narrative:

Provide a written explanation as to why the situation of the subject property creates a practical difficulty and requires a variance from the provisions of Chapter 154 Zoning of the City Code

SEE ATTACHMENTS

The variance request is associated with Lots 17 and 18, Block 25, Original Plat, City of Kasson. It is proposed to make Lot 18 a conforming use by adding 5.50 feet from Lot 17. The remaining part of Lot 17 is also a conforming use with two exceptions:

1. The Lot Width at the building line is now only 60.5 feet instead of the required 66.0 feet.
2. The lot area is only 7957 s.f. instead of the required 8000 s.f.

It is believed that there is more benefit to make Lot 18 a conforming use, single family residential lot and only have the lot width at the building line and the lot area for Lot 17 non conforming. Both lots are zoned R1. Lot 18 setbacks would be conforming with this request while Lot 17 would be missing 5.5' of lot width at the building line and 43 s.f. of lot area.

There is no unique or extraordinary circumstance that applies to this request. The variance request is intended to minimize the extent of non conforming zoning standards that impact these two lots as they are currently defined.

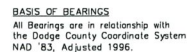
The variance request will not alter the R1 character of this subdivision. Instead it allows the setbacks on Lot 18 to conform with the current zoning standards and reduces the overall non conformity on Lot 17 as stated.

The variance request will not impair, endanger or diminish the overall zoning standards for the subdivision.

The requested variance consists of the two items listed. Both items are very close to conformance.

The variance request tries to conform to all the zoning standards in R1, however it does not meet the building line lot width and the lot area zoning standard for R1.

CANADIAN AND PACIFIC RAILWAY
(FORMERLY D. M. & E.)



0 5 10 15 20
SCALE IN FEET

	PROPERTY LINE
	CENTER LINE
	LOT LINES
	RIGHT OF WAY LINE
	OVERHEAD ELECTRIC/POWER POLE
	EXISTING WOOD FENCE
	EXISTING BITUMINOUS
	EXISTING CONCRETE
	PROPOSED BUILDING
	PROPOSED DRIVEWAY

PARCEL A Lot 18, Block 25, ORIGINAL PLAT, City of Kasson, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota, EXCEPTING the East 5.50 feet thereof.

PARCEL B. The East 5.50 feet of Lot 17 and all of Lot 18, all in Block 25, ORIGINAL PLAT, City of Kasson, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota.

WSE & MASSEY ENGINEERING & SURVEYING
P.O. BOX 100
KASSON, MN. 55944
PH. NO. 507-634-4505

JANICE AND KEN DURST
401 3RD AVE NW
KASSON, MN 55944
PHONE NO. (507) 273-0890

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date 9/15/2023
 LIC. NO.: 59823

SCALE: 1" = 10'
 DATE: 9/15/2023
 DRAWN BY: G.D.Z.
 CHECKED BY: R.W.Z.
 JOB OR NUMBER: 4452
 DRAWING FILE: 4452C501
 REVISION DATE:

COMMENTS:
 • FOUND (S/N, UNLESS NOTED OTHERWISE)
 • SET (S/N, UNLESS NOTED OTHERWISE)

THIS SURVEY AND DRAWING
 WAS PREPARED FOR THE
 EXCLUSIVE USE OF:
 -ANGEL & KEN DASH-
 KASSON, MN

SHEET NO. OF

PROPERTY LOCATION MAP	
T. 107 N.	R. 16 W.
NW 1/4	NE 1/4
	33
SW 1/4	SE 1/4



WSE M & S S E Y
ENGINEERING & LAND SURVEYING LTD.
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, EMAIL SURVEY@WSE.ENGINEERING

P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505. EMAIL SURVEY@WSEENGINEERING

CERTIFICATE OF SURVEY

LOT 17 AND 18, BLOCK 25

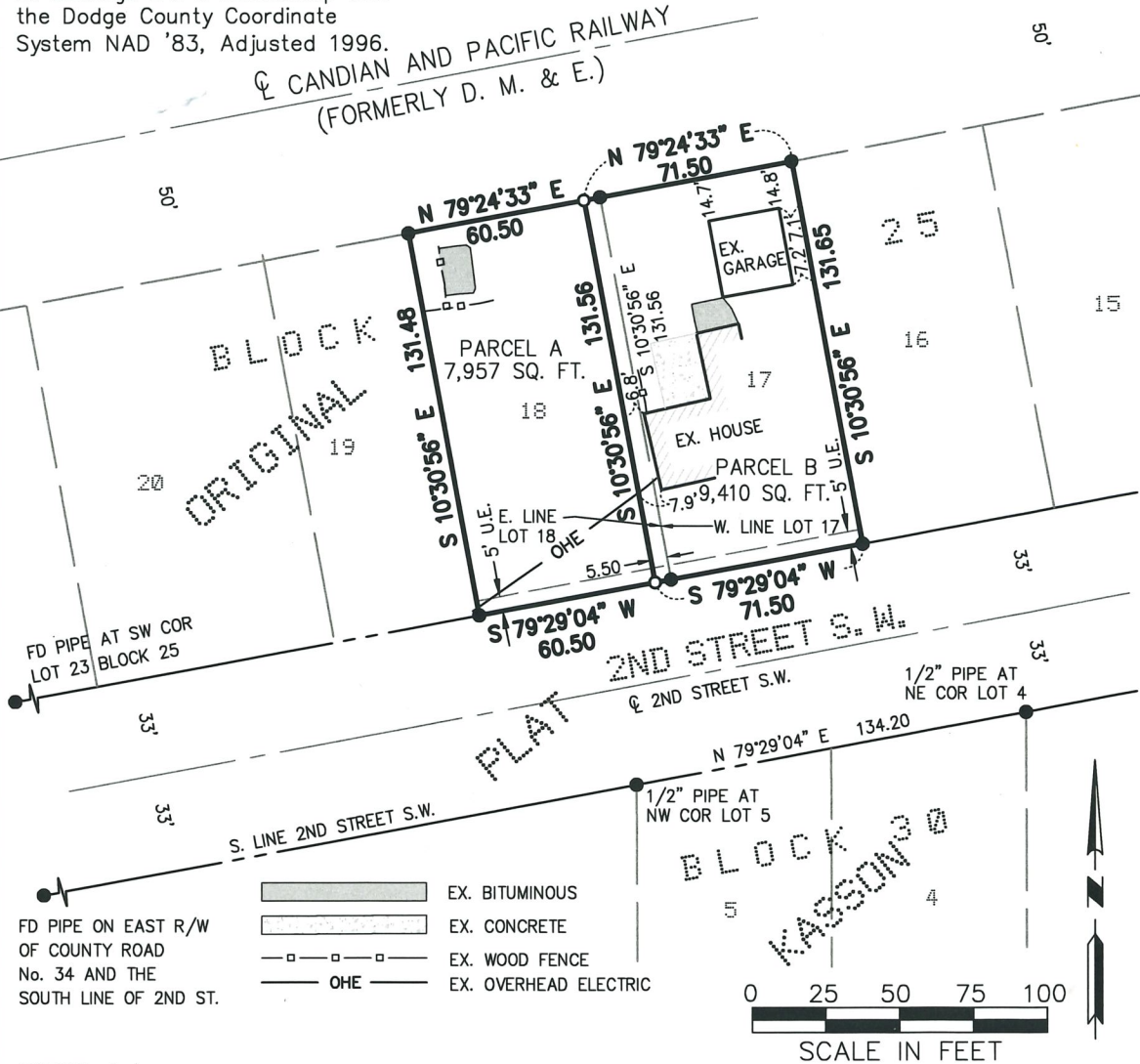
ORIGINAL PLAT, KASSON

DODGE COUNTY, MINNESOTA

BASIS OF BEARINGS

All Bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996.

CANDIAN AND PACIFIC RAILWAY
(FORMERLY D. M. & E.)



PARCEL A

Lot 18, Block 25, ORIGINAL PLAT, City of Kasson, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota, EXCEPTING the East 5.50 feet thereof.

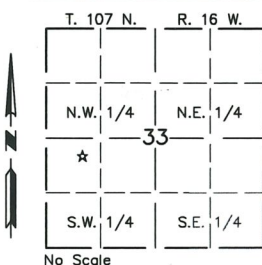
PARCEL B

The East 5.50 feet of Lot 17 and all of Lot 18, all in Block 25, ORIGINAL PLAT, City of Kasson, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota.

5.00 FOOT UTILITY EASEMENT DESCRIPTION

A 5.00 foot utility easement, over, under and across the South 5.00 feet of Lot 17 and Lot 18, Block 25, ORIGINAL PLAT, City of Kasson, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota.

PROPERTY LOCATION MAP



WSE + MASSEY

ENGINEERING & LAND SURVEYING LTD.

P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, EMAIL SURVEY@WSE.ENGINEERING

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Reinhold W. Zieman

Date 8/18/2023

LIC. NO.: 59823

THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:

JANICE & KEN DURST
KASSON, MN

MONUMENTS

- FOUND (AS INDICATED)
- SET (5/8" PIPE UNLESS NOTED OTHERWISE)

DATE: 9/15/2023

DWG NO. 4452SC01 JOB NO. 4452

DRAWN BY: G.D.Z. SHEET 1 OF 1

STAFF REPORT

TO: Planning Commission
FROM: Ian Albers, Community Development Assistant
DATE: August 23, 2023
SUBJECT: Reder CUP for fence
APPLICANT: Caleb Reder
OWNER: Caleb and Paige Reder
LOCATION: 2002 8th Ave NE
MEETING DATE: **October 9, 2023**
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single Family Residential

BACKGROUND

The applicant, Caleb Reder, has applied for a conditional use permit to place a fence closer than 3 feet to the side and rear lines at 2002 8th Ave NE. The proposed fence would extend from the north side of the house to a point closer than 3 feet to the north side property line and then eastward to the rear property line. The proposed fence would then extend along the rear property line to the south side property line and along this line before finally connecting to the south side of the house. A conditional use permit is required to allow the fence to be placed closer than 3 feet to the property line.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be August 23, 2023. The City's deadline for action is on October 22, 2023.

Public Hearing

City Code § 154.312(B)(3) requires a public hearing for review of a conditional use permit to be held by the Planning and Zoning Commission. The public hearing notice for the CUP was published in the Dodge County Independent and mailed to all affected property owners located within 350 feet of the subject properties.

APPLICATION REVIEW

Existing Site Character

See attached pictures.

Conditional Use Permit Review

As described in Section 154.067(D)(4), the following should be considered during review of a conditional use permit application:

- (1) The effects of the proposed use on the comprehensive plan; and

- (2) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.

Additionally, the following findings should be made, when applicable:

- (1) The proposed conditional use meets all of the applicable use specific standards listed within § 154.175 to 154.178;
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The use is consistent with the purpose of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- (4) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded by the city in order to handle additional traffic generated by the use;
- (5) Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of the neighboring property;
- (6) Adequate utilities, parking, drainage and other necessary facilities will be provided;
- (7) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (8) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (9) The use will not disrupt the character of the neighborhood; and
- (10) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

RECOMMENDATION

Staff recommends to the Planning Commission to recommend approval of the application for a CUP to allow placement of a fence closer than 3 feet to the side and rear property lines with the following conditions:

- (1) An access agreement shall be notarized and recorded with the property owners to the north, east, and south so that the fence can be placed closer than 3 feet to each property line.
- (2) The property owner at 2002 8th Ave NE acknowledges that there is a 5-foot utility easement along the rear property line and any portion of the fence placed within the utility easement can be dismantled at owner's expense if this easement is utilized.

In recommending approval of the conditional use permit, staff offers the following findings of fact:

- (1) The property has a 5-foot utility easement along the rear property line.

ArcGIS WebMap



August 23, 2023

Roads

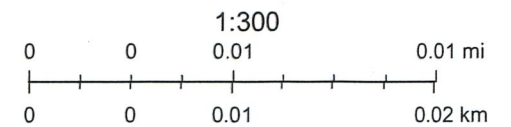
PIN

Name



Parcels

CITY



STAFF REPORT

TO: Planning Commission
FROM: Ian Albers, Community Development Assistant
DATE: September 19, 2023
SUBJECT: Dolan CUP for fence
APPLICANT: Thomas Dolan III
OWNER: Thomas Dolan III (closed on September 29)
LOCATION: 807 10th St NW
MEETING DATE: **October 9, 2023**
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single Family Residential

BACKGROUND

The applicant, Thomas Dolan III, has applied for a conditional use permit to place a fence closer than 3 feet to the side and rear lines at 807 10th St NW. The proposed fence would extend from the east side of the house to a point closer than 3 feet to the east side property line and then northward to the rear property line. The proposed fence would then extend along the rear property line to the west side property line and along this line before finally connecting to the west side of the house. A conditional use permit is required to allow the fence to be placed closer than 3 feet to the property line.

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be September 19, 2023. The City's deadline for action is on November 18, 2023.

Public Hearing

City Code § 154.312(B)(3) requires a public hearing for review of a conditional use permit to be held by the Planning and Zoning Commission. The public hearing notice for the CUP was published in the Dodge County Independent and mailed to all affected property owners located within 350 feet of the subject properties.

APPLICATION REVIEW

Existing Site Character

See attached pictures.

Conditional Use Permit Review

As described in Section 154.067(D)(4), the following should be considered during review of a conditional use permit application:

- (1) The effects of the proposed use on the comprehensive plan; and
- (2) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.

Additionally, the following findings should be made, when applicable:

- (1) The proposed conditional use meets all of the applicable use specific standards listed within § 154.175 to 154.178;
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The use is consistent with the purpose of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- (4) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded by the city in order to handle additional traffic generated by the use;
- (5) Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of the neighboring property;
- (6) Adequate utilities, parking, drainage and other necessary facilities will be provided;
- (7) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (8) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (9) The use will not disrupt the character of the neighborhood; and
- (10) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

RECOMMENDATION

Staff recommends to the Planning Commission to recommend approval of the application for a CUP to allow placement of a fence closer than 3 feet to the side and rear property lines with the following conditions:

- (1) An access agreement shall be notarized and recorded with the property owners to the north, east, and south so that the fence can be placed closer than 3 feet to each property line.
- (2) The property owner at 807 10th St NW acknowledges that there is a 10-foot utility easement along the rear property line and any portion of the fence placed within the utility easement can be dismantled at owner's expense if this easement is utilized.

In recommending approval of the conditional use permit, staff offers the following findings of fact:

- (1) The property has a 10-foot utility easement along the rear property line.

AMERICAN FENCE COMPANY

Sioux City Rochester Kansas City Omaha Lincoln Grand Island Sioux Falls Des Moines Wichita Iowa City
 ADDRESS 5867 15th Street NW, Rochester, MN 55901 PH: (507) 289-0898 SALESMAN Matt Wheeler

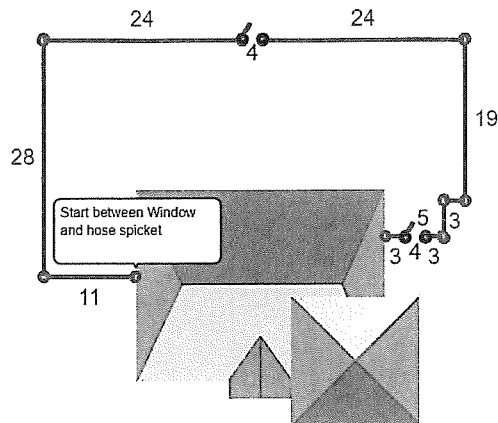
DATE 9/12/2023 PHONE: (608) 792-4150
 CUSTOMER Tom Dolan
 PROJECT LOCATION: 807 10th St NW
 CITY Kasson STATE MN
 BILLING ADDRESS:
 CITY STATE
 EMAIL TDOLANIII@GMAIL.COM

CELL
 WORK
 ZIP 55944
 AFC JOB#
 ZIP

PHONE

PROCR23-0560-B

STYLE DRAWING	HEIGHT	LENGTH
K373	6.0'	128.0'
PROJECT TOTAL		



Fence style legend:
 This drawing is not to scale.
 ■ vinyl1

GATE INFORMATION

☐ SS ☐ DD
☐ SS ☐ DD
☐ SS ☐ DD
☐ SS ☐ DD

Fence Price \$7,342.32

OPTIONAL ITEMS BELOW ARE NOT INCLUDED IN FENCE PRICE

ESTIMATED SURVEY \$1,000.00
 SPRINKLER INS. \$150.00
 DIRT HAUL \$220.00
 OPTIONAL ITEMS SUB TOTAL \$1,000.00

OFFICE USE ONLY

DATE
 TYPE
 AMOUNT

DESCRIPTION OF TOM DOLAN PROJECT

QUOTE IS GOOD FOR 14 DAYS

6' white vinyl privacy, 120 LF of fence with 2-4' Gates

On the back and or second page of this proposal are very important terms and conditions that we are requesting that you review. If you do not have these terms and conditions; do not execute and contact your sales rep. Upon your review, if you have any questions please contact us. After review and agreement, please sign below indicating that you have fully read, understood and agree with the terms and conditions stated above. We impose a surcharge of 3% on all credit cards that is not greater than our cost of acceptance.

AFC REPRESENTATIVE:

DATE
 9/12/2023

CUSTOMER SIGNATURE:

DATE
 9/12/2023

Thomas Dolan III

Please provide Billing Email Address:

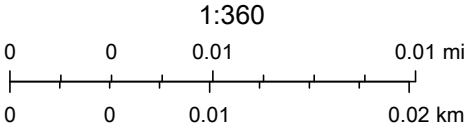
tdolaniiii@gmail.com

ArcGIS WebMap



October 5, 2023

Roads Name
— CITY ☐ Parcels
PIN



That part of the Southeast Quarter of Section 33, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 33; thence South 00 degrees 00 minutes 18 seconds East (NOTE: All bearings are in relationship to the Dodge County Coordinate System NAD '83, Adjusted 1996) along the east line of said Southeast Quarter for a distance of 660.00 feet to the northeast corner of ADVANTAGE INDUSTRIAL PARK, said point also being the northeast corner of the South 3/4 of said Southeast Quarter; thence North 89 degrees 46 minutes 42 seconds West along the north line of said ADVANTAGE INDUSTRIAL PARK also being the north line of the South 3/4 Southeast Quarter for a distance of 608.00 feet to the northwest corner of said ADVANTAGE INDUSTRIAL PARK and to the POINT OF BEGINNING; thence continue North 89 degrees 46 minutes 42 seconds West along the north line of said South 3/4 for a distance of 717.23 feet to the northwest corner of the East 59.75 acres of the South 3/4 of said Southeast Quarter, said point also being the west line of the Northeast Quarter of said Southeast Quarter; thence South 00 degrees 04 minutes 02 seconds West along said west line, 435.00 feet; thence South 89 degrees 46 minutes 42 seconds East parallel with the north line of said Southeast Quarter, 717.78 feet to the southwest corner of said ADVANTAGE INDUSTRIAL PARK; the North 00 degrees 00 minutes 18 seconds West along the west line of said ADVANTAGE INDUSTRIAL PARK, 435.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

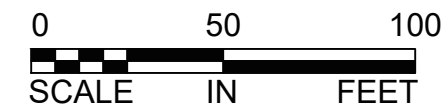
The West One-half of Commerce Drive Southeast lying south of the southerly right-of-way line of Third Street Southeast, as platted in ADVANTAGE INDUSTRIAL PARK, according to the plat thereof on file at the County Recorder's Office, Dodge County, Minnesota.

CIVIL ENGINEERS / SURVEYORS

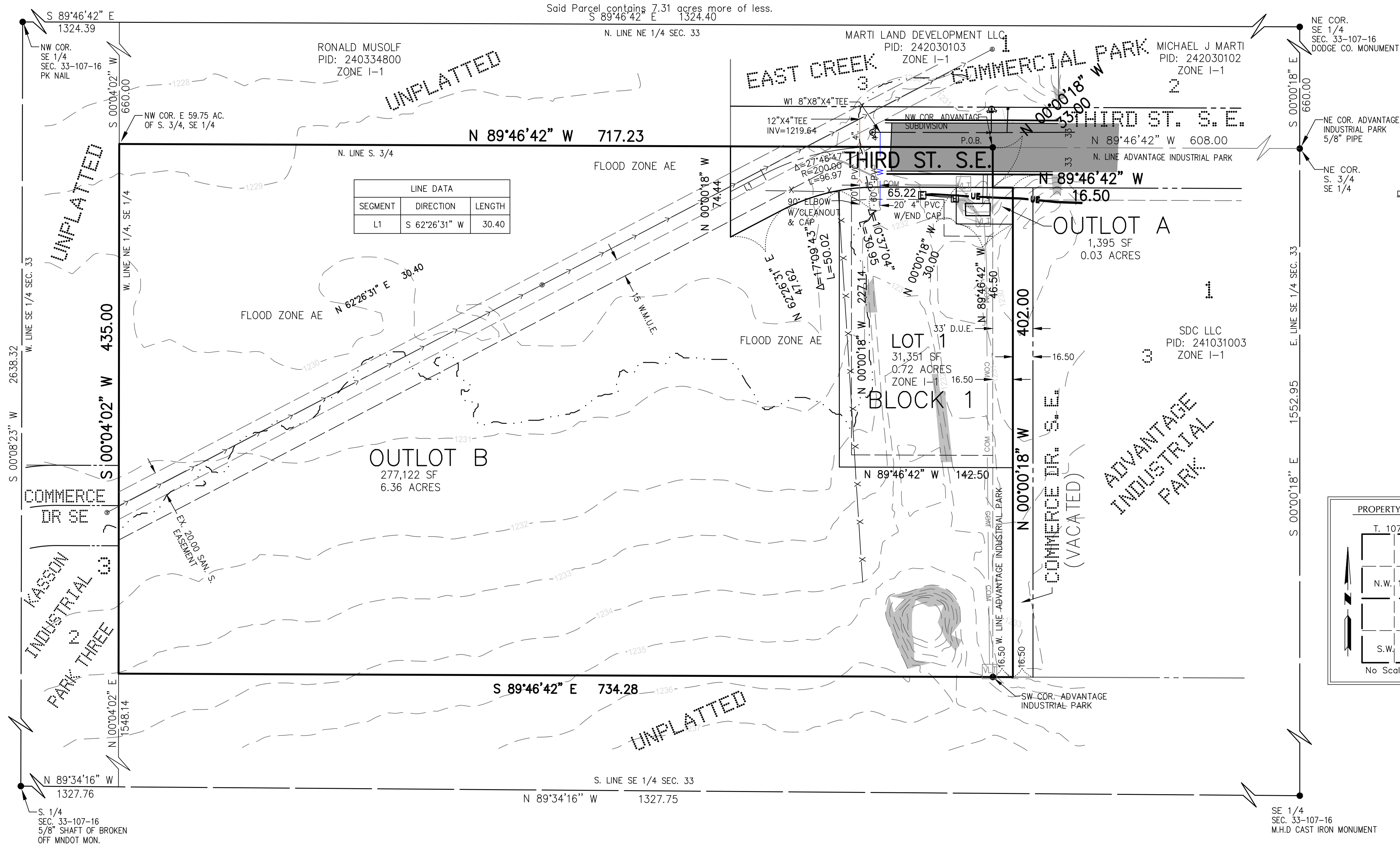
WSE & MASSEY ENGINEERING & SURVEYING
P.O. BOX 100
KASSON, MN. 55944
PH. NO. 507-634-4505

OWNER / DEVELOPER

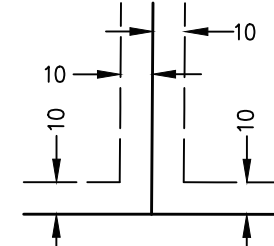
DON MARTI
63797 8TH AVENUE SOUTHEAST
KASSON, MN 55944
PHONE NO. (507) 251-9365



LINE DATA		
SEGMENT	DIRECTION	LENGTH
L1	S 62°26'31" W	30.40

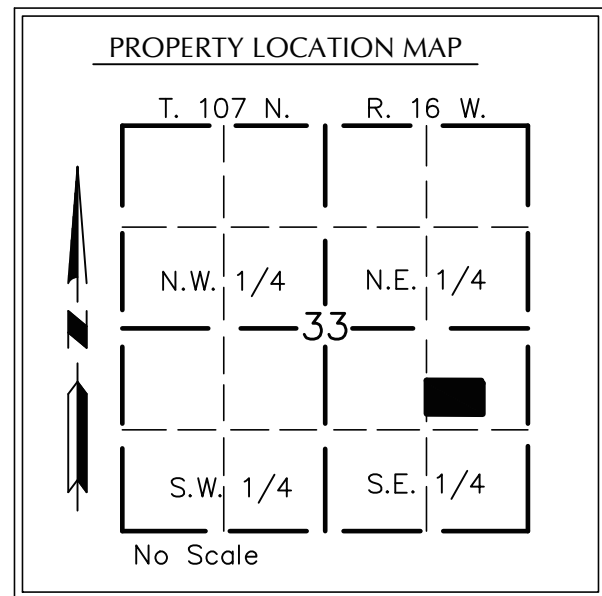


DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH AND ADJOINING
PUBLIC WAYS AND REAR LOT LINES,
UNLESS OTHERWISE INDICATED.

U.E. = UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT



MONUMENTS
(5/8" pipe unless
noted otherwise)
d Monuments (5/8" pipe
unless noted otherwise)



PH. NO. 507-634-4505
 PLANS@WSE.ENGINEERING
www.wse.engineering

KASSON OFFICE
P.O. BOX 100
33 B E VETERANS
MEMORIAL HIGHWAY
KASSON, MN 55944

PLAINVIEW OFFICE
320 WEST BROADWAY
SUITE 3
PLAINVIEW, MN 55964

ROCHESTER OFFICE
1712 RESTORATION
DRIVE SW
ROCHESTER, MN 55902

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Number		Date	
DESCRIPTION:			
DATE:			
REV:			

PRELIMINARY PLAT
EAST CREEK COMERCIAL PARK SECOND
KASSON, MINNESOTA

SCALE: _____ 1"=50
DATE: _____ 9/26/2023
DRAWN BY: _____ G.D.Z.
JOB NUMBER: _____ 4441
DWG. FILE: _____ 4441SP01

MEMO

TO: The Planning Commission
FROM: Ian Albers, Community Development Assistant
DATE: October 9, 2023
RE: Ordinance – Managed Natural Landscape

As discussed at the September Planning Commission meeting, the State recently adopted a statute allowing for managed natural landscapes in cities. Following discussion, the guidance from the Planning Commission was to hold a public hearing to change the city ordinance using the language from the State statute. The language allowing for managed landscapes is proposed to be incorporated into Section 51.02 Open Areas, and additional definitions are proposed to be added to Section 150.02:

§ 51.02 OPEN AREAS.

(A) Generally.

- (1) All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include, but not be limited to, the removal of dead trees, brush and weeds, garbage and refuse, the removal of inoperable machines, appliances, fixtures and equipment so damaged, deteriorated or obsolete as to have no substantial value and which constitute junk; the removal of lumber piles and building materials not being used in actual construction on the premises unless the premises are being used by a business dealing in or requiring the use of the lumber and materials; and the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires and other debris. Except as part of a managed natural landscape as defined in Section 150.02, any weeds or tall grass growing upon any lot or parcel of land in the city to a height greater than eight inches are hereby declared to be a nuisance and dangerous to the health, safety and good order of the city.
- (2) Managed natural landscapes may include plants and grasses in excess of eight inches in height and that have gone to seed, but may not include any noxious weeds and must be maintained. Managed natural landscapes do not include turf-grass lawns left unattended for the purpose of returning to a natural state.
- (~~2~~3) Nothing in this section shall restrict the activities of duly established and licensed junk yards.

§ 150.02 DEFINITIONS.

MANAGED NATURAL LANDSCAPE. A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes do not include turf-grass lawns left unattended for the purpose of returning to a natural state.

MEADOW VEGETATION. Grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

ORNAMENTAL PLANTS. Grasses, perennials, annuals, and groundcovers purposefully planted for aesthetic reasons.

RAIN GARDEN. A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

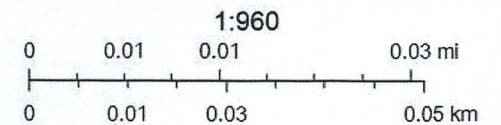
TURF-GRASS LAWN. A lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

ArcGIS WebMap



September 13, 2023

Roads PIN Name Parcels
— SHWY

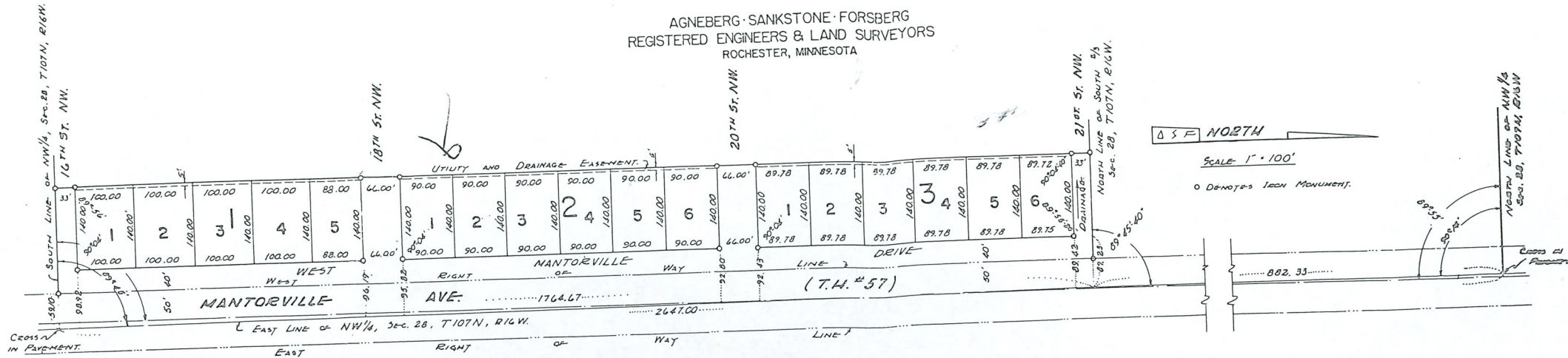


KASSON-MANTORVILLE HEIGHTS

FIRST ADDITION

KASSON, MINNESOTA

AGNEBERG-SANKSTONE-FORSBERG
REGISTERED ENGINEERS & LAND SURVEYORS
ROCHESTER, MINNESOTA



SCALE 1" = 100'
NORTH
O DENOTES IRON MONUMENT.

DEDICATION

WE, THE UNDERSIGNED, CLARENCE L. KLEMENT AND GOLDIE M. KLEMENT, HIS WIFE, AND ALBERT J. LEMIEUX AND HARRIET M. LEMIEUX, HIS WIFE, DO HEREBY CERTIFY THAT WE ARE THE FEE OWNERS AND CONTRACT FOR DEED VENDEES RESPECTIVELY OF THE LAND DESCRIBED ON THIS PLAT IN THE SURVEYOR'S CERTIFICATE; THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS, BLOCKS, STREETS AND DRIVES, UNDER THE NAME OF "KASSON-MANTORVILLE HEIGHTS, FIRST ADDITION", AS SHOWN BY THIS PLAT; AND THAT WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER ALL STREETS AND DRIVES AS SHOWN THEREON AND DO HEREBY GRANT EASEMENTS AS SHOWN AND DEFINED THEREON

IN PRESENCE OF:

Clarence L. Klement
Goldie M. Klement
Albert J. Lemieux
Harriet M. Lemieux

Clarence L. Klement
CLARENCE L. KLEMENT
Goldie M. Klement
GOLDIE M. KLEMENT
Albert J. Lemieux
ALBERT J. LEMIEUX
Harriet M. Lemieux
HARRIET M. LEMIEUX

SURVEYOR'S CERTIFICATE

STATE OF MINNESOTA) S.S.
COUNTY OF DODGE)
I, WARREN I. FORSBERG, REGISTERED LAND SURVEYOR OF THE STATE OF MINNESOTA, BEING FIRST DULY SWORN, DO HEREBY CERTIFY THAT AT THE REQUEST OF CLARENCE L. KLEMENT AND GOLDIE M. KLEMENT, HIS WIFE, I HAVE SURVEYED AND PLATTED INTO LOTS, BLOCKS, STREETS AND DRIVES, AS SHOWN ON THIS PLAT, AND WHICH SHALL BE KNOWN AS "KASSON-MANTORVILLE HEIGHTS FIRST ADDITION", THE FOLLOWING DESCRIBED LANDS:
THAT PART OF THE SOUTH TWO-THIRDS (2/3) OF THE NORTHWEST ONE-QUARTER (1/4) OF SECTION 28, TOWNSHIP 107 NORTH, RANGE 16 WEST, LYING 180.00 FEET WESTERLY OF AND ADJACENT TO THE WESTERLY RIGHT-OF-WAY LINE OF TRUNK HIGHWAY NO. 57, COUNTY OF DODGE.
AND I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT RECORD AND REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECTLY SHOWN IN FEET AND DECIMALS OF A FOOT, THAT IRON MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN PLACED IN THE GROUND WHERE SHOWN THUS O, AND DESIGNATED ON THE PLAT, THAT THE OUTSIDE BOUNDARIES ARE CORRECTLY SHOWN ON THE PLAT, THAT THERE IS NO LOW WET AREAS OR TRAVELED ROAD OR HIGHWAY THEREON, AND THAT SAID LAND HAS NOT BEEN PREVIOUSLY PLATTED, THAT THE OUTSIDE BOUNDARIES AND ANGLES OR BEARINGS OF LINES ARE SHOWN ON SAID PLAT.

DATED ON THIS 2 DAY OF April 1960 A.D.
WARREN I. FORSBERG
REGISTERED LAND SURVEYOR #4840

SUBSCRIBED AND SWORN BEFORE ME A NOTARY PUBLIC THIS 2 DAY OF April 1960 A.D.
E. L. Lehto
NOTARY PUBLIC, OLUSTED COUNTY, MINNESOTA
MY COMMISSION EXPIRES Sept 2 1966 A.D.

ACKNOWLEDGEMENT

STATE OF MINNESOTA) S.S.
COUNTY OF DODGE)
ON THIS 2 DAY OF April 1960, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED CLARENCE L. KLEMENT AND GOLDIE M. KLEMENT, HIS WIFE, ALBERT J. LEMIEUX AND HARRIET M. LEMIEUX, HIS WIFE.
TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

W. I. Forsberg NOTARY PUBLIC, DODGE COUNTY, MINNESOTA.
MY COMMISSION EXPIRES 1966 A.D.

STATE OF MINNESOTA) S.S.
COUNTY OF DODGE)
I, _____, VILLAGE CLERK IN AND FOR SAID VILLAGE OF KASSON, DO HEREBY CERTIFY THAT THE PLAT ATTACHED WAS DULY APPROVED BY THE VILLAGE COUNCIL AT A REGULAR MEETING HELD ON THIS _____ DAY OF _____ 19____ A.D.

VILLAGE CLERK
TAXES PAID FOR THE YEAR OF 19____ A.D.

COUNTY TREASURER.

TAXES PAID AND TRANSFER ENTERED THIS _____ DAY OF April 19____ A.D.

COUNTY AUDITOR.

STATE OF MINNESOTA) S.S.
COUNTY OF DODGE)
FILED FOR RECORD THIS 2 DAY OF April 1960 A.D. AT _____ O'CLOCK
A.M. AND RECORDED IN BOOK OF PLATS _____ PAGE _____
Harriet M. Lemieux REGISTER OF DEEDS.

being one persons entitled to each an undivided one-third to the whole of said estate thereof.

Where

Sealed

Kind of Instr. Village Ordinance of Annexation

Date Sept. 3, 1957 No. 69

Filed Oct 19, 1957

ORDINANCE NO. 415

At 10: A.M.

Consideration\$ -

An Ordinance amending that certain Ordinance of the Village of Kasson, Minnesota, known as Ordinance No. 411, and entitled as follows "An Ordinance Extending the Corporate Limits of the Village of Kasson".

RECORDED

Book 97 Page 364

Sealed Yes No. Wit. -

ACKNOWLEDGED

Date

That certain Ordinance of said Village of Kasson, Minnesota bearing date July 2, 1957 and entitled as follows:

Who

An Ordinance extending the Corporate limits of the Village of Kasson, shall be and the same so hereby amended so as to read as follows:

Where

Before

Sealed

Section 1

The Corporate limits of the Village of Kasson are hereby extended to include the following described territories situated in the County of Dodge, State of Minnesota:

Commencing at a point 59 feet West of the SE corner of NW $\frac{1}{4}$ Sec. 28-107-16, thence North along the right of way of Highway #57 a distance of 1764.33 feet, thence West 180 feet; thence South 1764.33 feet; thence East 180 feet to the point of beginning.

Section 11

That the Village Clerk is hereby directed to file a Copy of ordinance in the office of the Secretary of State and in the Office of the Auditor of Dodge County, Minnesota

Section 111

This ordinance shall take effect and be in full force from and after its passage and publication as provided by Law.

Kind of Inst. Satisfaction

Date July 1, 1958 No 70

Filed July 5, 1958

At 9: A.M.

Consideration\$ Paid

RECORDED

Book 57 Page 465

Sealed yes No. Wit. 2

Peter Stucky

Release of Mortgage recorded in Book "64" of Mortgages on Page "36".

To

ACKNOWLEDGED

Date July 1, 1958

Who Peter Stucky

Clarence L. Klement and Goldie M. Klement, his wife

Before Donald T. Franke

Notary Public

Where Olmsted County

Minnesota

Sealed Yes

Kind of Inst. Mortgage

Date June 27, 1958 No 71

Filed July 5, 1958

At 9: A.M.

Consideration\$ 30000.00

RECORDED

Clarence L. Klement and

Goldie M. Klement, his wife

South 2/3 of NW $\frac{1}{4}$ Sec. 28-107-16, with other lands, less .87 acres released for highway purposes.

Due in monthly installments of \$292.76, comm. Aug. 3, 1958