

PLANNING COMMISSION

AUGUST 6, 2018

6:30 O'CLOCK P.M.

AGENDA

NOTICE: A quorum of the City Council may be present. No official business of the City Council will be conducted at this meeting.

1. Call to Order at 6:30
2. Minutes of the Previous Meetings – July 9, 2018
3. Casey's Retail Company – Conditional use Permit
Note: anticipated receipt of site plan and traffic study on Friday, August 3
4. Wilker Conditional Use Permit
5. Other Business
6. ADJOURN

Planning Commission Meeting July 11, 2018
MINUTES OF PLANNING COMMISSION MEETING
July 9, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of July, 2018 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commission Torkelson, Commissioner Tinsley and Commissioner Zelinske, Commissioner Burton and Commissioner Fitch and Commissioner Borgstrom. **THE FOLLOWING WERE ABSENT:** None

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, Doug Buck, Jerry Struthers, Mike Koebele, Tyler Larson, Ron Eidem, Phil Johnson, Samantha Tripp, Matt Bradford, David Martin, George Bayrd, Jon Schuette, Amy Costello, Jared Sargent, Jerry Dallman, Matt Naatz, Tanae and Steve McMurchie, Jeff Patzke, Joe Groteboer, Bettie Fiscus, Ron Kasel, Jamie Finne, Tim O'Morro , Mary Theelke Poppler and Robert Brown

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: **Motion to Approve the June 11, 2018 minutes made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

PUBLIC HEARING – KASEL ADDITION FINAL PLAT – Administrator Coleman stated that the staff planning review in the packet lays out the things that could be in the resolution for the final plat.

Public Hearing Opened –

David Martin, Massey Land Surveying – stated that the Outlots would have to be in sequential order.

Mary Theelke Poppler - 1004 3rd St NE - She finds this illegal by creating landlocked parcels. She wanted to know if the City has gotten permission from the State of MN for this plat.

Joe Groteboer – 102 8th Ave NE - Do they have to mow these lots? Prairie grasses are allowed to grow.

Jeff Patzke 908 3rd St NE – will the zoning be changed or be maintained as residential. Administrator Coleman stated that these are Outlots. They are asking for clarity. Who will check on these lots and make sure that things are going the right way? He would be much more comfortable if ONLY the adjacent owner can purchase the property. They are looking for answers to their questions.

Ron Kasel – 912 3rd St. NE – Ron bought the land from Blaine and he put the property in his son John's name. Ron stated that these lots will not be land locked because he has access. He is getting himself out of a liability situation with respect to the property lines. Outlots not purchased will go to prairie grass.

Mary Theelke Poppler –She wants to know what the City Attorney has to say about this. Administrator Coleman stated that the City Attorney will review the final plat. Administrator Coleman read the staff recommendations and the deed restrictions that would be recorded with the final plat.

Public Hearing Closed

Commissioner Borgstrom – staff has done well; involving the City Attorney.

Commissioner Burton –Questions have been answered and he's ready to move forward.

Ms. Leth - she will review the language of the easements and whatever involvement requested.

Commissioner Torkelson – agrees with Commissioner Borgstrom. The City Engineer has been very thorough with this plat.

Commissioner Zelinske – Mr. Kasel has responded with everything the Planning Commission has asked for.

Motion to Approve the Final Plat with the Stipulations from the Staff Planning Review and the Appropriate Lettering of the Outlots and City Attorney Review made by Commissioner Burton, second by Commissioner Borgstrom with all Voting Aye.

PUBLIC HEARING – HOME FEDERAL SAVINGS BANK – AMENDMENT TO FINAL PLAN
Administrator Coleman stated that the area is a planned unit development. This will be an amendment to the final plan and the conditional use permit will stay in place.

Public Hearing Opened
No comments
Public Hearing Closed

Discussion – Commissioner Borgstrom asked about parking. Administrator Coleman stated that the conditional use permit granting the planned unit development was in the packet.
Commissioner Burton - read from the planned unit development ordinance stating that we can vary from the strict wording of the ordinance.
Commission Tinsley – stated that when you are in a planned unit development you don't have to conform to the ordinance; it gives flexibility to vary from the ordinance.

Motion by Commissioner Zelinske to Approve the Amendment to the Final Plan with the Included Comments from the Staff Planning Review, second by Commissioner Torkelson with all Voting Aye.

PUBLIC HEARING - TYLER LARSEN VARIANCE

Administrator Coleman stated that Mr. Larsen is applying for a variance for the home he would like to build as the plans submitted.

Public Hearing Opened
Mike Koebele, Big Sky Builders, wanted to know if there were any questions for him. He intends on putting the deck on right away.
Public Hearing Closed

Commissioner Zelinske stated that he is in favor to keep the home consistent with the neighborhood.
Commissioner Burton –he's more concerned with the aesthetics than the setback requirements.
Administrator Coleman asked the Commissioners to answer the practical difficulties on the resolution.

Motion to Approve the Variance Request of 8 feet on the Rear Yard Setback as Submitted with the answers to the Practical Difficulties: a) Yes, exceptional, unique or extraordinary circumstances were identified b)No, the proposed home fits with the character of the neighborhood c) No to all d) Yes e) The property is in a residential neighborhood f) Yes, exceptional, unique or extraordinary circumstances were identified, made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – CASEY'S RETAIL COMPANY – REZONE

Administrator Coleman stated that Casey's has executed purchases agreements for most of the block south of Shopko and would like to rezone to C-2.

Public Hearing Opened

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Phil Johnson – 1602 15th St NE – owners of 7 of the 8 lots have accepted the offer from Casey's and Casey's has been very fair. People see this as a very favorable addition to the City and are asking him when this is going to happen. This is the only block on South Mantorville Ave that it not commercial at this time.

Jamie Finne – 401 1st Ave SW – she is directly to the west of the block being discussed. Ms. Finne is opposed to looking at the back of Casey's. Ms. Finne stated that some trees could be left there or a fence put up.

Mary Theelke Poppler – wanted to know if there is a safety consideration for the neighborhood.

Robert Brown – Mantorville – his mother owns one of the houses being purchased. He suggested looking around the neighborhood. Kasson is growing and this is a good idea for the rest of Kasson.

Jeff Patzke – He thought when Shopko came in the traffic would be bad but that is well managed.

Administrator Coleman - noted the City Engineer and PW Director reviewed the parking and traffic.

Amy Costello – Attorney for Casey's – as far as rezoning goes we have to look at whether this is in conformance to the goals and policies of the City. A new comprehensive plan has identified this area for commercial use. They feel comfortable that this is in conformance with the goals the City has set. Public Hearing closed

Discussion – Commissioner Borgstrom indicated that Jerry Struthers has reached out to him as a City Council Member and he made phone calls to Casey's on their behalf. He does not represent Struthers. Commissioner Zelinske – most of the citizens of Kasson put input into this comp plan and they have deemed it commercial. He thinks having a Casey's in town will be a plus.

Jerry Struthers - stated that Casey's didn't offer enough.

Commissioner Borgstrom - stated that they can't rezone the one residence and turn it into a non-conforming use.

Commissioner Burton – stated that he does think that the whole block needs to be rezoned.

Commissioner Zelinske - asked Ms. Costello if they would be willing to talk to Mr. Struthers again. She stated that they had made reasonable offers to all of the homeowners.

Chairman Ferris – He does not want to see Mr. Struthers on an island by himself.

Motion made by Commissioner Burton to Rezone to C-2 the Entire Block, second by Commissioner Zelinske. Further Discussion: Commissioner Fitch asked about the comment and conversations that happened with the Shopko rezone. Commissioner Borgstrom stated that the residential property on the Shopko block was never rezoned to commercial. Commissioner Tinsley – has a concern rezoning a property that is not on the agenda tonight. Commissioner Torkelson – there was an offer to Struthers. **Ayes: Burton, Fitch, Torkelson and Zelinske. Nays Ferris, Borgstrom and Tinsley. Motion Passed.**

PUBLIC HEARING – CASEY'S RETAIL COMPANY – CONDITIONAL USE PERMIT

Administrator Coleman stated that we hope to work further with Casey's on the site plan. The Commission can add a buffer for the properties on the west.

Commissioner Burton stated that he is not comfortable approving a conditional use permit tonight and would like more information on many items. Commissioner Borgstrom also feels there are things to be worked out before a conditional use permit.

Public Hearing Opened

Jamie Finne – 401 1st Ave SW – she would like to see a nice fence or big trees. She believes that this will increase traffic in front of her house and suggests closing 1st St SW and making people go around. She believes that there needs to be something done about the traffic.

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Jared Sargent – Real Estate Associate for Casey's - George Bayrd, their realtor, had the direct contact with the property owners. He stated that they would receive any offer Mr. Struthers. The hours of operation are until 11 or 12 at night. Mr. Sargent indicated they would be in agreement with both trees and 6 foot privacy fence. Mr. Sargent stated that this location is the highest traffic count and the only available location that makes sense..

Jerry Struthers – 12 4th St SW – stated that Casey's came back with one offer and never came back again.

Sargent stated that the price was so far off that they couldn't come to an agreement.

Robert Brown – rezoning a residence has happened before, the zoning on the house next to Burger King was rezoned to commercial.

Tanae McMurchie - 905 7th St NW – She feels that Mr. Struthers had their chance and that is the same chance the rest of the properties had.

Amy Costello – Casey's Attorney – Casey's would be content on approvals being contingent as time is of a factor here. Ms. Costello went through the standards for granting a conditional use permit answering all of the standards.

Public Hearing Closed.

Commissioner Burton – asked about a street committee. Administrator Coleman stated she met with the Public Works Director and the City Engineer.

Commissioner Borgstrom - would like to table this.

Commissioner Burton – concerned with traffic.

Commissioner Tinsley – is concerned with meeting the standards of the conditional use permit and that specific one is 154.029(e)(2)(l) and that the one property is sitting out there like an island.

Motion to Table the Conditional Use Permit until the August Planning Commission Meeting made by Commissioner Zelinske, Commissioner Borgstrom with all Voting Aye.

Other Business

Planning Commission agreed to move the August Planning Commission meeting to August 6 at 6:30 pm to meet the 60 day rule for the Conditional Use Permit application.

Chairman Ferris sent the Commissioners information on the Wilker CUP and that he is not following the conditions from the permit. He would like to encourage him bring his property into compliance.

Commissioner Borgstrom stated that we need to give him an opportunity to bring it into compliance before we consider revocation. Commissioner Fitch is concerned that there is no follow-up on conditional use permits to make sure that they are being checked up on. Commissioner Borgstrom stated that it has been on a complaint basis and brought to the zoning administrator.

Motion to recommend the City Council direct the City Administrator write a letter to Mr. Wilker regarding the non-compliance of his 2010 Conditional Use Permit made by Commissioner Burton, second by Commissioner Fitch with All Voting Aye.

ADJOURN 8:40PM

Respectfully Submitted,

Linda Rappe, City Clerk

APPLICATION FOR CONDITIONAL USE PERMIT

Fee Paid \$ _____

Date Filed _____

Street Address of Property 403 South Mantorville Avenue South

Legal Description of Property See Attached

Owner's Name Casey's Retail Company Phone 515-446-6714

Address One SE Convenience Blvd, Ankeny IA, 50021

Applicant (if other than Owner):

Name _____ Phone _____

Address _____

Description of Request Casey's Retail Company is proposing to demolish existing buildings on Lots 2,3,4,5,6,7 and 8 of Block Thirty-one (31) and Construct a new convenience store/fuel station along with associated parking, lighting, and utilities.

Reason(s) for Request Site will need to be re-zoned to allow a convenience store/fuel station

and new zoning will require a Conditional Use Permit for the Proposed Use.

Present Zoning Classification R-2

Existing Use of Property Residential Homes

Signature of Applicant Manni Bell Date 6/13/18

FOR OFFICE USE ONLY

Date accepted _____

Recommended _____ Denied _____ by the Planning Commission on _____, 19__

Approved _____ Denied _____ by the City Council on _____, 19__

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s): _____

SECTION 24-18 CONDITIONAL USE PERMITS

PURPOSE. The purpose of a conditional use permit is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT. In making the determination whether or not the conditional use is to be allowed, the city shall consider (1) the effects of the proposed use on the Comprehensive Plan, (2) and the effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other thing, the City shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use.
5. The use is consistent with the purpose of this ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Comprehensive Plan of the City.
7. The use will not cause traffic hazards or congestion.
8. 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 or improved by the City in order to handle the additional traffic generated by the use.
9. Adequate measures have been taken or are proposed to prevent or control offensive order, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property.
10. Adequate utilities, parking, drainage and other necessary facilities will be provided.
11. The proposed use will not impede the normal and orderly development or improvements of the surrounding property.
12. 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 such property.
13. The use will not disrupt the character of the neighborhood.

REQUIRED EXHIBITS FOR CONDITIONAL USE PERMITS

The following items shall be required:

Y _____ N _____
Y _____ N _____
Y _____ N _____
Y _____ N _____

Y _____ N _____
Y _____ N _____

1. A completed application form.
2. An accurate boundary description of the property.
3. Evidence of ownership or enforceable option on the property.
4. A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs.
5. Landscaping and screening plans.
6. Any additional information deemed necessary by the City to determine the suitability of the particular site for the proposed use.

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A CONDITIONAL USE PERMIT. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A CONDITIONAL USE PERMIT.

Staff Planning Review and Recommendations

Conditional Use Permit Application

Casey's General Store
405 Mantorville Ave S

Zoning

154.247 (B) Automobile Service Stations and including as an accessory use the sale of household and grocery convenience items and washing services

Plat

Preliminary and Final Plat Approval
10' Electric Utility Easement on east side of 1st Ave SW
Access Easement for Parcel # 241004970
94.027 Sidewalk
Storm Water Rate Control and storm water pipe (underground retention)

Bufferyards

154.252 All development in this district, when adjacent to a residential district and not separated therefrom by a street or alley, shall provide a buffer yard along the adjoining property line as specified in §154.060; fence adjacent residential property.

Parking

154.080
Gasoline-convenience store
Six off-street parking spaces,
Plus three off-street parking spaces for each
fuel pump

Utilities

Storm water management to meet the 2, 10, 100 year pre vs post storm water discharge
Existing sanitary and water services not proposed to be used shall be capped at the main
Acknowledge Well Head Protection Area for Well #4

Streets

Traffic patterns to be discussed
Right turn lanes at the 4th and 5th Street intersections
No parking on east 125 feet of 4th and 5th Streets
Adjacent streets to be chip sealed following construction
Streets to be striped

Comprehensive Plan

Building design and matching canopy that reflect Small Town Identity (example: Mantorville)

Engineer

Final Review of Site and Grading Plan
MnDOT planning review
MnDOT Drainage permit
Hydraulic Report
NPDES Stormwater permit

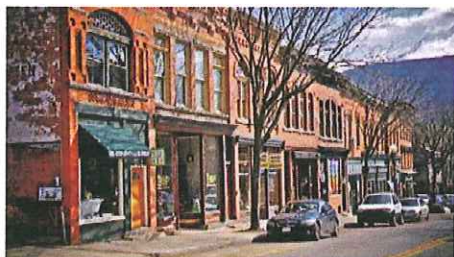
FIGURE 4.5 DOWNTOWN KASSON



Downtown Kasson includes the core commercial area along Main Street as well as the industrial uses along the railroad and parcels along Mantorville Ave. (Hwy. 57).



Cultivate new housing types in downtown such as live-work spaces and artist lofts.



Encourage active street frontages- and cultivate a diverse mix of uses that brings people and activity to downtown throughout the day.

live-work situations (including personal or professional office, studios, workshops, and small-batch production) provided that business use of the property does not negatively impact the residential character of the neighborhood.

- » Non-residential uses such as civic institutions (school and churches) and parks may be allowed with appropriate site design and form.

DOWNTOWN

Downtown Kasson continues to be the heart of the community. Downtown is such an important component in achieving the community's vision and guiding principles that it is addressed in its own section both within this chapter and in the next chapter, Community Building and Development. This chapter focuses on how to maintain and enhance the land use and character of downtown, while the next chapter explores the programs and activities that will strengthen downtown as an economic and quality of life generator.

While perhaps not every building is currently being fully utilized, nor the number or variety of commercial properties meeting community desires, this comprehensive plan recognizes that downtown Kasson has a good foundation. **The most important recommendation for downtown is that the community carefully consider how a future project will enhance or detract from the character of downtown.**

As in many communities, Kasson's downtown is distinctive in its character and pattern from the rest of the city. As the historic center, downtown has the entire range of land uses including residential, commercial, industrial, civic, institutional, and park. Downtown is a dense area of the community with

many buildings being built close to the street with sidewalks and predominantly on-street parking. Buildings generally range in height from one to three stories with many structures having more than one type of use.

In the comprehensive planning process the boundaries of downtown were set recognizing the **important influence that uses on the edge of the traditional commercial downtown core have on its success.** The boundary includes the core commercial area along Main Street as well as the industrial uses along the railroad, parcels of varying use along Mantorville Ave. (Hwy. 57), and a section of Masten Creek. The boundary was purposely extended south along Mantorville Avenue to Highway 14 to help build awareness of Downtown as a destination.

Downtown Kasson should continue to include the wide variety of uses within its downtown boundaries. Having a variety of land uses is important in creating an active, safe area both day and night. The mixing of uses also supports commercial uses in particular as industrial employees may eat and patronize retail establishments during the day and as they leave the community, while downtown residents support them in the evenings and on weekends.

As infill and redevelopment occurs in downtown, it is important that the historic character is sustained and built upon. New construction and renovations should evoke a similar character through site and building design features.

Expansion of parking in downtown should be carefully considered so as to not negatively impact the district's cohesiveness. While necessary for visitors and employees, surface parking lots generally detract from the pedestrian environment. As a result, parking should be located behind buildings rather than

between the front of a building and the street. Parking should be examined on a district basis whereby individual businesses do not have to have separate parking lots but contribute to a shared system. This is particularly useful for uses that have different peak hours, such as a theatre and an office. When additional parking is needed, structured parking should be considered to minimize the amount of buildings that must be removed in the downtown area.

DOWNTOWN DESIGN PRINCIPLES:

- » Encourage two to three-story buildings.
- » Buildings should possess components that offer protection to pedestrians, such as awnings and canopies.
- » Encourage the use of quality building materials that complement the existing historic architecture.
- » Encourage building orientation, height-to-width ratios and placement of door and window openings to be proportional to those of surrounding commercial buildings.
- » Maintain the existing downtown street grid so as to ensure the historic walkable character remains.
- » Avoid development of long stretches of blank, inactive building walls along streets by requiring active window spaces that allow views into and out of buildings.
- » Consider cultivating unique housing options in downtown such as live/work housing and artist lofts.
- » Concentrate the location of city-wide community uses and attractions, such as

civic buildings, museums, arts and cultural attractions, entertainment venues, community events, and gatherings in downtown.

- » Maintain an attractive, high quality streetscape that allows for safe and convenient traffic movements and efficient snow removal, and enhances pedestrian comfort and safety.
- » Integrate public art such as sculpture and murals, into the design of the public realm (parks, streets, storefronts, signage, etc.).
- » Maintain appropriate trail connections to the district for all users.
- » A clear wayfinding system within and connecting to downtown directs visitors to key destinations and public parking lots.

BUSINESS PARKS

Business parks are intended to provide a coordinated and planned environment for business uses including manufacturing, light industrial, research and design, or professional offices. They are broadly defined and are intended to cultivate economic growth through a job-rich and activity-rich development pattern.

The Comprehensive Plan envisions Kasson's industrial, manufacturing, and business climate to evolve over the next 20 years. Some of this change will come from new growth on raw land at the edge of the community. New growth will provide opportunities not otherwise available within the existing pattern. Infill development within existing business areas is important, not only from the efficient use of utilities and infrastructure, but also from a connectivity and district character perspective. Vacant lots are generally less attractive and are missing design elements such as sidewalks or landscaping that create



Murals and other forms of public art enliven the public realm in downtown.

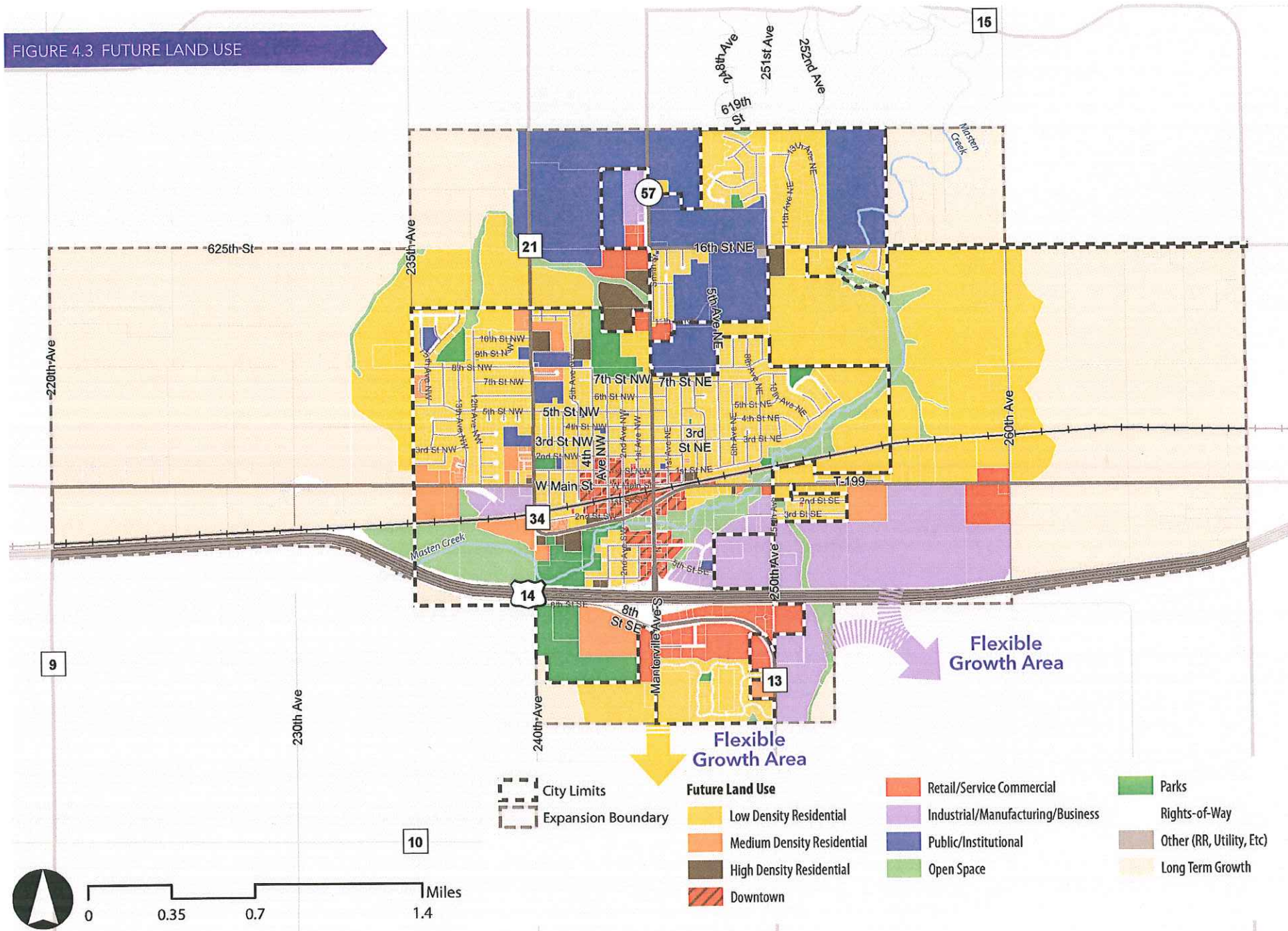
WHAT WE'VE HEARD:

"Downtown needs a major revitalization in order to draw businesses. Some consistency with colors, store fronts, and expectations with renovations are needed in order to make sense for further expansions and growth."



Stormwater management should be thought of as an amenity and places for employees to walk should be considered.

FIGURE 4.3 FUTURE LAND USE



May 10, 2018

License: Pending
Facility ID: 42818

Rick Fidler
Casey's Retail Company
3305 SE Delaware Ave.
Ankeny, IA 50021

NOTICE OF COMPLETED PLAN REVIEW

Dear Rick Fidler:

The Minnesota Department of Agriculture (MDA) has completed the review of food equipment and construction plans for the **Casey's General Store** located at **MN Hwy 57 and 5th St. SW, Kasson, MN 55944**. This review was based on the plans submitted with the application, including revisions agreed upon during discussions that occurred throughout the plan review process. Please see the summary of the review below which includes any revisions or deficiencies that must be addressed prior to the pre-operational inspection and licensing. Any additional revisions must be submitted for review and approval which may delay licensing.

Construction of the food establishment or remodel may now begin.

When construction is complete and all noted considerations or deficiencies are addressed please contact the area inspector to arrange a pre-operational inspection:

- **Jodie Burke, Jodie.Burke@state.mn.us and 507-450-3479.**

Ensure the inspector is provided a notice of opening at least 14 calendar days before the opening date as required by Minnesota Rule 4626.1750.

Note: The newly constructed or remodeled area cannot be stocked with food before approval is received from the pre-operational inspection.

Project Description: New construction of a 4,816 square foot convenience store.

Menu: Pizza, hot sandwiches, breakfast sandwiches, sub sandwiches to go, pasta, wraps, bakery items, appetizers, etc.

Room Finish Schedule:

	Floor & Cove Base*	Walls	Ceiling
<u>Kitchen</u>	<u>Ceramic tile, 6" integral ceramic tile cove base</u>	<u>FRP, Stainless steel on wall under hoods</u>	<u>Washable vinyl tile</u>
<u>Storage Room</u>	<u>Ceramic tile floor and base</u>	<u>FRP</u>	<u>Washable vinyl tile</u>
<u>Walk-in Coolers</u>	<u>Ceramic tile floor and base</u>	<u>Cooler panels</u>	<u>Cooler panels</u>
<u>Walk-in Freezers</u>	<u>Stainless steel floor & base</u>	<u>Freezer panels</u>	<u>Freezer panels</u>
<u>Utility Room, Back Room</u>	<u>Ceramic tile, 4" rubber base</u>	<u>FRP</u>	<u>Washable vinyl tile</u>
<u>Custodian Room</u>	<u>Ceramic tile floor and base</u>	<u>FRP</u>	<u>Washable vinyl tile</u>
<u>Restrooms</u>	<u>Ceramic tile floor and base</u>	<u>Ceramic tile, painted gyp.</u>	<u>Washable vinyl tile</u>
<u>Customer Sales</u>	<u>Ceramic tile, 4" rubber base</u>	<u>Painted gypsum board, ceramic tile-beverage area</u>	<u>Ceiling tile, washable over food counter area</u>

Ice Room	Ceramic tile floor and base	FRP	Washable vinyl tile
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*Proper cove base installation is very important. **Errors in installation can be costly and may delay pre-operational inspection approval.** Refer to page 12 of the "Retail Food Establishment Construction Guide" (which can be found at www.mda.state.mn.us) for specific direction.

Deficiencies:

- 1) No documentation of a *Report on Plumbing Plans* from the Minnesota Department of Labor and Industry (DLI) has been received by this department. Prior to the start of any plumbing work within the facility, the licensed plumber must submit plans to DLI for review and approval. Provide verification of the review and final inspection from the appropriate plumbing inspector prior to the preoperational and licensing inspection by the Minnesota Department of Agriculture food inspector.

Revisions Agreed Upon (to be reviewed by inspector):

- 1) The plans propose fiberglass reinforced plastic (FRP) as the wall covering for the lower portion of the wall under the kitchen hood. FRP lacks the clean-ability of stainless steel and therefore isn't approved as a wall covering under Type I hoods where the menu and cooking equipment typically create grease-laden vapors. Applicant agrees to install stainless steel on the wall under the hood from the hood down to the top of the cove base.

Equipment Overview:

All new and existing equipment submitted for use have been reviewed and approved as meeting applicable certification standards, except for items listed under *Deficiencies* below. Any domestic or equipment without applicable certification standards are not allowed **and will be ordered out.**

Kitchen			
<u>CaptiveAire hoods</u>	<u>Star-Max tenderloin fryer</u>	<u>Nu-Vu oven/proofer</u>	<u>Lincoln conveyor ovens</u>
<u>Belshaw donut fryer</u>	<u>Hatco hot hold cabinets</u>	<u>APW Wyott warmer</u>	<u>Delfield sub prep tables</u>
<u>ACP combination oven</u>	<u>NAI bun tray racks</u>	<u>Univex mixer</u>	<u>Boos stainless steel tables</u>
<u>Somerset dough roller</u>	<u>Pizza prep table/cooler</u>	<u>J.B. 3 compt. sink w/2 db</u>	<u>Hand wash sink w/side spls</u>
<u>Saber King veg processor</u>	<u>Stainless table w/prep sink</u>	<u>Lockwood bread cabinet</u>	<u>Snowman WI cooler/freezer</u>
<u>AMCO wire shelving</u>	<u>McCann's carbonator</u>	<u>Globe 5qt. mixer</u>	
Retail Sales			
<u>Amana microwave</u>	<u>Bunn coffee equipment</u>	<u>Curtis Cappuccino machine</u>	<u>Creamiser cream dispenser</u>
<u>Enduro soft drink dispenser</u>	<u>Cornelius ice coffee disp.</u>	<u>Taylor FCB dispenser</u>	<u>Bunn tea brewer</u>
<u>Bunn tea dispenser</u>	<u>Taylor soft serve machine</u>	<u>Horizon chewblet icemaker</u>	<u>Lozier bakery case</u>
<u>Counter hw sink w/s.spls.</u>	<u>Snowman WI cooler/freezer</u>	<u>Federal display coolers</u>	

Water Heater:

- 1) Rheem RTGH-C95DVL commercial tankless water heater

Cabinets and Countertops:

- 1) Food and beverage cabinets: solid surface countertops, plastic laminate inside and out, concrete base.

Other Considerations:

- 1) 12' CaptiveAire Type I hood system with a fire suppression system and tempered make-up air assembly will be installed over the Star-Max tenderloin fryer, Nu-Vu oven/proofer and Lincoln pizza conveyor ovens.
- 2) 4' CaptiveAire Type I hood system with fire suppression installed over the Belshaw Adamatic donut fryer.
- 3) All open sides of a canopy hood must overhang equipment by at least six (6) inches.
- 4) APW Wyott W43V countertop warmer is approved as a food warmer only and not as a cooker.
- 5) The Delfield sub sandwich prep tables have front and side sneeze guards.
- 6) A customer walk-in sales/storage cooler will be accessible in the retail sales area. This walk-in cooler will have a customer entrance and be stocked with cases of beverages such as soft drinks and water.
- 7) Mustee floor mounted mop basin will be installed in the Ice Room.
- 8) Applicant indicates municipal sewer and water services.

The following items remain the responsibility of the establishment and are required as part of the retail food establishment licensing process. The approval of the submitted food plans does not constitute an approval for any of these items:

- Ensure that all necessary permits are obtained from the local authorities;
- Submit plumbing plans to the Minnesota Department of Labor and Industry/local agency for review and approval prior to beginning any plumbing work;
- Coordinate final construction inspections with the **City of Kasson**.
 - Building inspections: **Jay Kruger, 507-282-8206**
 - Plumbing inspections: **Jay Kruger, 507-282-8206**
 - Electrical inspections: **Steven Roberts, 507-254-4272**

Be advised that the commissioner may withdraw the approval of a facility or equipment if hazards to human life exist or there is satisfactory evidence that the person to whom the approval was issued has used fraudulent or deceptive practices to evade or attempt to evade provisions of Chapter 34A.

Thank you for your cooperation throughout the plan review process. Please contact me at **651-201-6214** or Richard.Bruecker@state.mn.us if you have any questions.

Sincerely,

Richard Bruecker

Rick Bruecker
Food Standards Compliance Officer
Minnesota Department of Agriculture
Food & Feed Safety Division
625 North Robert Street
St. Paul, MN 55155

Initials: RB

Enclosures: General Plan Review Guidance

eC: Dan Opsahl, Plan Review Supervisor
Jodie Burke, Area Inspector
Lorna Girard, Inspection Supervisor

May 10, 2018
Casey's General Store, Kasson
Page **4** of **4**

Jay Kruger, Building Official
File



TREE
CITY
USA

CITY OF KASSON

401 FIFTH STREET SE
KASSON, MINNESOTA 55944-2204
PHONE: (507) 634-7071
FAX: (507) 634-4737

Jason Wilker
Wilker Retaining Walls
1103 8th Ave NW
Kasson, MN 55944

July 12, 2018

Re: Conditional Use Permit Number 2010-2 issued March 24, 2010

Dear Mr. Wilker,

At the request of the Planning Commission and pursuant to City Ordinance 30.001 (E) (3), this letter serves as formal notice that you have failed to meet the conditions of the Conditional Use Permit to allow the operation of a nursery and landscaping business on the property described as 4.81 acres of the SE1/4 of Section 29 Township 107 Range 16 Dodge County.

- 1) *That no additional commercial structures will be allowed on the property.*
 - **Rough frame work in place for an addition.**
- 2) *That, at a minimum, 60% of the entire lot be planted and maintained in trees, shrubs, or other plants in a density certified as appropriate by the City Forester.*
 - **Less than 60% of the entire lot planted and maintained in trees, shrubs, plants.**
- 3) *That the applicant shall install and maintain a buffer along the south and west sides of the property prior to commencing operations.*
 - **Appropriate buffer yards have not been installed.**
- 4) *That the applicant acknowledges that any additional lighting installed on the property will require a separate conditional use permit.*
- 5) *That no overnight, outside storage of equipment will be permitted on the property.*
 - **Numerous trucks, water tanks, and equipment are stored on the property overnight.**
- 6) *That hours of operation shall be limited from 7:00 a.m. to 9:00 p.m.*
- 7) *That outside storage and/or display of landscaping materials shall be allowed only north of the existing structure.*
 - **Landscaping materials are being stored on the south side of the building.**
- 8) *That the operator must have a valid nursery license prior to beginning operation.*
 - **Nursery Stock Growers License is required; consistent with condition 2 above.**

City Ordinance 154.999 Penalty, has been attached for your reference. You have 30 days from the date of this letter to bring the property into compliance with the Conditional Use Permit.

Respectfully,

Theresa Coleman
City Administrator
Interim Zoning Administrator



KASSON - A MINNESOTA STAR CITY



AN EQUAL OPPORTUNITY EMPLOYER

Kasson, MN Code of Ordinances

§ 154.999 PENALTY.

(A) Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or sign hereafter erected or maintained, or land use made or permitted in violation of this chapter, is declared unlawful. In the event of a violation, or threatened violation of this chapter, the City Council or the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct or abate the violation or threatened violation.

(Prior Code, § 24-12)

(B) (1) Any person, firm, corporation or entity who violates any of the provisions of this chapter shall be guilty of a misdemeanor and be punishable as defined by law.

(2) Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this chapter, and the city may pursue, by appropriate actions or proceedings, any or all additional remedies.

(3) The City Council may, at its discretion, impose a civil penalty of \$500 upon any person or business entity which violates any provision of this chapter in lieu of criminally prosecuting the violation.

(Prior Code, § 24-13)

(Ord. 728, passed - -; Ord. 820, passed - -)

Conditional Use Permit 2010-2

Issued March 24, 2010

Conditions on Granting Conditional Use Permit

1. That no additional commercial structures will be allowed on the property.
 - On 3-7-18, a building permit application was denied consistent with this condition.
2. That, at a minimum, 60% of the entire lot be planted and maintained in trees, shrubs, or other plants in a density certified as appropriate by the City Forester.
 - On 1-8-2018. Attorney Nagorski, on behalf of Jason Wilker, provided an aerial photograph showing landscape materials and open space. Recent photos are included.
3. That the applicant shall install and maintain a buffer along the south and west sides of the property prior to commencing operations.
 - Recent photo included; also see SW Corner photo under #2.
4. That the applicant acknowledges that any additional lighting installed on the property will require a separate conditional use permit.
5. That no overnight, outside storage of equipment will be permitted on the property.
 - Recent photos included.
6. That hours of operation shall be limited to 7:00 am to 9:00 p.m.
7. That outside storage and/or display of landscaping material shall be allowed only north of the existing structure.
 - Imagery included; also see South Property Line #3.
8. That the operator must have a valid nursery license prior to beginning operation.
 - Nursery Stock Dealer Certificate obtained on 5-2-2018
 - Nursery Stock Grower defined as ... a person who raises, grows, or propagates nursery stock
 - Current on site signage reads "Retaining Walls and Pavers"



WEBER, LETH & WOESSNER, PLC
Attorneys

Melanie J. Leth
Timothy A. Woessner
Brian L. Weber, of Counsel
Attorneys

Lindsay C. Saxton
Nicole J. Frey
Paralegals

January 2, 2018

City of Kasson
Interim Zoning Administrator
401 5th Street SE
Kasson, MN 55944

RE: Wilker building permit for 62847 240th Avenue, Kasson
Part of the SE 1/4, Section 29, Township 107 North, Range 16 West
Dodge County, Minnesota

Ms. Coleman:

I have been asked to give a legal opinion with regards to Jason Wilker's request to expand a currently existing structure on the above-referenced property.

Background

Mr. Wilker owns property in the City of Kasson located at 62847 240th Avenue. He purchased the property via Warranty Deed from Bigelow-Voigt Development LLC, dated June 3, 2010. At some point prior to Wilker's purchase, two separate parcels of property were combined to create the property purchased by Wilker. The property was annexed into the City at the time of Wilker's purchase and is zoned R-1, Single Family Residential District.

A few months before Wilker's purchase, on January 11, 2010, Bigelow-Voigt Development, LLC, as the owner of the property, applied for a Conditional Use Permit on Wilker's behalf to allow him to operate a nursery and landscaping business on the property. It appears that the Conditional Use Permit was granted¹

¹ The Conditional Use Permit was never recorded. However, the failure to record a Conditional Use Permit has no effect upon its validity or enforceability pursuant to Minn. Stat. §462.36.

to allow the operation of the nursery and landscaping business on the property and in the existing structure, subject to a number of conditions including the following:

- 1) that no additional commercial structures be allowed on the property;
- 2) that 60% of the entire lot be planted and maintained in trees, shrubs, or other plants; and
- 3) that the operator have a valid nursery license prior to beginning operations.

Wilker now desires to expand the existing structure located on the property by constructing a 32 foot x 54 foot addition thereon. On December 13, 2017, Wilker requested the City Council approve a building permit to allow him to proceed with such expansion. The matter was referred to the Planning and Zoning Commission for recommendation.

Opinion

First, it is unclear whether Wilker has properly applied for a building permit. Pursuant to City Ordinance §150.05(B), application for a building permit shall be made to the City Administrator, accompanied by a plan, drawn to scale, showing the dimensions of the building to be erected. To my knowledge, no such application has been submitted. Furthermore, the City's Building Official, not the City Council, would be the appropriate entity to issue the building permit, if the application were approved.

Second, before granting such a building permit, the City should determine whether Wilker is complying with the conditions imposed upon him by his Conditional Use Permit. The first condition listed on the permit is "that no additional commercial structures will be allowed on the property." In my opinion, expanding the footprint of the existing building, especially by such a significant area (more than 1,700 square feet), constitutes allowing "an additional commercial structure" on the property, and would therefore directly conflict with this condition of his Conditional Use Permit.

It would also be important to determine whether Wilker is complying with the other conditions of his Conditional Use Permit. The next condition listed is "that 60% of the entire lot be planted and maintained in trees, shrubs, or other plants," and the last condition listed on the permit is "that the operator have a valid nursery license prior to beginning operations." The City had the authority to grant Wilker a Conditional Use Permit in 2010 because his non-conforming use of the residentially-zoned property as a nursery was an allowed conditional use of the property in the R-1 district pursuant to City Ordinance §154.147(H). However, if Wilker is not actually operating as a nursery, Wilker's use of the property may no

longer be an allowed conditional use of the property pursuant to the ordinance, and Wilker's conditional use permit could be revoked.

In conclusion, Wilker's request for the building permit directly conflicts with a condition set forth in his conditional use permit and therefore should be denied. To pursue the matter further, Wilker would need to request a new conditional use permit pursuant to City Ordinance §154.029 since the ordinances do not outline any procedure for amending a Conditional Use Permit.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

WEBER, LETH & WOESSNER, PLC

A handwritten signature in cursive script, appearing to read 'MLeth', is written in black ink.

Melanie J. Leth









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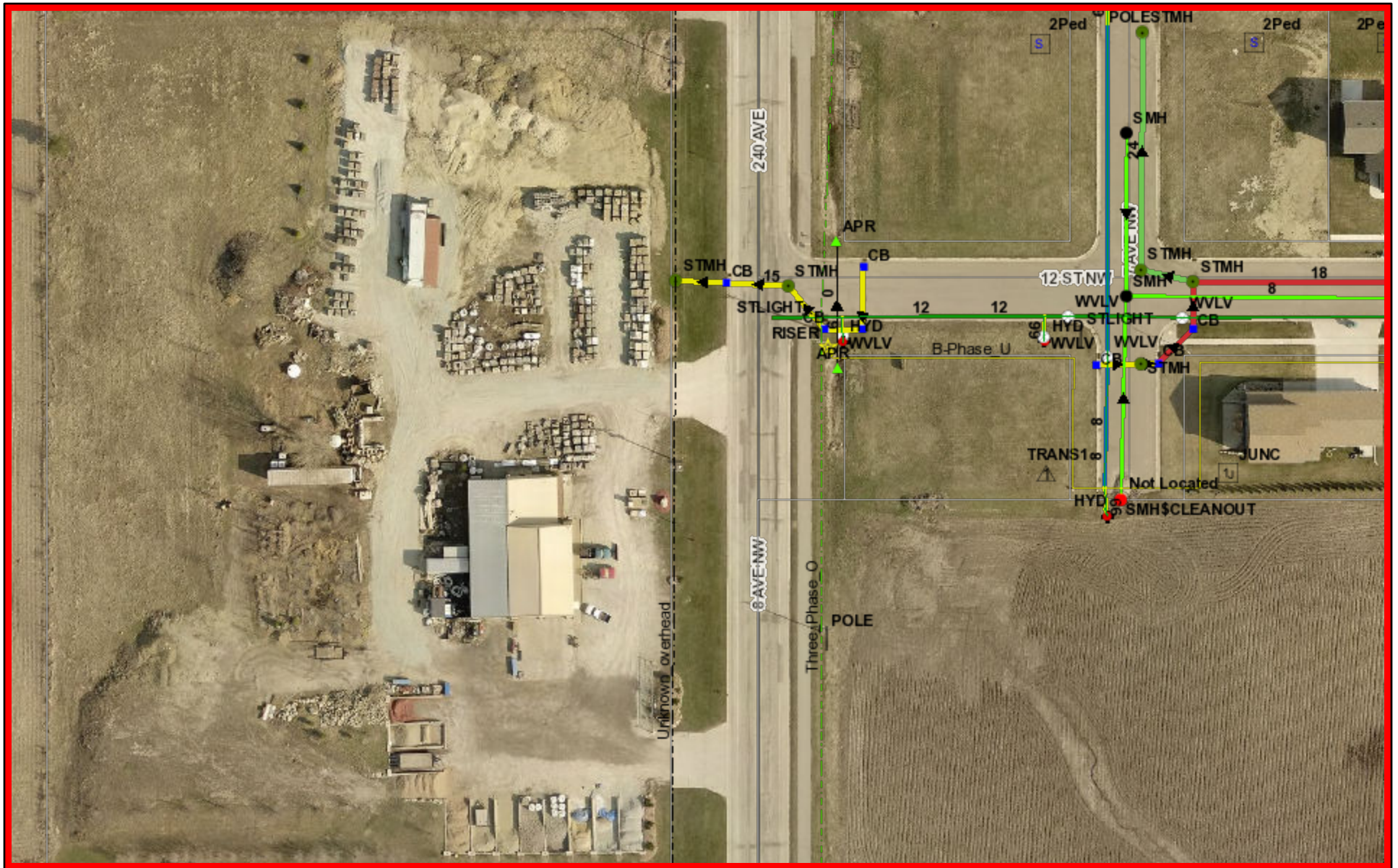
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21

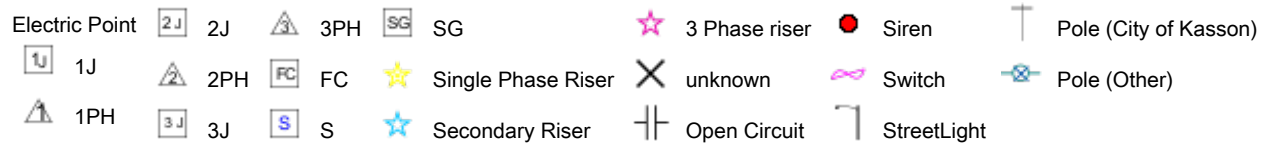
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ArcGIS WebMap



April 27, 2018



NPGS

[Print](#)

Kasson, MN Code of Ordinances

§ 154.060 BUFFERYARDS AND SCREENING.

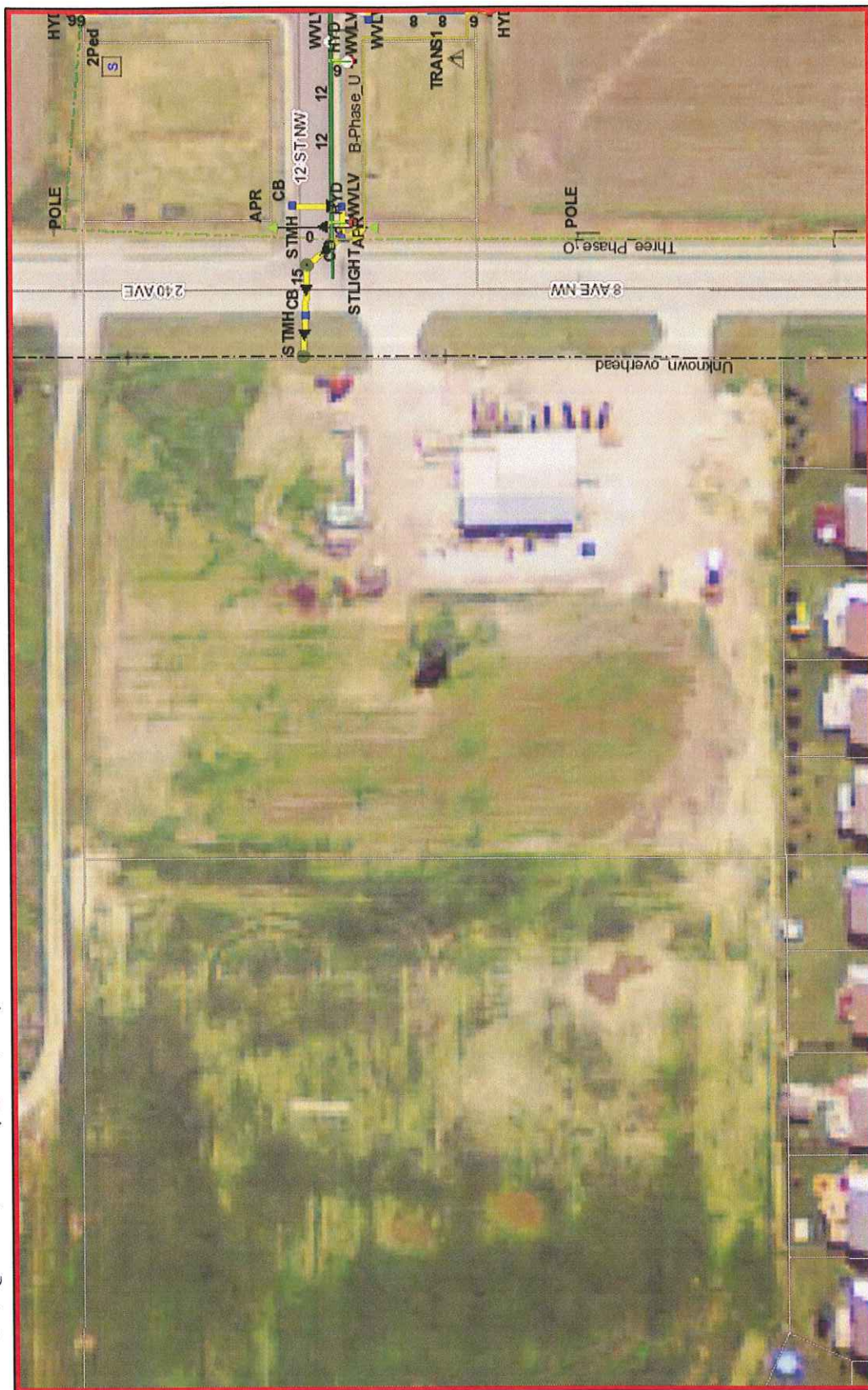
Bufferyards when required shall include plantings of coniferous trees and other evergreens not less than three feet in height and spaced not less than eight feet apart; the remaining shall be planted in grass and maintained and kept free of debris. Alternative bufferyard plantings may be submitted to the city for consideration, and upon approval shall be considered an acceptable alternative. Berming or additional plantings may be required in addition when deemed necessary by the city. Fencing may be required in addition to plantings, but shall not in any case be considered acceptable in place of plantings.

(Prior Code, § 24-39) (Ord. 728, passed - -)









May 9, 2018

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In order to see future content, please update your browser. [More information.](#)



Licensing Information Search Details



[New Search](#)

License Number: 20195897

License Type: [NURSERY STOCK DEALER CERTIFICATE](#)

NAME	ADDRESS1	ADDRESS2	CITY	STATE	ZIP	COUNTY	PHONE	RELATIONSHIP
WILKER JASON J DBA J WILKER RETAINING	1103 8TH AVE NW		KASSON	MN	55944	DODGE	(507) 208-1819	CERTIFICATE HOLDER

License Period

INITIAL DATE	STARTS	ENDS
05/02/2018	05/02/2018	12/31/2018

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Minnesota Department of Agriculture
625 Robert Street North, St. Paul, Minnesota 55155-2538

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Licensing Information Search Details



[New Search](#)

License Number: 20093292

License Type: [NURSERY STOCK DEALER CERTIFICATE](#)

NAME	ADDRESS1	ADDRESS2	CITY	STATE	ZIP	COUNTY	PHONE	RELATIONSHIP
JASON WILKER RETAINING WALLS & PAVERS	600 4TH ST NE		BYRON	MN	55920	OLMSTED	(507) 775-7800	CERTIFICATE HOLDER

License Period

INITIAL DATE	STARTS	ENDS
05/03/2006	01/17/2007	12/31/2007

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18H.02 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Agent.** "Agent" means a person who, on behalf of another person, receives on consignment, contracts for, or solicits for sale on commission, a plant product from a producer of the product or negotiates the consignment or purchase of a plant product on behalf of another person.

Subd. 3. **Annual.** "Annual" means a plant growing in Minnesota with a life cycle of less than one year.

Subd. 4. **Certificate.** "Certificate" means a document authorized or prepared by a federal or state regulatory official that affirms, declares, or verifies that a plant, product, shipment, or other officially regulated item meets phytosanitary, nursery inspection, pest freedom, plant registration or certification, or other legal requirements.

Subd. 5. **Certification.** "Certification" means a regulatory official's act of affirming, declaring, or verifying compliance with phytosanitary, nursery inspection, pest freedom, plant registration or certification, or other legal requirements.

Subd. 6. **Certified nursery stock.** "Certified nursery stock" means nursery stock which has been officially inspected by the commissioner and found apparently free of quarantine and regulated nonquarantine pests or significant dangerous or potentially damaging plant pests.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's designated employee, representative, or agent.

Subd. 8. **Consignee.** "Consignee" means a person to whom a plant, nursery stock, horticultural product, or plant product is shipped for handling, planting, sale, resale, or any other purpose.

Subd. 9. **Consignor.** "Consignor" means a person who ships or delivers to a consignee a plant, nursery stock, horticultural product, or plant product for handling, planting, sale, resale, or any other purpose.

Subd. 10. **Container-grown.** "Container-grown" means a plant that was produced from a liner or cutting in a container.

Subd. 11. **Department.** "Department" means the Minnesota Department of Agriculture.

Subd. 12. **Distribute.** "Distribute" means offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, offer to deliver, receive on consignment, contract for, solicit for sale on commission, or negotiate the consignment or purchase in this state.

Subd. 12a. **Dormant.** "Dormant" means nursery stock without etiolated growth.

Subd. 12b. **Etiolated growth.** "Etiolated growth" means bleached and unnatural growth resulting from the exclusion of sunlight.

Subd. 12c. **Individual.** "Individual" means a human being.

Subd. 13. **Infected.** "Infected" means a plant that is:

- (1) contaminated with pathogenic microorganisms;
- (2) being parasitized;
- (3) a host or carrier of an infectious, transmissible, or contagious pest; or

(4) so exposed to a plant listed in clause (1), (2), or (3) that one of those conditions can reasonably be expected to exist and the plant may also pose a risk of contamination to other plants or the environment.

Subd. 14. **Infested.** "Infested" means a plant has been overrun by plant pests, including weeds, or contains or harbors plant pests in a quantity that may threaten other plants.

Subd. 15. [Repealed, 1Sp2005 c 1 art 1 s 98]

Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for purposes of identification or separation to, on, around, or near plants or plant material known or suspected to be infected with a plant pest. This includes, but is not limited to, paint, markers, tags, seals, stickers, tape, ribbons, signs, or placards.

Subd. 16a. **Nonhardy.** "Nonhardy" means a plant that cannot be expected to survive or reliably produce flowers and fruit in average minimum winter temperatures at the growing site as determined by the commissioner based upon independent field trials and industry input represented by the United States Department of Agriculture Plant Hardiness Zone designations.

Subd. 17. **Nursery.** "Nursery" means a place where nursery stock is grown, propagated, collected, or distributed, including, but not limited to, private property or property owned, leased, or managed by any agency of the United States, Minnesota or its political subdivisions, or any other state or its political subdivisions where nursery stock is fumigated, treated, packed, or stored.

Subd. 18. **Nursery certificate.** "Nursery certificate" means a document issued by the commissioner recognizing that a person is eligible to sell, offer for sale, or distribute certified nursery stock at a particular location under a specified business name.

Subd. 19. [Repealed, 1Sp2005 c 1 art 1 s 98]

Subd. 20. **Nursery stock.** "Nursery stock" means a plant intended for planting or propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts, cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all viable parts of these plants. Nursery stock does not include:

- (1) field and forage crops or sod;
- (2) seeds;
- (3) vegetable plants, bulbs, or tubers;
- (4) cut flowers, unless stems or other portions are intended for propagation;
- (5) annuals; or
- (6) Christmas trees.

Subd. 21. **Nursery stock broker.** "Nursery stock broker" means a nursery stock dealer engaged in the business of selling or reselling certified nursery stock as a business transaction without taking ownership or handling the nursery stock.

Subd. 22. **Nursery stock dealer.** "Nursery stock dealer" means a person involved in the acquisition and further distribution of certified nursery stock; the utilization of certified nursery stock for landscaping or purchase of certified nursery stock for other persons; or the distribution of certified nursery stock with a mechanical digger, commonly known as a tree spade, or by any other means. A person who purchases more than half of the certified nursery stock offered for sale at a sales location during the current certificate year

is considered a nursery stock dealer rather than a nursery stock grower for the purposes of determining a proper fee schedule. Nursery stock brokers, landscapers, and tree spade operators are considered nursery stock dealers for purposes of determining proper certification.

Subd. 23. **Nursery stock grower.** "Nursery stock grower" includes, but is not limited to, a person who raises, grows, or propagates nursery stock, outdoors or indoors. A person who grows more than half of the certified nursery stock offered for sale at a sales location during the current certificate year is considered a nursery stock grower for the purpose of determining a proper fee schedule.

Subd. 24. **Owner.** "Owner" includes, but is not limited to, the person with the legal right of possession, proprietorship of, or responsibility for the property or place where any of the articles regulated in this chapter are found, or the person who is in possession of, proprietorship of, or has responsibility for the regulated articles.

Subd. 24a. **Packaged stock.** "Packaged stock" means bare root nursery stock packed with the roots in moisture-retaining material encased in plastic film or other material designed to hold the moisture-retaining material in place.

Subd. 25. **Person.** "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, unincorporated organization, the state, a state agency, or a political subdivision.

Subd. 26. **Place of origin.** "Place of origin" means the county and state where nursery stock was most recently certified or grown for at least one full growing season.

Subd. 27. **Plant.** "Plant" means a plant, plant product, plant part, or reproductive or propagative part of a plant, plant product, or plant part, including all growing media, packing material, or containers associated with the plants, plant parts, or plant products.

Subd. 28. **Plant pest.** "Plant pest" means a biotic agent that causes or may cause harm to plants.

Subd. 28a. **Pollinator lethal insecticide.** "Pollinator lethal insecticide" means an insecticide absorbed by a plant that makes the plant lethal to pollinators. Pollinator lethal insecticide includes, but is not limited to, the neonicotinoid class of insecticides that affect the central nervous system of pollinators and may cause pollinator paralysis or death.

Subd. 29. **Public nuisance.** "Public nuisance" means:

(1) a plant, appliance, conveyance, or article that is infested with plant pests that may cause significant damage or harm; or

(2) premises where a plant pest is found.

Subd. 30. **Quarantine.** "Quarantine" means an enforced isolation or restriction of free movement of plants, plant material, animals, animal products, or any article or material in order to treat, control, or eradicate a plant pest.

Subd. 31. **Regulated nonquarantine pest.** "Regulated nonquarantine pest" means a plant pest that has not been quarantined by state or federal agencies and whose presence in plants or articles may pose an unacceptable risk to nursery stock, other plants, the environment, or human activities.

Subd. 32. **Sales location.** "Sales location" means a fixed location from which certified nursery stock is displayed or distributed.

Subd. 32a. **Sod.** "Sod" means the upper portion of soil that contains the roots of grasses and the living grass plants.

Subd. 33. **Tree spade.** "Tree spade" means a mechanical device or machinery capable of removing nursery stock, root system, and soil from the planting in one operation.

Subd. 34. **Tree spade operator.** "Tree spade operator" means a person who uses a tree spade to dig, sell, offer for sale, distribute, or transport certified nursery stock.

Subd. 35. **Tropical plant.** "Tropical plant" means a plant that has a United States Department of Agriculture hardiness zone designation of zone 6 or greater, or an annual minimum hardiness temperature of -9 degrees Fahrenheit.

History: 2003 c 128 art 5 s 1; 1Sp2005 c 1 art 1 s 41-46; 2009 c 94 art 1 s 69-72; 2012 c 244 art 1 s 11,12; 2014 c 299 s 1; 1Sp2015 c 4 art 2 s 15-17

18H.05 NURSERY CERTIFICATE REQUIREMENTS.

(a) No person may offer for sale or distribute certified nursery stock as a nursery stock grower or dealer without first obtaining the appropriate nursery stock certificate from the commissioner. The commissioner may not issue a certificate to a person who does not sell certified nursery stock. Certificates are issued solely for these purposes and may not be used for other purposes.

(b) A certificate issued by the commissioner expires on December 31 of the year it is issued.

(c) A person required to be certified by this section must apply for a certificate or for renewal on a form furnished by the commissioner which must contain:

(1) the name and address of the applicant, the number of locations to be operated by the applicant and their addresses, and the assumed business name of the applicant;

(2) if other than an individual, a statement whether a person is a partnership, corporation, or other organization;

(3) the type of business to be operated and, if the applicant is an agent, the principals the applicant represents; and

(4) source or sources of purchased nursery stock.

(d) No person may:

(1) falsely claim to be a certified dealer, grower, broker, or agent;

(2) make willful false statements when applying for a certificate; or

(3) sell or distribute certified nursery stock to an uncertified nursery stock dealer who is required to be certified or nursery stock grower.

(e) Each application for a certificate must be accompanied by the appropriate certificate fee under section 18H.07.

(f) Certificates issued by the commissioner must be prominently displayed to the public in the place of business where certified nursery stock is sold or distributed.

(g) The commissioner may refuse to issue a certificate for cause.

(h) Each grower or dealer is entitled to one sales location under the certificate of the grower or dealer. Each additional sales location maintained by the person requires the payment of the full certificate fee for each additional sales outlet.

(i) A grower who is also a dealer is certified only as a grower for that specific site.

(j) A certificate is personal to the applicant and may not be transferred. A new certificate is necessary if the business entity is changed or if the membership of a partnership is changed, whether or not the business name is changed.

(k) The certificate issued to a dealer or grower applies to the particular premises named in the certificate. However, if prior approval is obtained from the commissioner, the place of business may be moved to the other premises or location without an additional certificate fee.

(l) A collector of nursery stock from the wild is required to obtain a dealer's certificate from the commissioner and is subject to all the requirements that apply to the inspection of nursery stock. All collected nursery stock must be labeled as "collected from the wild."

History: 2003 c 128 art 5 s 4; 1Sp2005 c 1 art 1 s 47

62847

207.775.7600
WILDER
RESTAURANT, BAKERY & PASTRY

CITY OF KASSON CONDITIONAL USE PERMIT

Conditional Use Permit Number: 2010-2

Date of Hearing: March 8, 2010

Date Approved: March 24, 2010

Owner: Bigelow-Voigt Land Development

Address: 62847 240th Ave NW
Kasson, MN 55944

Property Description: 4.81 acres of the SE ¼ of Section 29 Township 107 Range 16
Dodge County

After conducting a hearing in the matter of granting a Conditional Use Permit under the provisions of the Zoning Ordinance of the City of Kasson;

THE CITY COUNCIL HEREBY GRANTS said Conditional Use Permit to Bigelow-Voigt Land Development to allow the operation of a nursery and landscaping business on the property and in the existing structure:

- 3) That no additional commercial structures will be allowed on the property.
- 4) That, at a minimum, 60 % of the entire lot be planted and maintained in trees, shrubs, or other plants in a density certified as appropriate by the City Forester.
- 3) That the applicant shall install and maintain a buffer along the south and west sides of the property prior to commencing operations.
- 4) That the applicant acknowledges that any additional lighting installed on the property will require a separate conditional use permit.
- 5) That no overnight, outside storage of equipment will be permitted on the property.
- 6) That hours of operation shall be limited to 7:00 am to 9:00 pm.
- 7) That outside storage and/or display of landscaping materials shall be allowed only north of the existing structure.
- 8) That the operator must have a valid nursery license prior to beginning operations.

Special Conditions on Granting Conditional Use Permit

- 1) That no additional commercial structures will be allowed on the property.
- 2) That, at a minimum, 60 % of the entire lot be planted and maintained in trees, shrubs, or other plants in a density certified as appropriate by the City Forester.
- 3) That the applicant shall install and maintain a buffer along the south and west sides of the property prior to commencing operations.
- 4) That the applicant acknowledges that any additional lighting installed on the property will require a separate conditional use permit.
- 5) That no overnight, outside storage of equipment will be permitted on the property.
- 6) That hours of operation shall be limited to 7:00 am to 9:00 pm.
- 7) That outside storage and/or display of landscaping materials shall be allowed only north of the existing structure.
- 8) that the operator must have a valid nursery license prior to beginning operation.

Findings of Fact for Approval or Denial

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.

The use will not create demands on parks or schools as it is not a residential use. The use may add slightly to the traffic in the area, but, as the existing traffic on 8th Ave. NW is 1,110 ADT, it is unlikely that the increase will be significant or noticeable.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

As "Nurseries" are specifically included as a permitted Conditional Use in the R-1 District, it has been found that the use is sufficiently compatible as to be allowed adjacent to residential properties. The existing structure is at least 100 feet from any residential property and will be screened as a Condition of this permit. As the plantings are, by definition, removable, it is unlikely that development of vacant land will be deterred by this Permit.

3. The structure and site shall have an appearance that will not have an adverse affect upon adjacent residential properties.

As a commercial enterprise in the business of improving the appearance of property, it can be assumed that, if anything, the structure and site will have an improved appearance with the addition of trees and shrubs to the site.

4. The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use.

Compatible commercial development has been identified as an overall need of the City. And, as the operation of a Nursery is listed as a permitted Conditional Use on the District, it must be considered as being reasonably related to the existing land use.

5. The use is consistent with the purpose of this Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Since Nurseries are specifically listed as Conditional Uses in this Zoning District, it must be considered compatible with the Ordinance.

6. The use is not in conflict with the Comprehensive Plan of the City.

Additional commercial development is identified as a goal of the Comprehensive Plan, and, since no other use is proposed for this area, the use is in accordance with the Comprehensive Plan.

7. The use will not cause traffic hazards or congestion.

As with all uses, a certain amount of traffic increase can be expected. However, in this case, the increase will not be significant. In addition, the majority of the traffic past this site is already commercial in nature.

8. The traffic generated by the proposed use can be safely accommodated on the existing or planned street systems and the existing public roads providing access to the site will not need to be upgraded or improved by the City in order to handle the additional traffic generated by the use.

Since this is not a particularly traffic-intense use and 8th Street is an existing thoroughfare carrying commercial and other traffic, congestion is not anticipated.

9. 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 neighboring property.

Offensive odors, fumes, dust, noise, vibration or lighting should be confined to the site itself and all measures required by the Code will be in place. The impact of the odors, fumes, dust, noise, vibration or lighting is expected to be minimized by the Conditions placed on this Permit.

10. Adequate utilities, parking, drainage and other necessary facilities will be provided.

Adequate utilities to serve this site and use are already in place. The plans, as presented, provide adequate parking. Drainage control is likely to be enhanced by the additional plantings.

11. The proposed use will not impede the normal and orderly development or improvement of the surrounding property.

The proposed use will be contained entirely on land owned by the applicant and is expected to allow the orderly development of the surrounding property to proceed.

12. 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 such property.

The proposed use will be separated by space and screening from surrounding properties so that enjoyment of surrounding property is not expected nor is any diminishing of property values.

13. The use will not disrupt the character of the neighborhood.

The proposed use is of a nature that is expected to be an improvement over the present use of the property as a dump and storage facility that no disruption of the neighborhood is anticipated.

General Provisions

- A) This permit is not valid until it has been recorded at the Office of the County Recorder. A true and correct copy of the full legal description of the affected property must be attached to this document.
- B) This permit does not constitute a building permit, sewage system permit, grading permit, land alteration permit, well permit or the like. Separate permits may have to be applied for and obtained in order to accomplish all the goals of the project authorized herein.
- C) The issuance of this permit does not negate the need to secure other permits from other local units of government, state agencies or federal agencies who may also have jurisdiction over portions of your project.
- D) Unless otherwise specified by the City at the time it is authorized, a conditional use permit shall expire if the applicant fails to utilize such conditional use permit within one (1) year from the date of authorization.

Date of Recording Decision at County Recorder: _____

Signature of Zoning Administrator: Therese Coleman Date: 12-13-17

.....

ACCEPTANCE OF CONDITIONS OF CONDITIONAL USE

I understand and agree to abide by the conditions as set forth by the granting of this conditional use and also understand that failure to comply with the conditions of the conditional use constitutes failure to comply with the Zoning Ordinance which will result in the following: halting of construction, order to take corrective action, being charged with a misdemeanor offense, subject to fines and reimbursement of prosecution costs.

[Signature] Date 12-13-17
To be signed by the applicant after City Council Action

KASSON CITY COUNCIL REGULAR MEETING MINUTES
March 24, 2010

Pursuant to due call and notice thereof, a regular City Council meeting was held at City Hall on the 24th day of March, 2010 at 6:00 p.m.

THE FOLLOWING MEMBERS WERE PRESENT: Coleman, Marti, Nelson, Tjosaas, Torkelson.

THE FOLLOWING MEMBERS WERE ABSENT: None.

THE FOLLOWING WERE ALSO PRESENT: City Administrator Lenth, Admin Assist Benfield, Community Dev Director Martin, Neil Britton, Mike Bubany, Earl & Jean Johnson, Joshua Larsen, Jerry Berg, Coy Borgstrom, Lorraine Hopkins, Randy Carlsen.

Mayor Tjosaas presided over the meeting.

COUNCIL

Agenda: There were no changes to the March 24, 2010 agenda.

Consent Agenda: Motion by Marti and second by Coleman approving the March 24, 2010 consent items. Ayes: Coleman, Marti, Nelson, Tjosaas, Torkelson. Nays: None.

1. **Minutes:** Approved the March 10, 2010 regular meeting minutes as submitted.
2. **Claims:** Approved all claims paid after the March 10, 2010 regular meeting, as audited for payment in the amount of \$485,858.32.
3. **Acknowledgement of Committee and Meeting Minutes:** Acknowledged the following committee and meeting minutes for:
 - a. Planning Commission - 02/08/10
 - b. Library Board - 02/09/10
4. **Conferences/Training:** Acknowledged the following employee training/conference attendance for:
 - a. S. Howarth Ice Making & Painting Technology 4/19-22 Moorhead
 - b. B. Gazley BCA Criminal Justice Trng & Educ 5/18-19 St. Paul

PUBLIC HEARING

1. **Cooperative Property Tax Abatement – Kurt's Auto Body & Repair, Inc:** Mayor Tjosaas opened the public hearing on the cooperative property tax abatement for Kurt's Auto Body & Repair, Inc. at 6:03 p.m. Mike Bubany of David Drown Associates presented the tax abatement plan for Kurt's Auto Body & Repair, Inc. The proposal establishes a cooperative tax abatement between the City of Kasson, Dodge County and the Kasson-Mantorville School District. Both Dodge County and the School District have approved the tax abatement. The cooperative abatement shall be for at least five years beginning in 2012, and possibly up to seven years, contingent upon the company's revenues. The City will collect the monies from the County and the School annually and dispense the funds from the three parties to the business. The City's share of the tax abatement will be approximately \$3,000 per year. Jerry

Berg questioned what would happen if the company failed. A development agreement will be drawn up and the tax abatement will only be reimbursed when the taxes are up-to-date. It was also noted that the duration of the tax abatement is half the time and \$1,000 less a year than what the business owner had requested. No written comments were received. The hearing was closed at 6:13 p.m.

- a. **Resolution Approving Property Tax Abatement Related to Kurt's Auto Body & Repair, Inc. Project 2010:** Motion by Nelson and second by Coleman to adopt the resolution approving the property tax abatement related to Kurt's Auto Body & Repair, Inc. Project 2010. Ayes: Coleman, Marti, Nelson, Tjosaas, Torkelson. Nays: None.

Resolution #3.2-10
Resolution Approving Property Tax Abatement Related to Kurt's
Auto Body & Repair, Inc. Project 2010
(on file)

COMMITTEE REPORTS

1. Planning Commission

- a. **Scott Conditional Use Permit:** This Conditional Use Permit allows the Scotts to operate an antique refurbishing and sales facility at 301 5th Street SE (the former Hiawathaland Tool building). The Planning Commission conducted a public hearing on the CUP application and no comments were received. Motion by Torkelson and second by Marti, with all voting aye, to approve the Scott Conditional Use Permit, as recommended by the Planning Commission.
- b. **Bigelow-Voigt Land Development (on behalf of Jason Wilker) Conditional Use Permit:** This Conditional Use Permit allows Jason Wilker to operate a nursery and landscaping business on 8th Avenue NW (the former Bob More property). The Planning Commission conducted a public hearing on the CUP application. Positive and negative comments were received, but proposed conditions satisfied concerned neighbors. Motion by Coleman and second by Marti, with all voting aye, to approve the Bigelow-Voigt Land Development (on behalf of Jason Wilker) Conditional Use Permit, with conditions, as recommended by the Planning Commission.
- c. **Amendment to Comprehensive Plan:** This amendment to the Comprehensive Plan states that the City is encouraged to consider zoning that would allow commercial development in blocks or areas where there are traffic counts of more than 5,000 cars per day and contain larger lots. The Planning Commission held a public hearing on the amendment and voted 5-2 to recommend adoption of the amendment. Discussion by council members regarding the amendment included the hesitancy in adopting the amendment when the entire Comprehensive Plan will be updated this year. A super majority (two-thirds vote) by council members is required for the amendment to pass.
 1. **Resolution Adopting an Amendment to the Comprehensive Plan:** Motion by Nelson and second by Marti to approve the resolution adopting an amendment to the Comprehensive Plan. Ayes: Marti, Nelson, Torkelson. Nays: Coleman, Tjosaas. Action on the amendment failed due to lack of super majority.

Resolution #3.3-10
Resolution Adopting an Amendment to the Comprehensive Plan
(on file – Action failed due to lack of super majority)

OLD BUSINESS

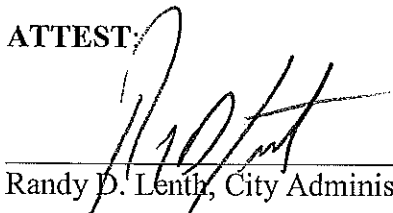
1. **SEMDC Contract for Comprehensive Plan**: The Southeastern Minnesota Development Corporation has been recommended by the Planning Commission as an outside consultant to prepare the Comprehensive Plan update. SEMDC has submitted a proposal with a fee not to exceed \$14,500. Motion by Torkelson and second by Coleman, with all voting aye, to approve the contract with SEMDC and authorize the Planning Commission to work with SEMDC to update the City's Comprehensive Plan.
2. **Approve Ice Arena Plans**: Plans for the Ice Arena are being reworked with more separation between the horse arena and the proposed driveway. The location of the ice rink/skate park will be moved to the west. The plans will be completed for the April 14th council meeting.

CLERK-ADMINISTRATOR'S REPORT

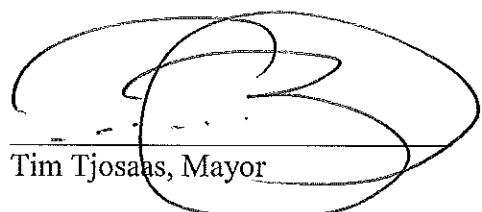
1. **Sanitary Sewer Break**: Administrator Lenth reported that a sanitary sewer break has been identified near 8th Avenue NW by the tree farm. It is estimated that 400,000 – 500,000 gallons of water per day has been leaking into the system. Staff is working on getting it repaired.

ADJOURN: The meeting was adjourned at 6:56 p.m.

ATTEST:



Randy D. Lenth, City Administrator



Tim Tjosaas, Mayor

WILKER CONDITIONAL USE PERMIT

Bigelow Homes, on behalf of Jason Wilker, has applied for a Conditional Use Permit to operate a nursery and landscaping business on the former Bob More property in 8th Ave. NW.

The Planning Commission has held a Public Hearing at which a number of comments were received, both positive and slightly negative. After review, the Commission decided that the proposed Conditions were sufficient to answer the concerns of the neighborhood.

The Commission also specifically determined that the operation of a landscaping business is an "incidental use" commonly associated with the operation of a nursery. Therefore, the landscaping business is permitted as a part of the nursery facility.

The Commission voted unanimously to recommend approval of the CUP. The Council is asked to concur with the Commission.

MINUTES OF PLANNING COMMISSION MEETING

March 8, 2010

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

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

THE FOLLOWING WERE ABSENT: None

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

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

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

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

PUBLIC HEARING CLOSED.

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

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

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

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

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

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

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

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

PUBLIC HEARING CLOSED.

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

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

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

Commissioner Coleman – Good use

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

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

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

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

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

DISCUSSION: Commissioner Coleman – This incorporates all of his suggested changes.

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

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

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

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

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

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

Commissioner Ferris – nothing more to add.

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

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

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

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

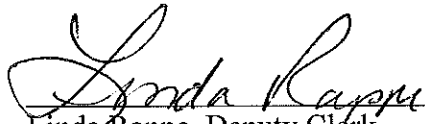
submitted a quote of \$75K and WSN submitted a quote of \$30, SEMDC submitted a quote not to exceed \$14,500. Borgstrom would like to keep the process in house. Chairman Nelson stated that Martin, Nelson the Mayor and the City Administrator have discussed this and they believe that having outside input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

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

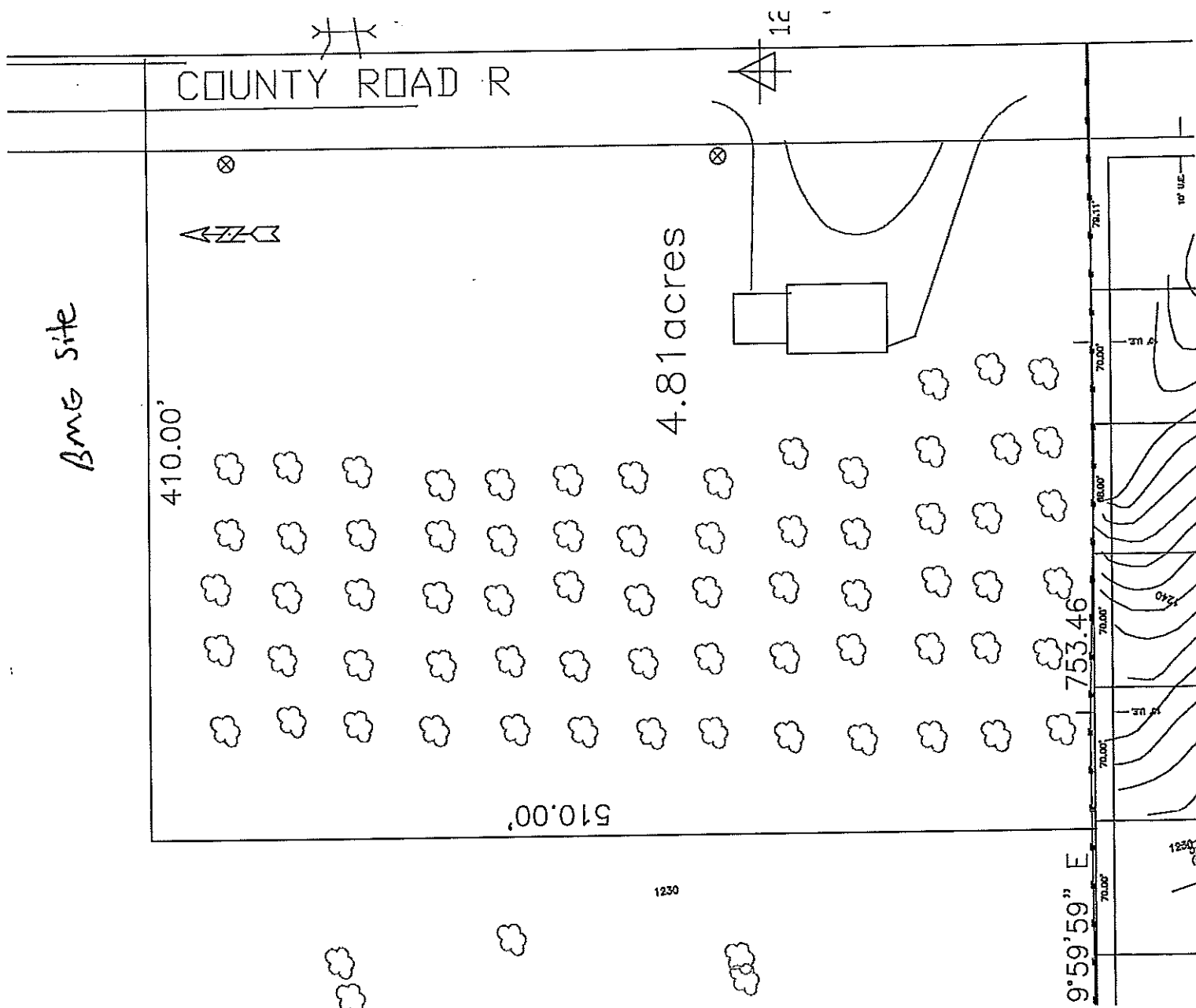
OTHER BUSINESS: Commissioner Borgstrom has been asked to find out about vendors setting up in Veterans Memorial Park. Staff stated that this person should talk to the Park Board.

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

Respectfully submitted,


Linda Rappe, Deputy Clerk

Public Hearing # 2



WILKER CONDITIONAL USE PERMIT

Bigelow Homes, on behalf of Jason Wilker, has applied for a Conditional Use Permit to operate a nursery and landscaping business on the former Bob More property in 8th Ave. NW.

The Planning Commission has held a Public Hearing at which a number of comments were received, both positive and slightly negative. After review, the Commission decided that the proposed Conditions were sufficient to answer the concerns of the neighborhood.

The Commission also specifically determined that the operation of a landscaping business is an "incidental use" commonly associated with the operation of a nursery. Therefore, the landscaping business is permitted as a part of the nursery facility.

The Commission voted unanimously to recommend approval of the CUP. The Council is asked to concur with the Commission.

CITY OF KASSON

Meeting: P2 Date: 3-8-10

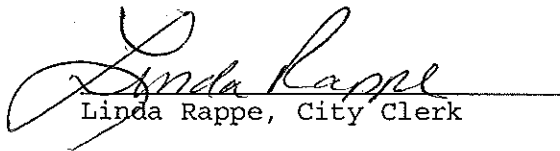
ALL ATTENDEES PLEASE SIGN IN

- | | |
|-------------------------|---------------------|
| 1. L & Hopkins | 20. Jason Markwardt |
| 2. John Bruch | 21. Dorothy lauer |
| 3. M & Hopkins | 22. Tim Larson |
| 4. Tony Bygones | 23. |
| 5. P & V | 24. |
| 6. [Signature] | 25. |
| 7. [Signature] | 26. |
| 8. Eric Ask | 27. |
| 9. Jessica Ask | 28. |
| 10. Bill & Sue Theobald | 29. |
| 11. Chad Boelter | 30. |
| 12. Ben Finkoff | 31. |
| 13. John Camp | 32. |
| 14. John T. [Signature] | 33. |
| 15. Carol Malcha | 34. |
| 16. Deanna Tompkins | 35. |
| 17. Vern Kerns | 36. |
| 18. Tracie Kerns | 37. |
| 19. Chuck Emannell | 38. |

STATE OF MINNESOTA
COUNTY OF DODGE
CITY OF KASSON

I, the undersigned, being the duly qualified and acting City Clerk of the City of Kasson, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council duly called and held on the date therein indicated, insofar as such minutes relate to a Conditional Use Permit in Bigelow-Voigt Subdivision.

WITNESS my hand on December 11, 2017.


Linda Rappe, City Clerk

Seal