

PLANNING COMMISSION

JUNE 10, 2019

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – May 13, 2019
3. Public Hearing Bigelow Voigt – Prairie Willow 4th Final Plat
4. Public Hearing for Sheldon Torkelson Request for a Rezone
5. Public Hearing for Sheldon Torkelson Request for a Conditional Use Permit
6. Other
7. Adjourn

MINUTES OF PLANNING COMMISSION MEETING

May 13, 2019

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 13th day of May, 2019 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commissioner Torkelson, Commissioner Tinsley, Commissioner Fitch, Commissioner Thompson, Commissioner Zelinske and Commissioner Burton.

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, Tim O'Morro, Ramona and Olivia Torkelson and Jace Johnson

CALL TO ORDER AT 6:40PM

MINUTES OF THE PREVIOUS MEETINGS – April 8, 2019 – Motion to Approve the Minutes made by Commissioner Burton, second by Commission Zelinske with All Voting Aye.

OLIVIA TORKELSON – DISCUSSION ON HORSES – Olivia Torkelson lives at 1200 W Main, she would like to house her horse on their property and add another horse. Their parcel is 8 acres on the edge of town. Sheldon Torkelson handed out an ordinance from Mantorville allowing this. Commissioner Thompson asked how much is proposed pasture and Mr. Torkelson stated there is over 4 acres in the back by the railroad tracks. Property is currently zoned R-C. Commissioner Burton stated that we may be able to rezone it to ag district per the new comprehensive plan, he does not think that a variance would work. Mr. Torkelson asked if they could only rezone the 4.25 acres in the back. Commissioner Thompson asked about regulation the numbers of horses. Commissioner Zelinske noted that the rule of thumb is one horse per acre. Commissioner Fitch asked if the entire 4.25 acres would be fenced, and if the railroad have setbacks for animals. Mr. Torkelson will check into that. The Commissioners requested a legal opinion.

BEN KALL – POSSIBLE PROJECT PRESENTATION AND DISCUSSION - Administrator Coleman stated that Mr. Kall has an option on the Hinderman Concrete property. It would have to be rezoned to R-C to allow for the multi-family; that is the closest to the description for downtown as defined in the Comprehensive Plan. There would possibly be two conditional use permits for this use; the second for a planned unit development. Discussion included vehicle traffic, foot traffic since there is no sidewalks in that area, and inclusion in the Safe Routes to School plan. This would be on a county road and right of way. The Commission thought a rezone would appropriate. Commissioner Fitch brought up the flood zone. Coleman stated that Mr. Kall is working with SHE engineering on the flood zone. The challenge may be the city floodplain ordinance.

OTHER – Administrator Coleman received a conditional use permit application from Mr. Wilker but he did not turn in the fee and he is asking for a conditional use that is not listed in our ordinance.

ADJOURN 7:15PM

Respectfully Submitted,

Linda Rappe, City Clerk

**CITY OF KASSON
RESOLUTION # 6.x-19**

**RESOLUTION APPROVING THE FINAL PLAT OF THE
PRAIRIE WILLOW ESTATES FOURTH**

WHEREAS, Bigelow Homes, the owners of the property in question have submitted a request for a Final Plat, and;

WHEREAS, at a public hearing duly held on the 13th day of March 2017, the Planning Commission heard testimony of all persons wishing to comment on the proposed Final Plat; and

WHEREAS, the appropriate City Staff and consultants have performed a technical review of the proposed Final Plat; and

WHEREAS, following the public testimony and report of the technical review, the Planning Commission reviewed all relevant information regarding the proposed Final Plat; and

WHEREAS, it is the finding of the Planning Commission that conditions established for the approval of the Final Plat have been addressed; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KASSON, MINNESOTA:

That the said Final Plat of Prairie Willow Estates Fourth is hereby approved by the City Council of the City of Kasson with the following conditions:

City Engineer Review of Construction Plans, Drainage Study and Final Plat
(see conditions listed in March 13, 2017 letter from City Engineer; attached)

City Engineer Approval of Final Construction Plans

Executed Development Agreement

Payment of Parkland Fees

Association Documents Prior to Building Permit Application

 Include (Outlot B) Wetlands

 Include Private Roads

 Include Private Sanitary Sewer Main

 Dedicate Storm Pond (Outlot C) to City

Adopted this 12th day of June 2019.

ATTEST:

Linda Rappe, City Clerk

Chris McKern, Mayor

The motion for the adoption of the foregoing resolution was made by Council Member --- and duly seconded by Council Member --. Upon a vote being taken, the following members voted in favor thereof: --. Those against same: --.

May 13th, 2019.

Hello,

My name is Olivia Torkelson and I met some of you at the City Council meeting Wednesday, May 8th, 2019. I understand and appreciate the importance placed on the Planning and Zoning meetings, so thank you for taking the time to review my request.

We reside on the outskirts of town, close to being outside city limits. I'm 16 years old, an avid horsewoman, responsible and concerned with proper care and horsemanship as this relates to my hobby. I own an 11 year old Registered Quarter Horse whose name is Billy. I use Billy for barrel racing and pole bending. I currently keep him seven miles from my home.

Billy is domesticated and has had human interaction his entire life. We have a large portion of property covering several acres to the south of our home. I currently own one domesticated equine and I'm looking into purchasing another equine, as my mom rides as well.

My request is for you to consider allowing the housing of my equine on our 8-acre parcel. In the past this property had been used to house equine in the back pasture south of our home. I will practice conscious ownership and with the assistance of my parents we can assure the construction of a tasteful building to house Billy in. This area will be clean, clutter free and well kept.

We presently have existing fence on the east, west, and south of our property. This fence would be repaired or replaced so it is an aesthetically pleasing, secure and a safe enclosure for both equine and humans. Making the land south of our home a pasture will help control the invasive Buckthorn that dominates the wetland presently. My dad owns a concrete business and we have the equipment that can help to dispose of any waste and have the consent from Marti Farms to dispose of the waste on their land. ←

The building we plan to build to keep Billy in to protect him from the elements will be designed to complement our home and present Morton building.

I feel our property is unique because of the size of our 8-acre parcel; we have the largest lot in Kasson city limits to accommodate this request.

I welcome any questions regarding my request and sincerely appreciate your time.

Thank you and best regards,

Olivia Torkelson

Legal opinion
□ require AG per future land use map showing green way in that area.
□ conditional use permit or is this "general farming"



LAND USE APPLICATION

Rezone \$400

Fee Paid \$ 400 rezone
300 cup

Date Filed 5-30-19

Legal Description of Property _____

Owner's Name Sheldon + Ramona Torkelson Phone _____

Address 1200 W Main St

Description of Request Rezone + cup

Rezone 4.25 acres to Ag + cup to house up to 4 horses

Reason(s) for Request _____

Present Zoning Classification R-C

Existing Use of Property Residential + commercial

Signature of Applicant Sheldon Torkelson Date 5/30/19

FOR OFFICE USE ONLY

Date accepted _____

Recommended _____ Denied _____ by the Planning Commission on _____.

Approved _____ Denied _____ by the City Council on _____.

If approved, the following conditions were prescribed:

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

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

Dodge County

Property Information, Owner, Legal Description, and Assessed Values displayed below are taken from the Tax Statements (good as of the date the tax statements were printed).

The Taxes, Special Assessments, Penalty, Interest, Paid To Date, Balance Due, Installment, Receipt information, and History is live information (accessed live from the County's Tax System dynamically).

Property Information

Parcel Number 24.032.2100

Payable Year: 2019

Property Address

1200 MAIN ST W KASSON

Tax Roll Type: Real Estate

Jurisdiction : KASSON CITY

School District: SCHOOL DISTRICT 204

Owner Information

Primary Taxpayer/Owner

SHELDON L TORKELESON

RAMONA D TORKELESON

1200 MAIN ST W

KASSON MN 55944

Escrow Information

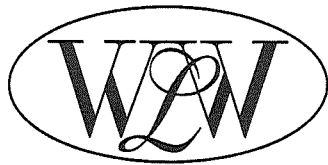
Escrow Agent: US BANCORP SERVICE PROVIDERS

Legal Description

Sect-32 Twp-107 Range-016 7.55 AC
THAT PART OF THE N1/2 SE1/4
DESCRIBED AS FOLLOWS: COMM AT
THE NECOR SE1/4, TH
N89°40'25" W1657.68FT,
S00°04'49" E76.39FT TO THE
SOUTHERLY RIGHT OF WAY

Plat:

Real Estate and Personal Property Taxes are determined using the previous year assessment value. Mobile Home Taxes are determined using the current year assessment value.



WEBER, LETH & WOESSNER, PLC

Attorneys

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

Lindsay C. Saxton
Nicole J. Frey
Paralegals

June 4, 2019

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

RE: Sheldon & Ramona Torkelson
1200 Main Street West
Kasson, Minnesota
Application to re-zone
the southerly most 4.25 +/- acres of tax parcel 24.032.2100 (7.5 acres)

Ms. Coleman:

I have been asked to give a legal opinion with regards to the above-referenced application to re-zone the southerly most 4.25 +/- acres of a 7.5 acre parcel from R-C, Residential - Commercial Mixed Use District to AG, Agricultural District, and for a conditional use permit to allow up to four horses on the property.

An application for a re-zoning is a request for an amendment to the zoning ordinance. The existing zoning ordinance is presumed to be constitutional, and an applicant is only entitled to a change if they can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare. Therefore, amendments should not be issued indiscriminately, but should only be used as a means to reflect changes in the goals and policies of the city as reflected in the comprehensive plan or changes in conditions in the city.

The changes in the conditions in the City of Kasson and in the City's goals and policies are reflected in its recently-adopted comprehensive plan. The comprehensive plan indicates that the future land use of the subject property is as Open Space. *See City of Kasson Comprehensive Plan, Figure 4.3 Future Land Use Map, p. 4-6.* It is my opinion that the future land use designation as Open Space is most compatible with the City's AG

zoning district. Since the request is for the AG zoning district, I would recommend approval of the rezone application.

Although "general farming" is a permitted use in the AG zoning district, the owners' requested use is more accurately described as the "keeping of horses and livestock," a conditional use in the AG zoning district. Therefore, it is my opinion that the owners will also need to obtain a conditional use permit to use the southerly portion of the property as requested. The application includes such a request for a conditional use permit; therefore, if the rezone application is granted, I would also recommend approval of the application for conditional use permit.

Finally, if the City grants the applications as discussed above, I would also strongly recommend that the property be surveyed and split to ensure that the City can easily determine the boundary line between the remaining parcels. This is absolutely necessary to ensure the City can properly enforce its zoning ordinance on the entirety of both parcels. Furthermore, splitting the parcel will protect future owners of the parcels against disputes over the newly created boundary line.

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

Sincerely,

WEBER, LETH & WOESSNER, PLC



Melanie J. Leth



4.25 Acres

342'

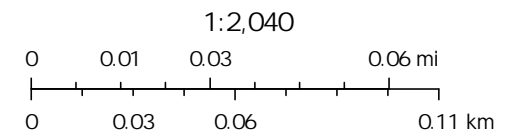
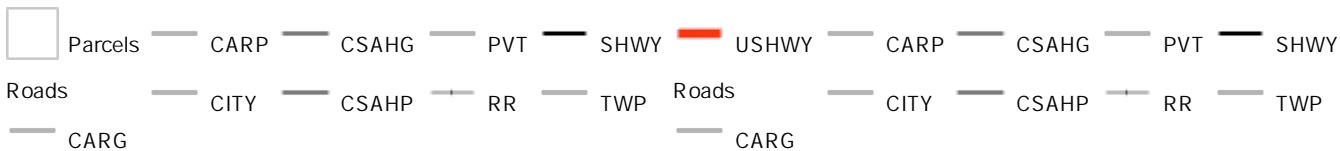
268'

246'

ArcGIS WebMap



June 3, 2019



NPGS, Goodhue County