

PLANNING COMMISSION

JULY 8, 2019

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – June 10, 2019
3. Public Hearing Wilker Landscaping Rezone Request
4. Parkway Discussion
5. Other
6. Adjourn

MINUTES OF PLANNING COMMISSION MEETING

June 10, 2019

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 10th day of June, 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, Olivia Torkelson and Jace Johnson, Matt Nelson, Jason Wilker, Marlo Bungum, Tony Bigelow, Rachel Linbo, Kevin Dohrmann, Deanna and Patrick Mulrooney, Jeremy Kramer and Jason Rathburn

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETINGS – May 13, 2019 – Commissioner Tinsley had a couple of spelling changes that will be corrected. **Motion to Approve the Minutes as corrected, made by Commissioner Thompson, second by Commissioner Torkelson with All Voting Aye.**

PUBLIC HEARING BIGELOW VOIGT – PRAIRIE WILLOW 4TH FINAL PLAT –Administrator Coleman stated that it has been more that a year since approval and the final plat was not recorded.

Public Hearing Opened -

Tony Bigelow – 1210 16th St NE, Kasson - it needed more soil correction, nothing has changed on the plat, it has the same number of lots with townhomes and patio homes.

Jason Rathburn – 1503 2nd Ave NW – asked about the soil borings and the results. Mr. Bigelow explained what the soil borings are and what they are doing to fix the problems.

Commissioner Fitch asked about the timing– Mr. Bigelow hopes to start in early August.

Jeremy Kramer - 1505 2nd St. NW – noted that the gravel road gets quite beat up. Commissioner Zelinske stated that it would be nice to pave it but it is not in the City's future at this time. Mr. Kramer also asked about the pond. Mr. Bigelow stated that once the development is finished, the pond will be turned over to the City.

Patrick Mulrooney – 1404 2nd St NW – asked for clarification on the number of patio homes. Mr. Bigelow stated there will be 9 patio homes.

Mr. Rathburn asked about vegetation. Mr. Bigelow stated some trees will stay and scrub will be cleared. Closed the public hearing

Motion to Approve the Final Plat made by Commissioner Burton, second by Commissioner Zelinske with All Voting Aye.

PUBLIC HEARING FOR SHELDON TORKELSON REQUEST FOR A REZONE -

Commissioner Torkelson recused himself. Administrator Coleman stated that the requested legal opinion from the City Attorney is in the packet.

Public Hearing Opened

Olivia Torkelson – 1200 W Main St. – She and her father are here to answer any questions.

Matt Nelson – 1004 1st Place NW – his fear is that the Torkelson's sell, someone else moves in and the rezone and CUP both go with the property.

Public Hearing Closed

Chairman Ferris does not interpret the AG rezone to allow horses and livestock. The livestock conditions would have to be added to the conditional use permit. Administrator Coleman, reading from the ordinance, stated that a rezone can be approved, approved with conditions or denied. The Commissioners are in agreement that they want to be able to control the use if the Torkelson's should sell the property. Administrator Coleman noted that the future land use map shows this as open space.

Motion to Approve the Rezone Request with the Conditions that the Property be Appropriately Surveyed and Boundaries Defined and Limited to the Housing of Equine, made by Commissioner Burton, second by Commissioner Zelisnke with All Voting Aye.

PUBLIC HEARING FOR SHELDON TORKELSON REQUEST FOR A CONDITIONAL USE PERMIT

Public Hearing Opened

Mr. Torkelson – 1200 W Main St – the dark spot on the map is not included. He will be putting fence in.

Public Hearing Closed

Mr. Torkelson is looking at a 6 foot fence along the back. It will be heavy duty, and aesthetically pleasing on the front. Commissioner Burton stated that the fence needed to be quality, have permanency and provide security, any building needs to be on the AG property, and limited to 1 horse per acre.

Mr. Torkelson stated that there are plans for manure removal and pest control.

The Commissioners are concerned there are no other single lots in town with split zoning.

Commissioner Burton stated that this is only a recommendation and we should get an opinion from the City Attorney. Administrator Coleman stated that she will get an opinion on all of the conditions that the Planning Commission is recommending before this goes to Council on the 26th of June.

Motion to Approve with the conditions of fence to be maintained, quality, permanency, security, building within the AG boundary, manure maintenance, one horse per acre made by Commissioner Thompson, second by Commissioner Burton with All Voting Aye.

OTHER - Marlo Bungum and Rachel Linbo from Creation Kids at St. Johns - their conditional use permit is for a child care facility serving 13 or more persons. The condition is, if they have more than 40 kids they revisit the planning commission. The City Attorney takes that to mean they need to inform the Commissioners as to what they are intending to do.

Marlo Bungum 22441 700th St, Kasson - and Rachel Linbo 25167 220th St Hayfield – They are hoping to expand to before and after school child care. Ms. Linbo stated that they have 43-44 children registered for preschool classes. The goal, closer to the school year, is 60. They are looking at up to 100 spots but current State licensing is for 80 children on site at one time. Commissioner Burton stated that, it is the State who is determining the number. He doesn't see a need for additional conditions at this time.

Administrator Coleman stated that if anything with their license were to change, they should come back and visit the Planning Commission again.

Planning Commission workshop on June 19 at 6 at Public Utilities Building.

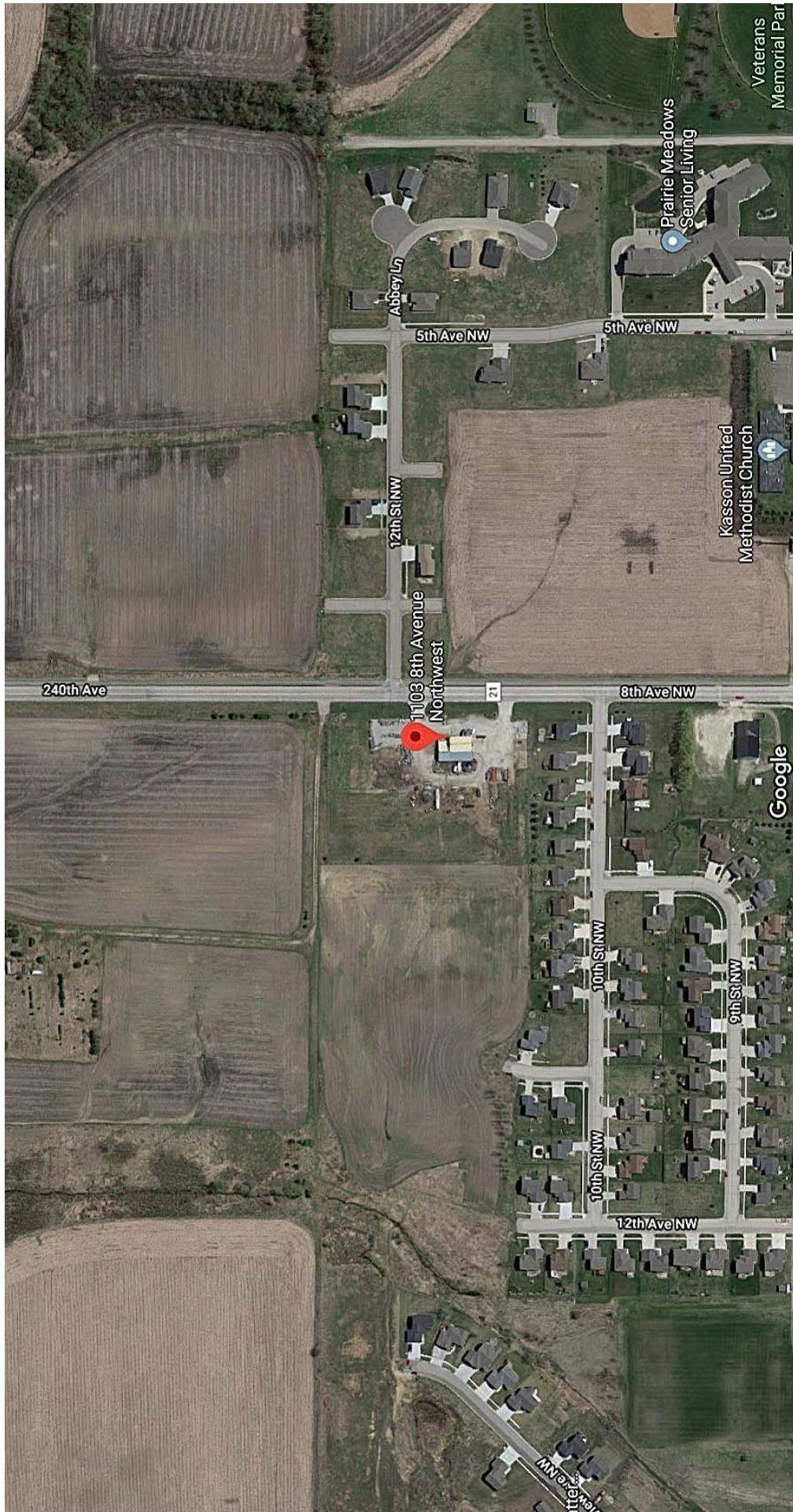
ADJOURN 7:15PM

Respectfully Submitted,

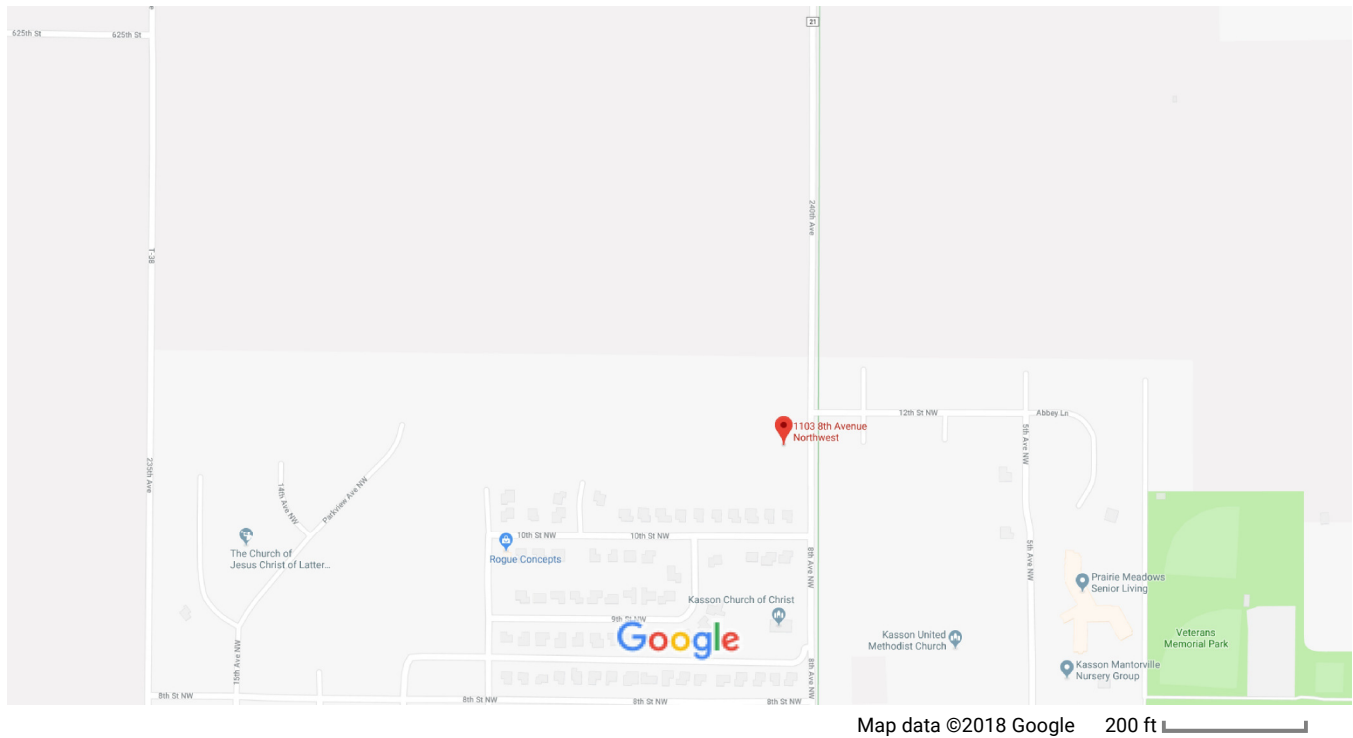
Linda Rappe, City Clerk

Exhibit 1
Legal Description Wilker Property

The SE 1/4 of Section 29, Township 107, Range 16, Dodge County, Minnesota described as follows: Commencing at the southeast corner of said SE 1/4, thence on an assumed bearing of North along the East line of said SE 1/4 a distance of 810.00 feet for a point of beginning of the tract to be described; thence West at right angles to said East line 410.00 feet; thence North parallel with said East line 510.00 feet, more or less, to the north line of the SE 1/4 SE 1/4; thence East along said North line 410.00 feet to the East line of said SE 1/4; thence South along said East line 510.00 feet to the point of beginning.



Google Maps 1103 8th Ave NW



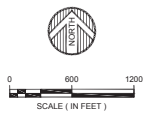
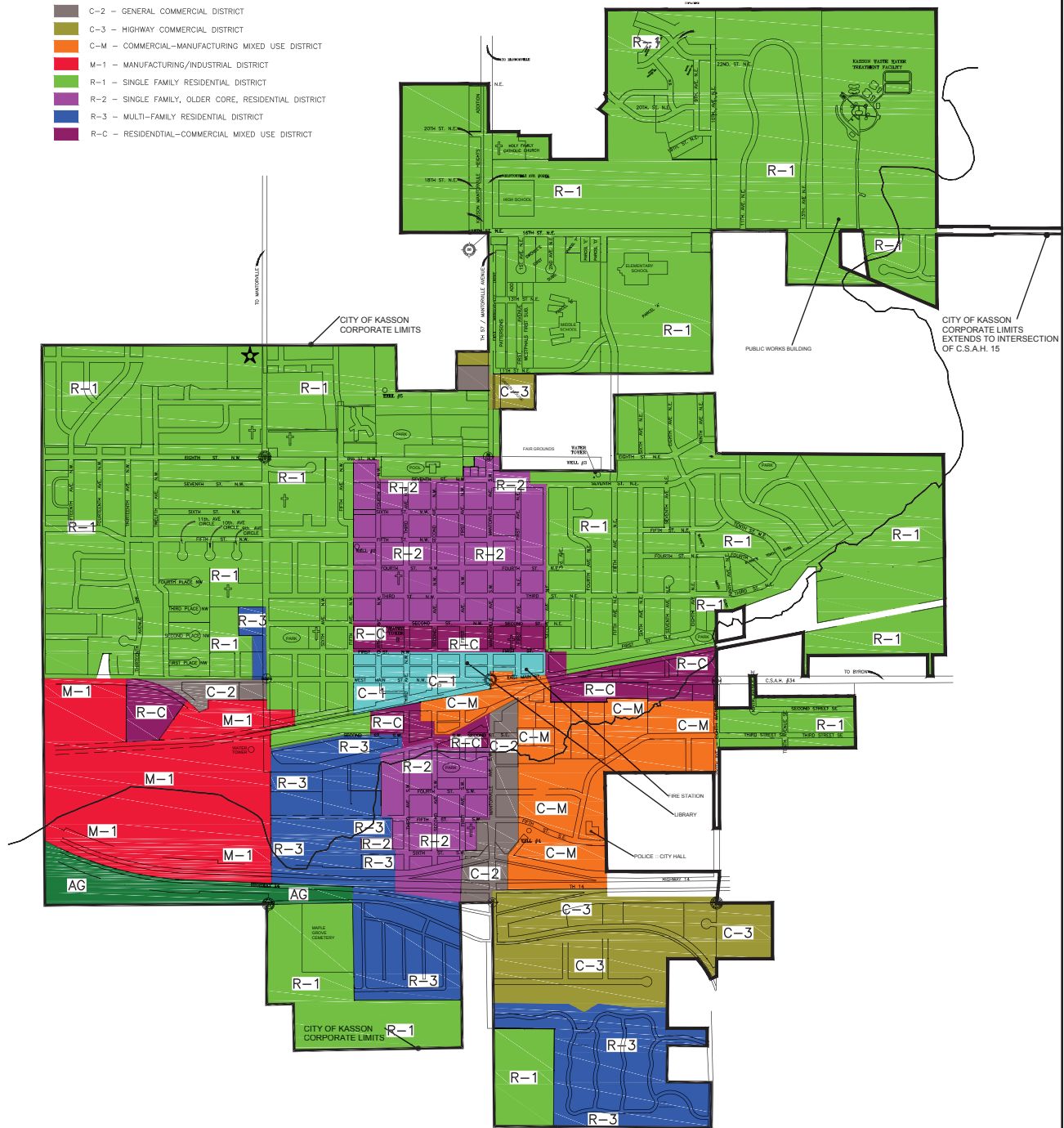
EXHIBIT

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CITY OF KASSON, MN - ZONING MAP

Legend

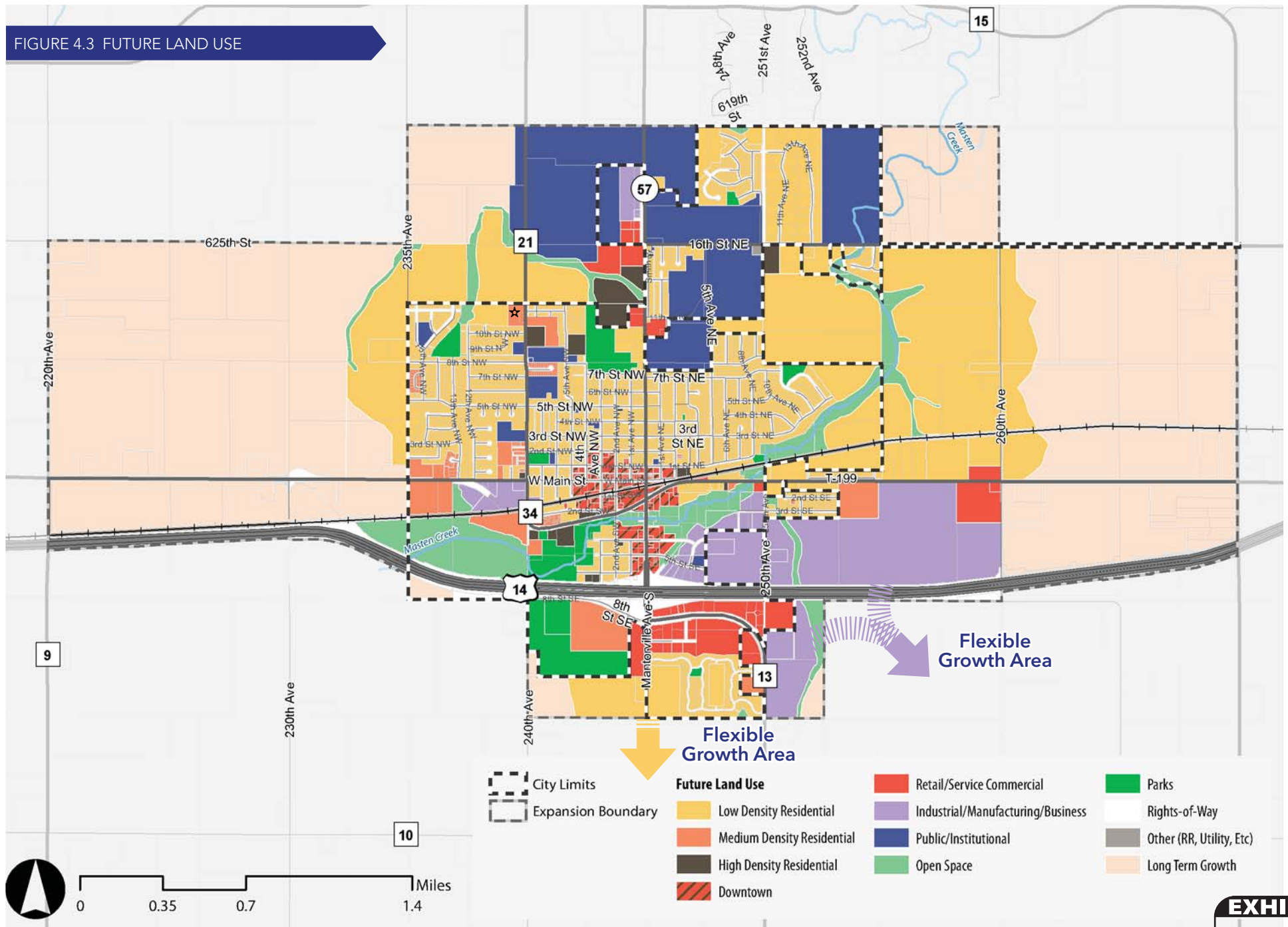
- AG - AGRICULTURAL DISTRICT
- C-1 - CENTRAL BUSINESS DISTRICT
- C-2 - GENERAL COMMERCIAL DISTRICT
- C-3 - HIGHWAY COMMERCIAL DISTRICT
- C-M - COMMERCIAL-MANUFACTURING MIXED USE DISTRICT
- M-1 - MANUFACTURING/INDUSTRIAL DISTRICT
- R-1 - SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 - SINGLE FAMILY, OLDER CORE, RESIDENTIAL DISTRICT
- R-3 - MULTI-FAMILY RESIDENTIAL DISTRICT
- R-C - RESIDENTIAL-COMMERCIAL MIXED USE DISTRICT



EXHIBIT

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FIGURE 4.3 FUTURE LAND USE



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

EXHIBIT

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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

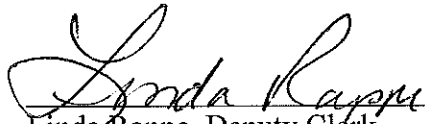
submitted a quote of \$75K and WSN submitted a quote of \$30, SEMDC submitted a quote not to exceed \$14,500. Borgstrom would like to keep the process in house. Chairman Nelson stated that Martin, Nelson the Mayor and the City Administrator have discussed this and they believe that having outside input 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

BME site

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. |

**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: _____ Date: _____

.....

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.

_____ Date _____
To be signed by the applicant after City Council Action

Warranty Deed

Limited Liability Company to Individual(s)

WARRANTY DEED

No delinquent taxes and transfer
entered; Certificate of Real Estate
Value () filed () not required

Certificate of Real Estate

Value No. 5111
June 15, 2010

by Wendy S. Peterson County Auditor
Deputy Auditor/Treasurer

DATE 6/16/2010
DEED TAX HEREON OF \$ 495.00 PAID
RECEIPT NO. 7243
Kimberly Hambach Dep.
County Auditor/Treasurer

STATE DEED TAX DUE
HEREON: \$495.00
Date: June 3, 2010

FOR VALUABLE CONSIDERATION, Bigelow-Voigt Development LLC, a Limited
Liability Company under the laws of Minnesota, Grantor(s), hereby convey(s) and
warrant(s) to Jason Wilker, Grantee(s), real property in Dodge County, Minnesota,
described as follows:

Lengthy - see attached

together with all hereditaments and appurtenances belonging thereto, subject to the
following exceptions:

Subject to covenants, easements and restrictions of record.

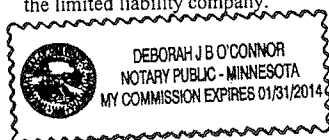
Sellers certify that they do not know of any wells on the subject property.

Bigelow-Voigt Development LLC

By: Joel Bigelow
Joel Bigelow, ~~Managing Governor~~ Chief Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF DODGE)

The foregoing instrument was acknowledged before me this 3rd day of June, 2010 by Joel Bigelow, ~~Managing Governor~~ Chief
Manager of Bigelow-Voigt Development LLC, a limited liability company under the laws of Minnesota, on behalf of
the limited liability company.



Deborah J. B. O'Connor
Notary Public

This instrument drafted by:
Atypical Title, Inc.
16 N. Mantorville Avenue
Kasson, MN 55944

Tax Statements for the real property
described herein shall be sent to:
Jason Wilker
308 10th Street NW
Byron MN 55920

240220701
240220800

EXHIBIT**8**

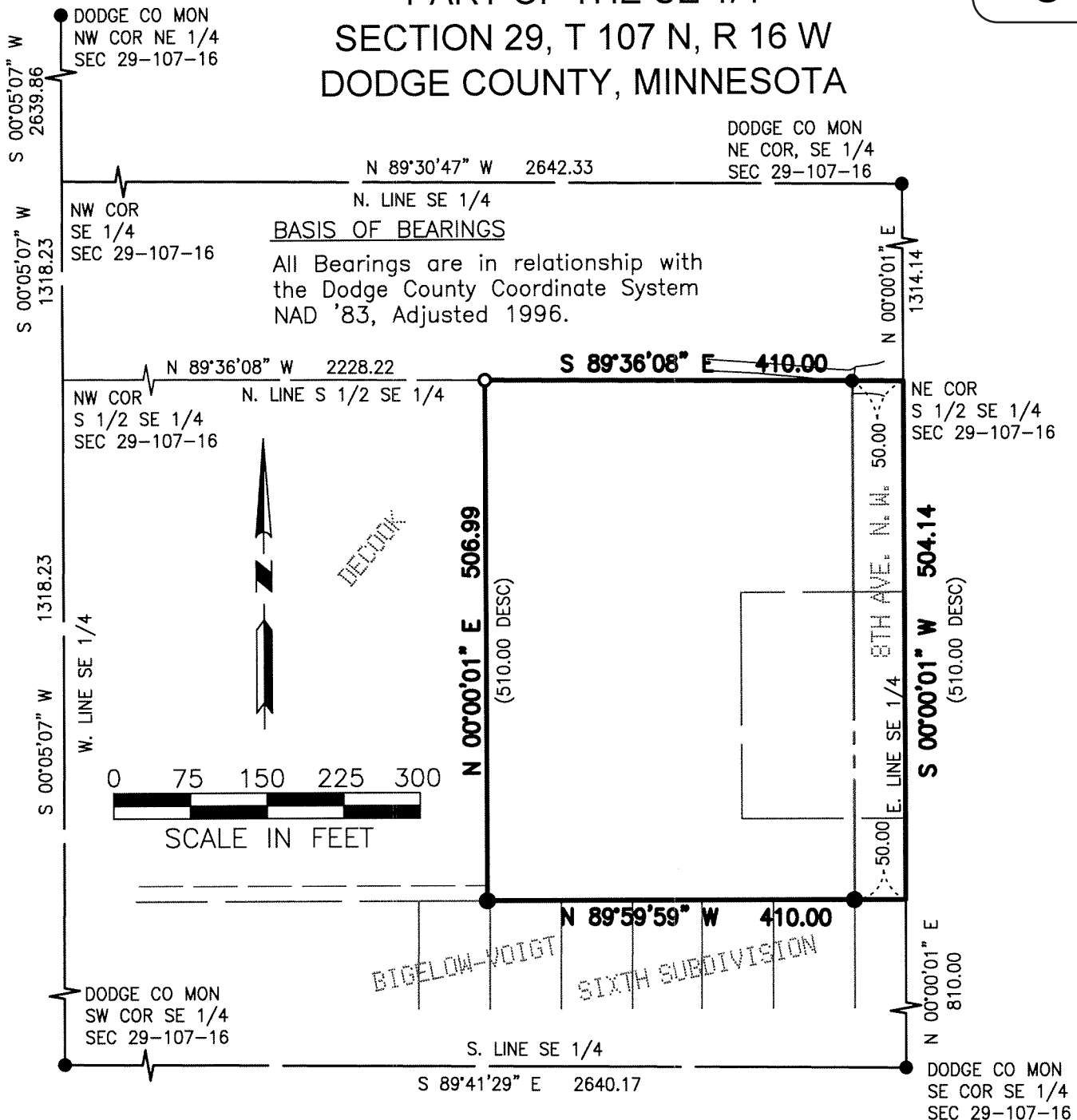
EXHIBIT A

The SE 1/4 of Section 29, Township 107, Range 16, Dodge County, Minnesota described as follows:
Commencing at the Southeast corner of said SE 1/4, thence on an assumed bearing of North along the East line of said SE 1/4 a distance of 810.00 feet for a point of beginning of the tract to be described; thence West at right angles to said East line 410.00 feet; thence North parallel with said East line 510.00 feet, more or less, to the north line of the SE 1/4 SE 1/4; thence East along said North line 410.00 feet to the East line of said SE 1/4; thence South along said East line 510.00 feet to the point of beginning.

CERTIFICATE OF SURVEY
PART OF THE SE 1/4
SECTION 29, T 107 N, R 16 W
DODGE COUNTY, MINNESOTA

EXHIBIT

9



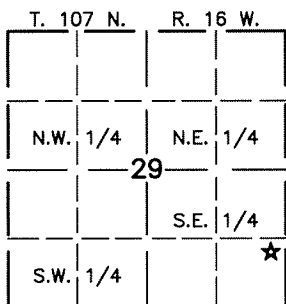
DESCRIPTION OF RECORD

That part of the Southeast Quarter of Section 29, Township 107 North, Range 16 West, Dodge County, Minnesota described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence on an assumed bearing of North along the East line of said Southeast Quarter a distance of 810.00 feet for a point of beginning of the tract to be described; thence West at right angles to said East line, 410.00 feet; thence North parallel with said East line, 510.00 feet more or less to the north line of the Southeast Quarter of the Southeast Quarter; thence East along said North line, 410.00 feet to the East line of said Southeast Quarter; thence South along said East line, 510.00 feet to the point of beginning.

Said parcel contains 4.76 acres, more or less including the 8th Avenue NW right-of-way. Said parcel is subject to the 8th Avenue NW right-of-way over the Easterly boundary thereof and is subject to any other easements or encumbrances of record.

PROPERTY LOCATION MAP



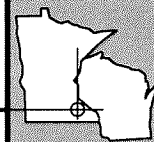
MASSEY
LAND SURVEYING & ENGINEERING
P.O. BOX 100, KASSON, MN 55944
PH. NO. 507-634-4505, FAX NO. 507-634-6560

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

Date 12-18-17

LIC. NO.: 41814

Richard J. Massey



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

JASON WILKER
KASSON, MN

MONUMENTS

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

DATE: 12/12/2017

DWG NO. 2802SC01 JOB NO. 2802

DRAWN BY: D.A.T. SHEET 1 OF 1



9363



DODGE COUNTY
JIM ELMQUIST
721 MAIN STREET NORTH
MANTORVILLE MN 55955

Taxpayer:

7426 1 AB 0.400

0022103
JASON WILKER
308 10TH ST NW
BYRON MN 55920-1388

C 11
S 7426



Property Information

Property ID:
R24.029.0701

Property Address:

Legal Description:

Sect-29 Twp-107 Range-016
4.00 AC 4.00 AC
4.00 ACRES - COMM SECOR SE1/4
N810FT TO BEG W410FT N510FT

PROPOSED TAXES 2018

THIS IS NOT A BILL. DO NOT PAY.

VALUES AND CLASSIFICATION			
Step	Taxes Payable Year	2017	2018
1	Estimated Market Value	\$ 11,600	\$ 11,600
	Homestead Exclusion	N/A	N/A
	Other Exclusions/Deferrals		
	Taxable Market Value	\$ 11,600	\$ 11,600
	Property Classification	COMM	COMM
PROPOSED TAX			
2	Property Taxes before credits	\$	326.00
	School building bond credit		
	Agricultural market value credit		
	Other credits		
	Property Taxes after credits	\$	326.00
PROPERTY TAX STATEMENT			
3	Coming in 2018		TBD
The time to provide feedback on PROPOSED LEVIES IS NOW It is too late to appeal your value without going to Tax Court.			

Proposed Property Taxes and Meetings by Jurisdiction for Your Property

Contact Information	Actual 2017	Proposed 2018	Meeting Information
DODGE COUNTY JIM ELMQUIST 721 MAIN STREET NORTH MANTORVILLE MN 55955	\$ 86.41	\$ 91.18	DODGE COUNTY TUESDAY, DECEMBER 26, 2017 6:00 P.M. GSB BOARD ROOM 507-635-6239
CITY OF KASSON NANCY ZAWORSKI 401 5TH ST SE KASSON, MN 55944	\$ 150.00	\$ 148.91	KASSON CITY HALL WEDNESDAY, DECEMBER 13, 2017 6:00 P.M. COUNCIL CHAMBERS 507-634-7071
STATE GENERAL TAX	\$ 79.70	\$.00	NO MEETING REQUIRED
SCHOOL DISTRICT 0204 K-M HIGH SCHOOL MARK MATUSKA 101 16TH STREET NE KASSON MN 55944			KASSON-MANTORVILLE ELEMENTARY MONDAY, DECEMBER 18, 2017 7:00 PM COMMUNITY FORUM ROOM KMHS 507-634-1100
	Voter Approved Levy	\$ 59.85	\$ 55.27
	Other Local Levies	\$ 30.04	\$ 30.64
Total excluding any special assessments			
	\$ 406.00	\$ 326.00	-19.7 %

IMPORTANT INFORMATION IS PRINTED ON THE BACK OF THIS FORM.

DODGE COUNTY ASSESSOR'S OFFICE

Ryan DeCook, SAMA
County Assessor
721 Main St N
Mantorville, MN 55955



Kim Mills
Matt Naatz, AMA
Mike Stupka, SAMA
Wendy Iverson, CMA

Phone: (507) 635-6245

Fax: (507) 635-6265

Toll-Free: (888) 600-5169

December 13, 2017

**JASON WILKER
308 10TH ST NW
BYRON MN 55920**

RECEIVED

DEC 13 2017

RE: Combining of Parcels: * 24.029.0800 & 24.029.0701

To Mr. Wilker:

You have the opportunity to combine the two parcels listed above. Combining these parcels will not change values or amount of tax, it will simply create one tax statement.

If you have any questions, please let me know. (507) 635-6245 or our toll free number, (888) 600-5169, ask for the Assessor's Office.

Sincerely,

Wendy S. Iverson

Wendy S. Iverson
Assessment Office Manager

Please combine Parcel *24.029.0800 & 24.029.0701

X *[Signature]*
JASON WILKER

12-13-17
DATE

X

DATE

By signing this form you have acknowledged that you are aware of the potential changes to your property rights. It is the responsibility of the property owner to understand the possible Zoning ordinance changes that could occur as a result of a combination. Before signing this form it is recommended that you talk to your local Environmental Service/Zoning department.

EXHIBIT

12







MINNESOTA DEPARTMENT OF AGRICULTURE

NURSERY STOCK DEALER CERTIFICATE

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944

20195897 05/02/2018

Certificate Number Effective date

12/31/2018

Expiration date

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944

20195897 \$225.00

12/31/2018

Certificate Number Certificate Fee Paid Expiration date

MINNESOTA DEPARTMENT OF AGRICULTURE

625 ROBERT STREET NORTH, ST. PAUL, MINNESOTA 55155-2538

NURSERY STOCK DEALER CERTIFICATE

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944

Certificate Categories

20195897

\$225.00

05/02/2018

12/31/2018

Certificate Number

Certificate Fee Paid

Effective date

Expiration date

This certificate must be posted in a conspicuous place and is not transferable.

AG-00853 In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request.

EXHIBIT

14

MINNESOTA DEPARTMENT OF AGRICULTURE

NURSERY STOCK DEALER CERTIFICATE

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944



20195897 01/01/2019 12/31/2019
Certificate Number Effective date Expiration date

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944

20195897 \$270.00 12/31/2019
Certificate Number Certificate Fee Paid Expiration date

MINNESOTA DEPARTMENT OF AGRICULTURE

625 ROBERT STREET NORTH, ST. PAUL, MINNESOTA 55155-2538

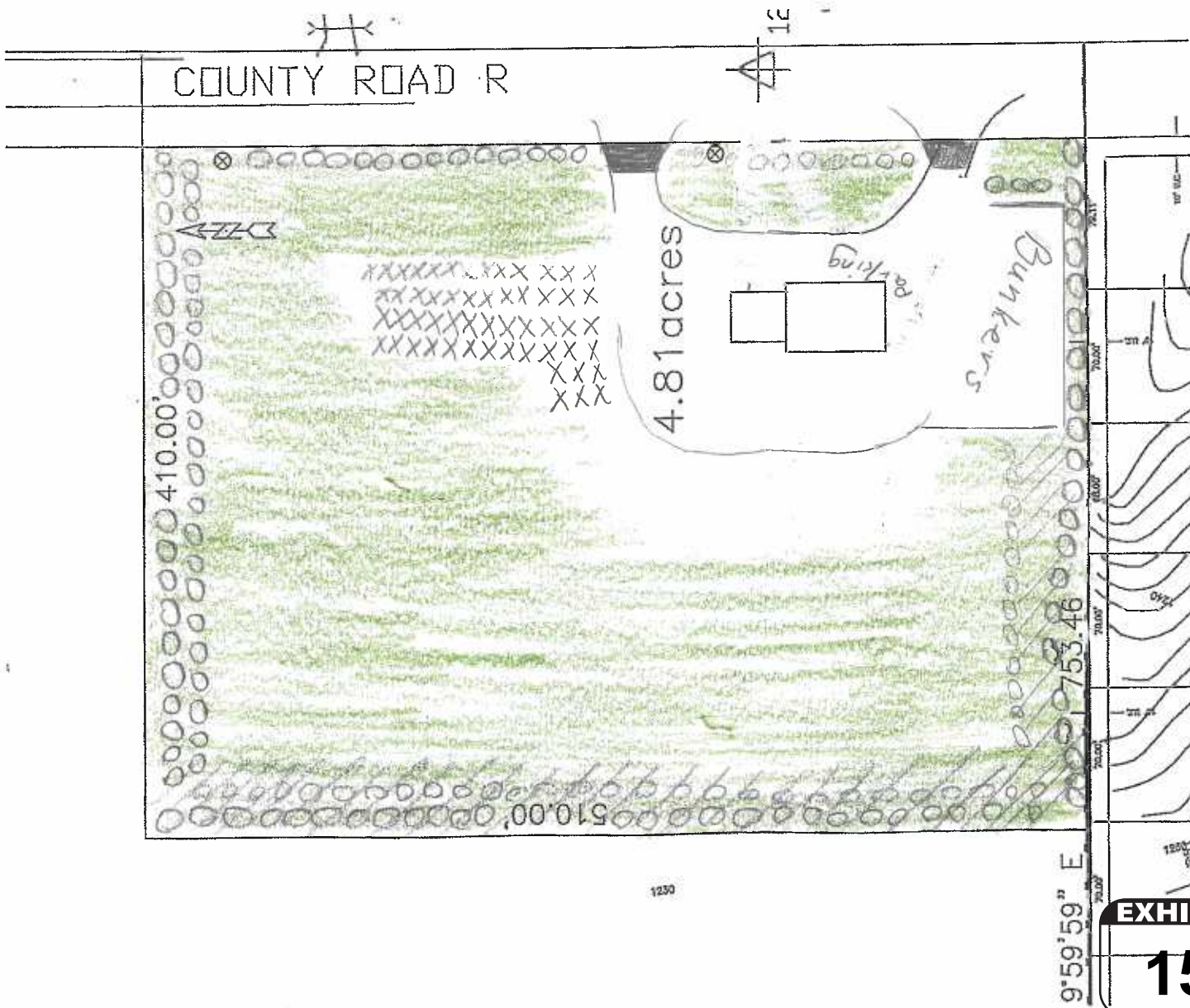
NURSERY STOCK DEALER CERTIFICATE

WILKER JASON J DBA
J WILKER RETAINING
1103 8TH AVE NW
KASSON MN 55944



20195897 \$270.00 01/01/2019 12/31/2019
Certificate Number Certificate Fee Paid Effective date Expiration date

This certificate must be posted in a conspicuous place and is not transferable.
AG-00853 In accordance with the Americans With Disabilities Act, an alternative form of communication is available upon request.



1230

WILKER RETAINING WALLS & PAVERS LLC

1103 8th Avenue Northwest
Kasson, MN 55944

June 5, 2019

City of Kasson Planning Commission and City Council
Attn: Theresa Coleman, City Administrator
City Hall
401 5th Street SE
Kasson, MN 55944

RE: Property Located at 1103 Eighth Avenue Northwest, Kasson, Minnesota

Dear Members of the City Council and Planning Commission:

I am supplying this information in connection with the zoning amendment application I am submitting today for my property located at 1103 Eighth Avenue Northwest, Kasson, Minnesota. Its legal description is set forth on the application form and on **Exhibit 1**.

FACTS

A. My Property

My property is located to the west of Eighth Avenue in the City of Kasson, with 10th Street Northwest to the south and 12th Street Northwest to the north on the east side of Eighth Avenue. See **Exhibit 2** (Google satellite aerial photograph); **Exhibit 3** (Google street map). My property is at the northern limit of the City. To its north is agricultural land outside of the City limits.¹ To its west is land that is zoned for single family residential development but that is and has always been used for agricultural production. To its immediate east is Eighth Street and to the east of Eighth Street is land that is zoned for single family residential but has been used for agricultural production and is only recently seeing some residential development. Only to its south does any development exist. There, five homes border the southern side of my property and my business exists and has operated for years in harmony with the owners of those homes.

Where my property is situated on Eighth Avenue, the speed limit is 50 miles per hour as the level of development north of my property is none to nominal. Eighth Avenue is also County Road 21. Dodge County employees have informed me that the County does not wish for additional residential development to occur north of my property along County Road 21. Located only 0.7 miles north of my property is the Dodge County Landfill (lending the road the name “dump road”) and only 1.1 miles north of my property is the Stussy Construction Quarry.

¹ That parcel to the north of my property has been listed for sale for quite some time, with no buyers, in part due to fear of annexation of the parcel into the City and the costs that would be imposed on that parcel as a result.

The road therefore experiences a certain volume of hauling traffic and heavy trucks and equipment due to these uses of the land north of my property.

My property zoned in the City's R-1 residential zoning district. See **Exhibit 4** (City's zoning map). The City's comprehensive guide plan adopted in June 2018 guides it for medium-density residential. See **Exhibit 5** (City's 2018 Comp Plan map). I have not yet ascertained when the property was first zoned for residential development. I know that its use as a commercial property preceded my rental of the property in 2009; the building was aged when I first rented the property then.

B. The 2010 CUP and My Business

Leading up to March 2010, what is now my property at 1103 Eighth Avenue Northwest had a large commercial structure located on it. It was owned by Bigelow-Voigt Land Development, a real estate development company that did not engage in landscaping and was in 2010 struggling. I had been operating a landscaping business out of Byron and then Rochester since 1999 and many of my customers were located in Kasson and throughout Dodge County.

To better serve my customers, I leased the property from Bigelow in 2009 and operated my landscaping business there as a tenant. I was interested in buying the property only if I could operate my landscaping business there. In 2009 and 2010, my business was primarily hardscapes (retaining walls and pavers), but I do grow, collect, and distribute some trees and shrubs there. The amount of trees and shrubs that I grow, collect, and distribute on and from the property varies from year to year, and it is now generally more than it had been in the 2009-2010 time frame.

To facilitate the sale of the property to me, Bigelow-Voigt Land Development submitted an application to the City in early 2010 for a CUP which would allow my landscaping business to operate on the property. When Bigelow-Voigt Land Development submitted that application, I had already been operating my landscaping business there for some time. The nature of my business as focusing in hardscapes was plainly visible.

On March 8, 2010, the City held a public hearing regarding the CUP application. During the public hearing, I disclosed that I planned to eventually enclose the lean-to on the west side of the building to keep the equipment associated with and necessary for my business stored indoors. See **Exhibit 6** (March 8, 2010 minutes of public hearing).

The Kasson City Council granted the CUP on March 24, 2010 to Bigelow-Voigt Land Development for property described generally as 4.81 acres within the southeast 1/4 of Section 29 Township 107 Range 16, Dodge County. A copy of the CUP is attached hereto as **Exhibit 7**. The City granted the CUP "to allow the operation of a nursery and landscaping business on the property and in the existing structure." *Id.* The property has long been improved with a commercial structure, as the CUP expressly acknowledges.

I purchased the property from Bigelow-Voigt Development LLC. I paid substantial valuable consideration and I am still paying on the purchase money mortgage. Bigelow-Voigt Development LLC provided me with a warranty deed executed on June 3, 2010 and recorded with the Dodge County Recorder on June 15, 2010. See **Exhibit 8** (deed).

As stated above, I have operated my business on the property since before I purchased the property.² My business – until recently – uses the existing structure, which is approximately 3,305.25 square feet (50.6 feet by 84 feet, plus an eight foot extension on 56.5 feet of its length), to store equipment associated with and necessary for my business.

Since I have owned the property, I have continuously improved it. See **Exhibit 13** (2018 drone photographs). I regularly plant trees, shrubs, and other plants. In 2010 and 2011, I planted trees along the southern border which are now over 20 feet tall. I also planted trees on the western side of the property, but a farmer mowed them over. Throughout the years, I have also planted trees on the property's frontage on Eighth Avenue and in other areas on the property. The trees I planted were not saplings; they were large when I planted them, and they are still growing. Further, in about 2011, I invested in building the bunkers on the south side of the property. They place the materials below the eye line of the neighbors to the south and therefore provide a buffer.

Throughout the time that I have operated my business at the property, the City Forester has never notified me of any certified density of vegetation on the property and has never notified me that the density of vegetation on the property is deficient in any manner.

Most recently, in 2018, after building a lengthy earthen berm along the western edge of the property to better buffer it as opposed to the fence that had been there in the 2009-2010 time period, I planted 320 trees on top of that berm and in various locations on the property.

I sell trees and shrubs off of the property. Because I use the property to grow and sell trees, I invested in installing irrigation in the growing area located to the west of the building.

The Minnesota Department of Agriculture issued me a nursery stock dealer certificate in both 2018 and 2019. See **Exhibit 14** (Nursery Stock Dealer Certificate). I also had a nursery stock dealer certificate in 2006, 2007, and 2008.

My business has been successful leading up to November 2017. I am in my 19th year of business, ten of which have been in the City. My neighbors appreciate my ownership and use of the property. There have been no complaints about my property, the one exception being a

² A recent survey shows that the property contains about 4.76 acres. See **Exhibit 9** (Certificate of Survey). The property had contained what constituted two separate parcels for taxation purposes until December 2017. See **Exhibit 10** (aerial image depicting two taxation parcels); **Exhibit 11** (property tax statements). As of December 13, 2017, however, the Dodge County Assessor's Office combined the two taxation parcels into one. See **Exhibit 12** (Assessor's letter).

baseless complaint in 2017 by Jerry Berg, who routinely complains about non-issues throughout the City.

I employ 17 people. My customer base continues to be within Kasson city limits – including the City itself which regularly purchased trees from me, and the surrounding area – and throughout Dodge County, as well as within Olmsted and other surrounding counties.

My customers come through referrals from existing satisfied customers and from area residents that drive by the property and thereby learn of my business and its services and products. The location of the business is ideal as it reduces mileage from the property to most of my various job sites and thus limits the amounts of gas that we use, the sums that we expend on gas, and the mileage and wear and tear on the business vehicles.

To continue to operate and grow, I need the property. There is no equivalent property in Kasson or the immediate vicinity with both the acreage and the large commercial structure my business requires. Further, the cost of acquiring a new alternative large-acreage property and building the commercial structure necessary for the business and improving the property with bunkers, irrigation, and buffers is exorbitant.³ Even if an alternative property was available for sale, I cannot afford the costs to move my business and continue to operate it. Moreover, renting an alternative location for storage of equipment is impossible. No alternative commercial structures in the area are available for rent. Even if one was available for rent, I could not afford the monthly rent payment and continue to operate my business.⁴

Some of my equipment is stored outdoors, exposed to both vandals and the elements. My insurer has informed me that storing equipment indoors will lead to reduced insurance premiums. The existing commercial structure on the property, however, is filled. To store equipment indoors, I must construct an addition to the existing commercial structure on the property.

MY APPLICATION

I respectfully request that the City rezone my property to the M-1 manufacturing/industrial district so that I can continue to use the property to operate my business. The permitted uses in the M-1 district include “building materials storage yards and lumber yards” and “contractors’ offices, shops, yards and storage facilities.” If the City re-zones the property, my decade-long and current use of the property would be permitted. I want to continue the economically-beneficial use of the property to which I have put it for almost a decade.

³ I learned that a pole barn that is a fraction of the size of my commercial building that was recently built in the area cost over \$200,000 to construct. I believe that it would cost over \$500,000 to construct the equivalent of my building in 2019.

⁴ I learned that a large building in the area that is used agriculturally rents for nearly \$5,000 monthly.

Re-zoning the property is appropriate given the changes in the goals and policies of the City that have occurred and the changes in the conditions in the City, as explained more fully below.

A. REQUIRED AND ADDITIONAL EXHIBITS FOR ZONING AMENDMENTS

I am submitting the following items as exhibits:

- (1) A completed application form;
- (2) An accurate boundary description of the property (*see* Exhibits 1 and 9);
- (3) Evidence of ownership (*see* Exhibit 8);
- (4) A development plan of the property showing the existing buildings, streets, driveways, parking spaces, and signs (*see* Exhibit 15);
- (5) Landscaping and screening plans (*see* Exhibit 15);
- (6) Additional information establishing the suitability of the particular site for the proposed use in the form of numerous of the exhibits hereto; and
- (7) Payment of my application fee in the amount of \$400.00.

B. PROPOSED FINDINGS IN SUPPORT OF MY APPLICATION

My re-zoning application proposes a use of the property that conforms with the changes in the goals and policies of the City and the changes in the conditions in the City:

- 1. Changes in the conditions of the City show that a rezoning is appropriate. As the population of the City has grown, the use of County Road 21, also locally known as “dump road,” adjacent to my property has increased. And the only other area in the City where M-1 zoning currently exists is, like my property, at the City limits.**

The County’s landfill handles a considerable volume of waste from the City’s residents and the traffic past my property on Eighth Avenue to the dump 0.7 miles to the north of my property has increased over the years. Additionally, I believe that the Stussy Construction Quarry just to the north of the landfill expanded in about 2013, and the quarry generates heavy-truck traffic along Eighth Avenue. Further, the speed limit on Eighth Avenue along my property is 50 miles per hour, indicating that the road and my property are not ideally designed and situated for residential development.

The only other area in the City that is zoned for M-1 is where the CHS Elevator exists. That area, is like my property, located at the outskirts of the City, and it, like my property, has R-1 residential zoning adjacent to it.

- 2. Changes in the goals and the policies of the City show that a re-zoning is appropriate. The City recognizes now that it struggles to retain existing businesses.**

Compatible commercial development and retaining existing businesses and growing local businesses and jobs, particularly in light of the high turnover of local business, are needs of the City. *See* 2018 Comp Plan, Chapter 5. Without a re-zoning of my property, I will be forced out of the City, for the reasons set forth above. If I cannot find a different property that I can use and can afford to acquire, I will be forced to close my business and my employees will lose their jobs.

3. The use that would be permitted by the M-1 District is compatible with the surrounding area.

a. 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. Given that the property has for nearly ten years been used pursuant to a 2010 CUP as a business, the use to be permitted by this re-zoning application will not add to the traffic in the area or along Eighth Avenue Northeast.

b. 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.

The use is sufficiently compatible with adjacent residentially-zoned and -used land, as is evidenced by its long-standing operation in cooperation with the residential neighbors to the south of the property. The existing structure is at least 100 feet from any residential property. It is screened. Screening will continue. There will be no deterrence to development of vacant land as a result of the re-zoning given the existence of the 2010 CUP for nine years and the operation of my business that has occurred pursuant to it.

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

As is shown by the betterments of the property while I have operated my business pursuant to the 2010 CUP, the structure and site have an appearance that does not adversely affect adjacent residential properties.

d. The use is reasonably related to the overall needs of the City and to the existing land use.

The City has recognized that one of its needs is to retain existing businesses and facilitate the growth of local businesses and jobs. *See* 2018 Comp Plan, Chapter 5. This use helps to satisfy those needs. Additionally, the use reasonably relates to the existing land use given that the property has long operated as a

business employing and otherwise serving residents of the City pursuant to the 2010 CUP.

- e. **The use is consistent with the purpose of the ordinance and the purposes of the zoning district in which the applicant intends to locate the use.**

The use contemplates a low-intensity use of the majority of the property and substantial amounts of green space throughout it. It is compatible with the R-1 district where nurseries and parks, playgrounds, and hiking and biking trails are permitted and it is consistent with the purpose of the zoning ordinance.

- f. **The use is not in conflict with the Comprehensive Plan of the City.**

The City's Comprehensive Plan seeks to retain and grow local businesses, particularly those that service Kasson's residents. *See* 2018 Comp Plan, Chapter 5. The 2010 CUP facilitated a conversion of the property from an economically-distressed and under-used commercial operation into an economically-feasible use that coexists with its neighbors. The use of the property by my small and local business is in accordance with the Comprehensive Plan.

- g. **The use will not cause traffic hazards or congestion.**

Given that the property has long been used pursuant to the 2010 CUP for my business, the use to be permitted by this rezoning application will not add to the traffic in the area or along Eighth Avenue Northeast.

- h. **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.**

Since (a) this is not a particularly traffic-intensive use, (b) Eighth Avenue is an existing thoroughfare carrying commercial and other traffic, and (c) the property is already used pursuant to the 2010 CUP, this use will not require the upgrading or improvement of the existing public roads.

- i. **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.**

Any offensive odors, fumes, dust, noise, vibration or lighting, if any, are confined to the property itself and all measures required by the City Code are in place. To the extent that any offensive odors, fumes, dust, noise, vibration or lighting exceed the property boundaries, as my neighbors will attest, I enjoy getting along

with my neighbors and I undertake efforts to reduce or eliminate adverse effects on them.

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

Adequate utilities serving the property and its use are already in place. The plans provide adequate parking. Drainage control of the property was enhanced by its use pursuant to the 2010 CUP and is likely to be enhanced by my ongoing efforts to improve the property, its economically-beneficial use for my business, and its appearance.

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

The use will be contained entirely on the property and is expected to allow the current course of orderly development of the surrounding property to proceed.

l. The proposed use will not be injurious to the use and enjoyment of the other property in the neighborhood and will not significantly diminish or impair the values of such property.

The proposed use is separated by space and screening from surrounding properties so that interference with the enjoyment of surrounding properties has not occurred and is not expected nor is any impairment of property values.

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

The use is of a nature that is an improvement over the former use of the property as an economically-distressed property neglected by its owner so no disruption of the neighborhood is anticipated.

CONCLUSION

If you have any questions or concerns about my application, I look forward to hearing from you.

Sincerely,

Jason Wilker

Exhibits to My CUP Application

1. Legal Description of Property
2. Aerial Photograph
3. Street Map
4. Kasson Zoning Map
5. Kasson Comp Plan Map
6. Kasson March 8, 2010 Planning Commission Minutes
7. 2010 Conditional Use Permit
8. Warranty Deed
9. Certificate of Survey
10. Aerial Photograph Showing two Property IDs
11. Property Tax Statements
12. Dodge County December 13, 2017 Letter
13. Photographs Taken on September 10, 2018 with Drone
14. Nursery Stock Dealer Certificates
15. Plans

Staff Planning Review

Zoning Map Amendment Application

1103 8th Ave NW, Kasson, MN

“rezone” from R-1 to M-1

Includes: Application
 Site Plan
 Evidence of Ownership

Zoning

154.028 Zoning Amendments

Reflect Changes in the Goals of the City

Reflected in the Comprehensive Plan

Reflect Changes in Conditions in the City

Comprehensive Plan

Future Land Use – Medium Density to Low Density Residential (page 4-6)

Neighborhood Design Principles (page 4-11)

Blend residential, civic institutions and parks

Goal 4.4 - Ensure future development occurs in a coordinated, connected and compatible manner relative to existing development (page 4-16)

APPLICATION FOR ZONING AMENDMENT

Fee Paid \$ _____

Date Filed _____

Street Address of Property **1103 Eighth Avenue Northwest, Kasson, Minnesota**

Legal Description of Property **The SE 1/4 of Section 29, Township 107, Range 16, Dodge County, Minnesota described as follows: Commencing at the southeast corner of said SE 1/4, thence on an assumed bearing of North along the East line of said SE 1/4 a distance of 810.00 feet for a point of beginning of the tract to be described; thence West at right angles to said East line 410.00 feet; thence North parallel with said East line 510.00 feet, more or less, to the north line of the SE 1/4 SE 1/4; thence East along said North line 410.00 feet to the East line of said SE 1/4; thence South along said East line 510.00 feet to the point of beginning.**

Owner's Name **Jason Wilker** Phone **507-208-1819**

Address **630 Meadowlark Court Northwest, Byron, MN 55920**

Applicant (if other than Owner):

Name _____ Phone _____

Address _____

Description of Request **Rezone Property Zoned for Single-Family Residential and Conditionally Permitted for a Nursery and Landscaping Business for Nine Years to the M-1 Manufacturing/Industrial District**

Reason(s) for Request **See attached narrative and its incorporated exhibits**

Present Zoning Classification **CUP for Operation of Nursery and Landscaping Business on Property in R-1 Single Family Residential District**

Existing Use of Property **Landscaping and Nursery Business**

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Date accepted _____

Recommended _____ Denied _____ by the Planning Commission on _____, 20__

Approved _____ Denied _____ by the City Council on _____, 20__

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

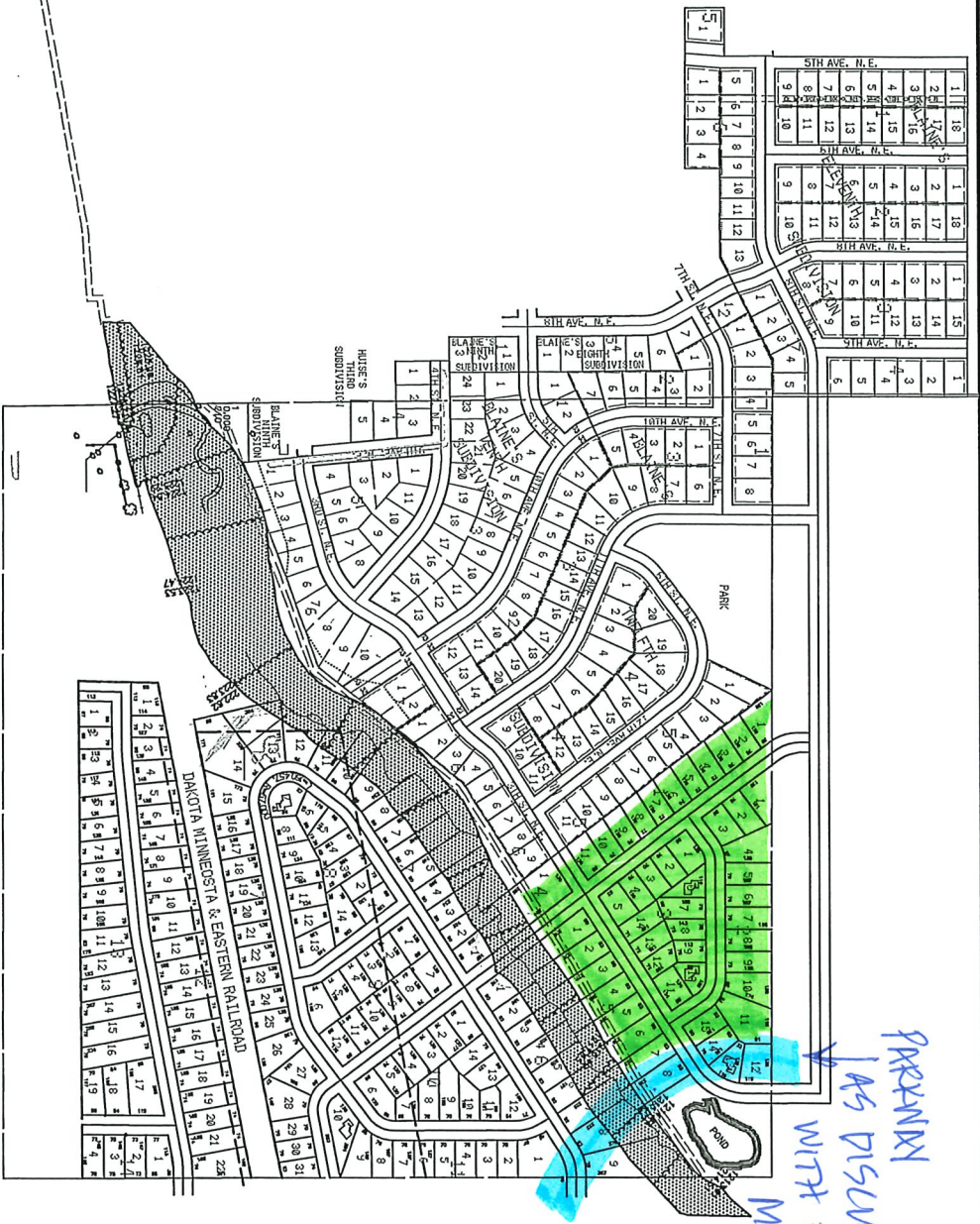
MASSEY
LAND SURVEYING & ENGINEERING
 P.O. BOX 100, KASSON, MN 55944
 PH. NO. 507-694-4565, FAX NO. 507-694-5590



GENERAL DEVELOPMENT PLAN OPTION 7 REVISIONS
 THE PART OF THE NW 1/4, SECTION 34, T 107 N, R 16 W
 DODGE COUNTY, MN



DATE: 11/22/20
 DRAWN BY: AMK
 CHECKED BY: TJB
 DATE: 11/22/20
 REVISION DATE: 07/22/24
 SHEET NO. 1 OF 1



0 100 200 300 400
 SCALE IN FEET