

# **PLANNING COMMISSION**

**AUGUST 8, 2022**

**6:30 O'CLOCK P.M.**

1. Call to Order
2. Minutes of the Previous Meeting – June 13, 2022
3. Public Forum
4. Public Hearings –Plaza 57 Daycare
5. Public Hearing – Gahr Fence
6. Discussion on Fence Permits
7. Adjourn

## MINUTES OF PLANNING COMMISSION MEETING

July 11, 2022

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11th day of July, 2022 at 6:30 PM

**THE FOLLOWING WERE PRESENT:** Chairman Ferris, Commissioner Thompson, Commissioner Tinsley, Commissioner Egger, and Commissioner Johnson

**THE FOLLOWING WERE ABSENT:** Commissioner Burton and Commissioner Fitch

**THE FOLLOWING WERE ALSO PRESENT:** City Clerk Linda Rappe, Brad Scheib – HKGI, Tim Ibisch, City Administrator, Tim O'Marro, Dean and Torri Schuette, Donna Behrens, Wayne Nelson, Ralph and Michelle Burtis,

**CALL TO ORDER AT 6:30PM**

**SWEARING IN OF NEW MEMBER – Administrator Ibisch swore in New Commissioner Paul Johnson**

**MINUTES OF THE PREVIOUS MEETING – June 13, 2022 Motion to Approve made by Commissioner Thompson, second by Commissioner Egger with All Voting Aye**

**PUBLIC HEARINGS FOR SCHUETTE PROPERTY – ZONING AMENDMENT AND COMP PLAN AMENDMENT** – Administrator Ibisch gave background and this would be to rezoning from high density residential to retail commercial in the southeast corner of that property. Planner Brad Scheib stated that this is just for the 4.21 acres and this is not the plat or the site plan this is only the rezoning and the comp plan amendment for the 4.21 acres. This parcel drawing spills over to the Bigelow property to the south. In order for them to develop according to this site plan they will need to plat and purchase the southerly property and annexation.

Dean Schuette – the reason they are spilling over into the Bigelow property is that they were trying to get street access. MnDOT has not allowed the suggested street. Bigelow is willing to annex their property. Mr. Schuette made it known that they did not want to annex the entire 65 acre parcel into the City. Mr. Schuette stated that most of the delays on this property have been out of their control.

Public Hearing Opened

No comments

Public Hearing Closed.

Mr. Scheib stated that we do know that Bigelow will annex and Administrator Ibisch stated that a lot of this has costs and to work with MnDOT and MnDOT has not had fast turnaround. Commissioner Tinsley stated that is appropriate for a commercial use. Commissioner Thompson stated this is a good use of the corridor.

**Motion to Recommend Approval of the Zoning Amendment and Comp Plan Amendment made by Commissioner Egger, second by Commissioner Tinsley with All Voting Aye.** Administrator Ibisch stated that this will go to City Council Wednesday, July 13.

**PUBLIC HEARING – INTERIM USE PERMIT** – Administrator Ibisch stated that currently Kasson does not have this type of permit and this would be a good permit to have. Mr. Scheib stated that the State Statute allows both CUP and IUP and the difference is an Interim Use Permit would have a specific timeline that would terminate. Mr. Scheib stated that this is similar to a CUP in that there needs to be a public hearing and notices need to be sent to properties 350 feet from the target property. With A CUP the City would have to prove that the conditions are not being met. A CUP would get recorded with the property and an IUP would not. Staff felt this was appropriate to put this in place with the public hearing that is on the agenda.

Commissioner Thompson asked about a typical timeframe, Mr. Scheib stated that would depend on each specific use and this could be attached to an event or a specific timeline. Mr. Scheib stated that this would be

adding another permit mechanism in addition to the CUP. The IUP would expire when the property is sold or if the applicant moved. Mr. Scheib stated this is used most often with Home Based Business or some Construction.

Public Hearing Opened

No comments

Public Hearing closed

Chairman Ferris stated that he likes another option to use. Commissioner Tinsley asked if the IUP could be transferred. Mr. Scheib stated that we would have to have a process, Ibisich stated that this would trigger a review by the City. .

**Motion to Recommend Approval of the Ordinance for an Interim Use Permit made by Commissioner Thompson, second by Commissioner Egger with All Voting Aye..**

#### **PUBLIC HEARING – HOME BUSINESS PERMIT REQUEST FROM ROBERT ACKRAPOVIK -**

Administrator Ibisich gave an overview of the difference between home occupation and home business. Mr. Scheib stated that they are only proposing to sell firearms, not ammunition. This would be tied to maintaining a FFL from the ATF license. The reason we are seeing this is that the owner wants the people to come to his house. The conditions need to be reasonable and specific to the use. The applicant has agreed to all of the conditions except one. This would be specifically tied to the ATF license. Mr. Scheib went through the conditions on page three of the staff report; firearms be stored in a locked gun case at all times except during the transfer, the premise should be protected at all times by a contracted security service, maintain the FFL and when it is renewed to show to the City, limited the customer to one a day, and by appointment only, operated by the resident no outside employees, no external signage, Mr. Scheib went through the findings. .

Robert Akrapovik, - he stated that he is NOT selling ammo and ATF will be monitoring sales. He stated that he would be lucky if he gets 2 or 3 people a week but hates to guess. Chairman Ferris asked how are you attracting customers, Mr. Alrapovik stated business cards and word of mouth and on line media, Commissioner Johnson asked about stock, Mr. Akrapovik stated that there will not be a stock or display of guns they will be ordered as people want them. Chairman Ferris asked how many guns he expects to have on site at any given time, Mr, Akrapovik stated two or three or so.

Public hearing opened

**Wayne Nelson - 1500 5<sup>th</sup> St NW** - has known this family for 18 years and this is a wonderful family. He is convinced that they will follow every single law and condition. He believes in this family.

**Rick Klein - 1403 4 ½ Street NW** – Mr. Klein stated the mistakes in the public notice and after reading what was on the website this does seem reasonable when the corrections are corrected.

**Walt Wyttenbach - 600 14<sup>th</sup> Ave NW** – he is not for or against but would like to have a yearly review of the conditions, Commissioner Johnson asked about the length of an FFL, Mr. Scheib stated that he thought it was three years and if he lost the license the police chief would be notified. ....

**Ralph Curtis - 507 14<sup>th</sup> Ave NW** – he would like to know if there could be a limit on hours of operation, he also asked if the owner of the property signed the application, Scheib stated that the property owner will sign a application, he wanted to know what structure on the property would this be run out of, Scheib stated that it doesn't matter, Mr. Curtis questioned the profitability of this.. Mr. Curtis wanted to know what the police response time would be, Scheib stated the police chief is fine with this. Mr. Curtis wants to know if he changes his use and what if someone brings ammo into the business.

**Mary Xavier – 604 15 ½ St NW** – Wanted to know if background checks on people buying guns. Chairman Ferris stated that he believes that is a federal mandate but we will check with the poilce chief..

**Elizabeth Biela - 703 15 ½ Ave NW**– why is it necessary to sell firearms in a family neighborhood when there are empty businesses on main street.

**Robert Akrapovik** – wanted to address some of the questions. Too expand he would have to get another license through the ATF. Backgrounds checks are done before the purchase can happen. He doesn't have the money to rent or buy a building on main street.

**Angela Giese - 606 15<sup>th</sup> Ave NW** – they have a number of children in the neighborhood, and feels this is disregarding their safety. She has a young child who is afraid of the world and doesn't want him to be afraid of the neighbors. The property lies directly on the school bus route. Once they firearm is in the hands of the buyer what do we know they will do with that. She is afraid that someone would get the address mixed up and come into her house.

**Krunoslav Akrapovik** – father. He is a business owner himself and he has complete faith and support in his son. He is all about safety.

#### Public Hearing Closed

Mr. Scheib stated that the enforcement side of this is tricky and some cities have a department for code enforcement Kasson actually does this on a complaint basis or if law enforcement is notified. The police will have to respond to what the response time would be. The background checks are a federal law and local law enforcement is also part of this.. And part of our conditions of one customer per day would be a good way of regulating some of these concerns. Ibsch stated that if there were issues that were to arise they would be handled by law enforcement. There are several people in town that have a home business of this nature and there have been no issues. Commissioner Thompson what is the difference if we did a IUP rather than a CUP. Scheib stated that the duration of the permit that be they need to be appropriately licensed by the ATF. There is no review in a CUP and there are a lot more steps and time to revoke a CUP. Chairman Ferris stated that putting conditions on this with a IUP is better than not. We are not in a position to stop it but to be able to regulate is. Adding a condition for hours of operation would be good. . Ferris also stated that one customer per day is quite restrictive, and to require all the firearms to have trigger locks.

Scheib summarized the conditions as: 1) will not disturb the neighbors and normal use of their properties, 2) Firearms shall be stored in a locked gun safe at all times except at the time of sale/transfer with trigger guard locks shall be installed in all guns leaving the premises, 3). The premise shall at all times be protected by a contracted security service, 4) Acquire and show proof of a Federal Firearm License issued by the ATF, 5)The applicant for duration of the permit continues to show FFL, 6) One customer per day on average in a given week, 7)all customers are by appointment only, 8) business shall be conducted by the occupants of the premise, 9) no external signage, 10) permit shall be reviewed on an annual basis. The discussion points would be hours of operation and the trigger guard. Commissioner Thompson recommended 9am to 6pm daily for hours of operation.

**Motion to Recommend Approval of the CUP as an IUP and with the conditions as revised, made by Commissioner Thompson, second by Commissioner Johnson with All Voting Aye.**

**OTHER** - Nothing

**ADJOURN** – 8:00pm

Respectfully Submitted,

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Linda Rappe, City Clerk





## STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Ian Albers, Community Development Assistant  
**DATE:** August 4, 2022  
**SUBJECT:** Consider Conditional Use Permit for Child Care Facility  
**APPLICANT:** ACS of Kasson, LLC  
**OWNER:** ACS of Kasson, LLC  
**LOCATION:** 301 Mantorville Avenue South, Kasson  
**MEETING DATE:** **August 8<sup>th</sup>, 2022**  
**COMPREHENSIVE PLAN:** Downtown  
**ZONING:** C-2 General Business District

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## BACKGROUND

The applicant, ACS of Kasson, LLC, has applied for a conditional use permit on the property at 301 Mantorville Avenue South in Kasson that lies within a General Business District for a child care facility serving 13+ persons. The principal use table found in Sec. 154.112 requires a conditional use permit for child care facilities serving 13+ persons in a General Business District. Therefore, a conditional use permit for a child care facility is required.

## REVIEW PROCEDURE

### ***60-Day Land Use Application Review Process***

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be July 13, 2022. The City's deadline for action is on Sept 11, 2022.

### ***Public Hearing***

City Code § 154.067 requires a public hearing for review of a conditional use permit to be held by the Planning and Zoning Commission. The public hearing notice for the CUP was published in the Dodge County Independent and was mailed to all affected property owners located within 350 feet of the subject property.

## APPLICATION REVIEW

### Existing Site Character



- The property is comprised of two parcels for a combined area of approximately 5.3 acres
- The Plaza 57 complex contains a variety of businesses, including an ice cream shop, a newspaper, a bank with drive-through, a smoke shop, a used car dealership, periodic food trucks, and a coffee shop with drive-through.
- The project site is adjacent to residential uses to the south and west and commercial uses to the east. Masten Creek borders the north side of the parcel.
- Access to the site is mainly provided from two streets: Mantorville Avenue South and 4<sup>th</sup> Street Southwest. There is an additional access from 2<sup>nd</sup> Avenue Southwest that functions as a service drive.
- The property is part of the Shopko Addition, which was platted in 2014

### Comprehensive Plan Consistency

The property is guided for Downtown by the 2040 Comprehensive Plan:

*Downtown consists of a mix of all uses, vertically or horizontally, and a pattern of development that supports the notion of a walkable community, providing destinations for residents and workers. Typical uses would be retail goods and services such as coffee, restaurant, dry cleaner, hair/beauty salon, real estate/finance/accounting, and dental office. Medium to high density housing and civic, institutional, and parks may also exist. When mix of uses is vertical, more active commercial uses are desired at the street level.*

A day care use is an appropriate service type use that would be consistent with the comprehensive plan.

### **Zoning Standards**

- The zoning of the property is C-2 General Business District and is adjacent to districts zoned R-2 Mixed Residential District. The district is intended to provide for commercial and service activities oriented towards and concentrated along Highway 57, drawing from and serving customers from the community and surrounding area
- Child care facilities serving 13+ persons are allowed within the C-2 district with a conditional use permit
- Specific performance standards related to the proposed use include the following (154.192 (A)):
  - Access to the site: the standard is to prevent significant traffic from being routed on to local streets. In this case the traffic circulation is directed toward Mantorville Avenue and 4<sup>th</sup> Street. A circulation plan has been provided.
  - Drop-off and loading areas: the site plan and circulation plan does not locate drop off and loading areas. Staff recommends adding signage to the three stalls located immediately adjacent the front door of the facility and signing these stalls as “reserved for day care drop off from 7 am to 10 am and pick up from 3 pm to 6 pm” or similar time.
  - Outdoor Play Area: the site plan shows an outdoor play area to in the south lawn of the site proximate to the day care entrance. The play area shall be fenced in and free of utility or mechanical equipment on site for safety reasons. The play area meets code standards.
  - Parking: overall the site shows sufficient parking based on the proposed use.
  - Traffic flow: the site has a variety of uses that have varying peak periods of traffic. Some of these conflict while some are complimentary. The presence of two drive throughs and periodic food trucks can have the potential to create conflicts if not managed through signage and clear communication. To date there has been no observed issues staff is aware of. Staff is recommending a general condition be included in the CUP that requires the applicant to respond to potential traffic congestion or safety issues in a timely manner should they occur.

### **Conditional Use Permit Review and Analysis**

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

- (1) The effects of the proposed use on the comprehensive plan
  - a. *The proposed use is consistent with the comprehensive plan.*
- (2) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.
  - a. *The property is an existing built out site and will not have any detrimental effects on the occupants of surrounding land. The use will provide an important use to the health and vitality of the community.*

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

- (1) The use is not in conflict with the comprehensive plan of the city;

- (2) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (3) The use will not disrupt the character of the neighborhood;
- (4) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties; and
- (5) The proposed conditional use meets all of the applicable specific public, social or healthcare uses listed within Sec. 154.190 to Sec. 154.194
  - (A) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
  - (B) Student drop-off and loading areas shall not interfere with traffic and pedestrian movements
  - (C) An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the facility
  - (D) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district

Staff finds that with conditions the above findings are satisfied.

## **RECOMMENDATIONS**

Planning staff recommends that the Planning and Zoning Commission make a recommendation to the City Council to approve the application for a CUP to allow for a child care facility serving 13+ persons at 301 Mantorville Avenue South, with the following conditions:

- (1) The applicant shall resubmit a Traffic Circulation Plan showing the following changes prior to being allowed to commence on the site:
  - a. Signage will be displayed designated the three parking spaces in front of the daycare entrance be reserved for pick-up and drop-off during applicable usage hours.
- (2) All applicable state licensure for the day care be maintained in good standing. Proof of licensure be provided to the city upon request.
- (3) Traffic on site shall be managed by the owner/owners of the parcel in a safe and congestion free manner. Should traffic congestion or safety become an issue, the owner(s) shall address the issue in a timely manner. Addressing the issues may include but not be limited to physical improvements to the parking lot, drive aisles, or access drives to public streets, improvements to public streets as may be required by the DOT or city, or signage/wayfinding.

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

- (1) The proposed conditional use meets all of the applicable specific public, social or healthcare uses listed within Sec. 154.190 to Sec. 154.194
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The use is consistent with the purpose of Chapter 154 Zoning of the City Code and the purposes of the C-2 General Business District;
- (4) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the city in order to handle the additional traffic generated by the use;
- (5) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (6) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property; and
- (7) The use will not disrupt the character of the neighborhood.

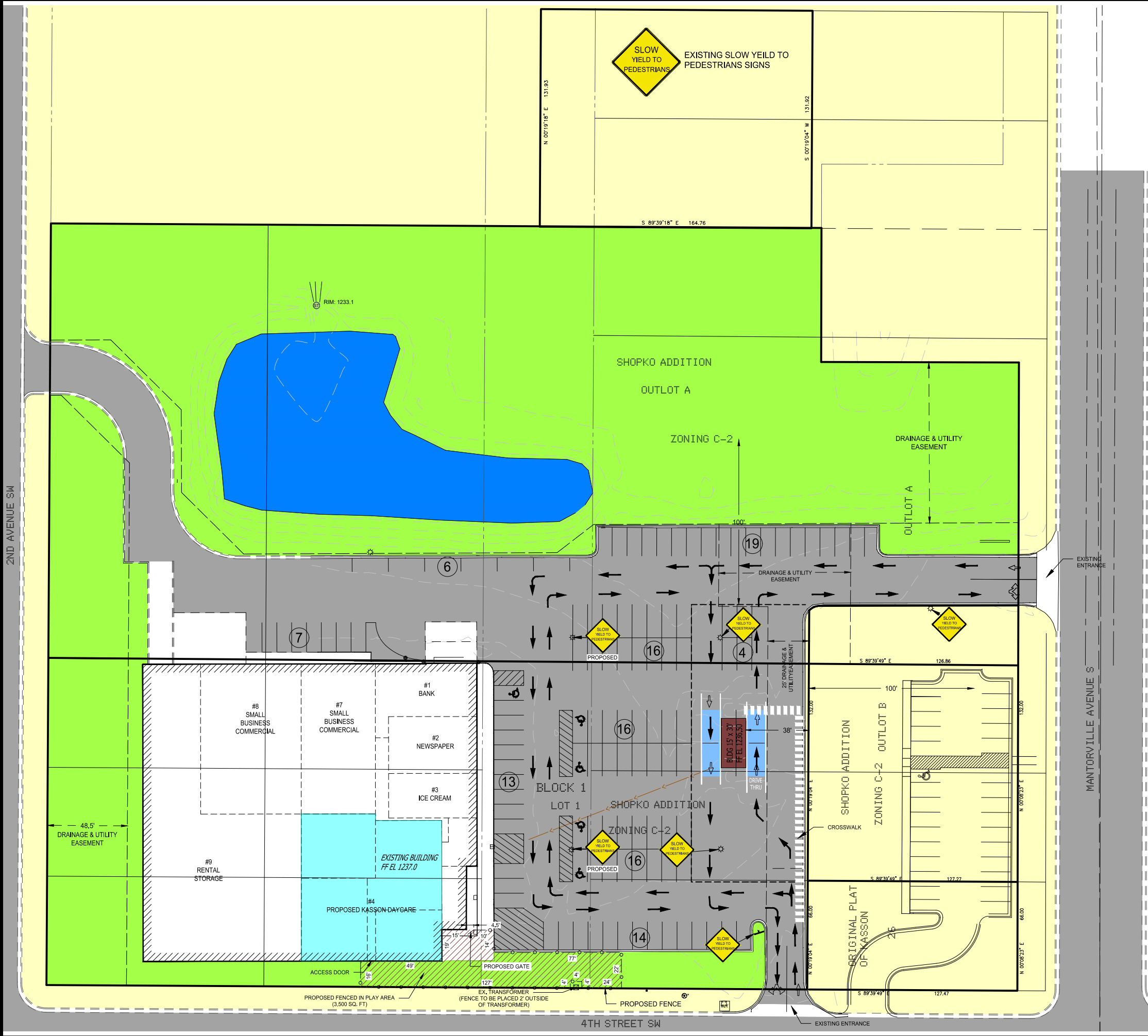
### **CITY COUNCIL REVIEW**

In the event a recommendation is received from the Planning and Zoning Commission, it will be forwarded to the City Council for action at the August 10th, 2022 meeting.



054-224041CG01.dwg

8/2/2022 8:52:19 AM



SITE DATA

PROPERTY ADDRESS: 301 MANTORVILLE AVE S  
TAX MAP REFERENCE: 24.562,1001  
AREA (DEED): 2.10 DEEDED ACRES  
WATER: PUBLIC CITY OF KASSON  
SANITARY SEWER: PUBLIC CITY OF KASSON

ZONING DISTRICT: C-2 GENERAL BUSINESS DISTRICT

MINIMUM LOT AREA: 7,500 S.F.  
MINIMUM LOT WIDTH: 50 FEET  
FRONT YARD SETBACK: 10 FEET  
SIDE YARD SETBACK: 6.5 FEET  
REAR YARD SETBACK: 10 FEET

REQUIRED  
7,500 S.F.  
50 FEET  
10 FEET  
6.5 FEET  
10 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET  
PROPOSED 13 FEET

ZONING CODE 154.205 (B)

1. 100' CLEAR AREA FOR RESIDENTIAL OR OCCUPIED INSTITUTIONAL.
2. STACKING = 90' (6 x 15') AND SETBACKS COMPLY, SEE TABLE.
3. NO IMPACT TO L.O.S. FOR 4th ST. SW OR MANTORVILLE AVE. SOUTH.
4. VEHICULAR AND PEDESTRIAN TRAFFIC PROVIDED FOR.
5. LAND USE DOES NOT GENERATE SIGNIFICANT NEW TRAFFIC.
6. THERE IS NO CANOPY.

PARKING CALCULATIONS

USAGE	SIZE	REQ. PARKING	REQUIRED
1. BANK	2,090 SF	1 SPACE PER 250 SF	8 SPACES
2. NEWSPAPER	1,850 SF	1 SPACE PER 1000 SQ FT	2 SPACES
3. ICE CREAM SHOP	1,450 SF	1 SPACE PER 250 SF	6 SPACES
4. DAYCARE	5,015 SF	1 SPACE PER 250 SF	19 SPACES
7. SMALL BUSINESS COMMERCIAL	4,095 SF	1 SPACE PER 250 SF	16 SPACES
8. SMALL BUSINESS COMMERCIAL	5,550 SF	1 SPACE PER 250 SF	22 SPACES
9. STORAGE	11,750 SF	1 SPACE PER 10 UNITS	4 SPACES

TOTAL SPACES REQUIRED 77 SPACES  
TOTAL SPACES PROVIDED 111 SPACES  
(INCLUDES 5 HC SPACES)

OWNER INFORMATION:

Owner: ACS of Kasson  
Address: 6876 10th AVE SW, Suite D  
Rochester, MN 55902

CONSULTANT INFORMATION:

Owner: WSE MASSEY ENGINEERING & SURVEYING  
Address: 33 B VETERANS MEMORIAL HIGHWAY E,  
PO BOX 100, KASSON, MN. 55944  
Name: LES CONWAY  
Phone: (507) 634-4505  
email: les@wse.engineering



0 30 60  
SCALE IN FEET

LEGEND

[Pattern]	EXISTING BITUMINOUS AREA
[Pattern]	PROPOSED GRAVEL AREA
[Pattern]	PROPOSED BITUMINOUS PAVING
[Pattern]	EXISTING BUILDING
[Pattern]	LANDSCAPE AREA
[Pattern]	ADJACENT PROPERTIES
[Pattern]	PROPOSED FENCE
[Pattern]	PROPOSED PLAY AREA (3,500 SQ. FT.)

**WSE MASSEY**  
Engineering & Surveying  
PH. NO. 507-634-4505  
PLANS@WSE.ENGINEERING  
www.wse.engineering

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

PLAINVIEW OFFICE  
320 WEST BROADWAY  
SUITE 3  
PLAINVIEW, MN 55964

ROCHESTER OFFICE  
1712 RESTORATION  
DRIVE SW  
ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION

PLAZA 57 DAYCARE  
KASSON, MINNESOTA  
SITE PLAN

SCALE: AS SHOWN  
DATE: 8/1/2022  
DRAWN BY: G.D.Z.  
JOB NUMBER: 054-224041  
DWG. FILE:

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Linda Rappe, City Clerk  
**DATE:** August 4, 2022  
**SUBJECT:** Gahr Fence  
**APPLICANT:** Eric and Kayla Gahr  
**OWNER:** Eric and Kayla Gahr  
**LOCATION:** 1001 5<sup>th</sup> Ave NW  
**MEETING DATE:** August 8, 2022  
**COMPREHENSIVE PLAN:** Low Density Residential  
**ZONING:** R-1 Single Family Residential

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### BACKGROUND

The applicant, Eric and Kayla Gahr, have applied for a conditional use permit to place the fence on the south side of their property on the property line. A conditional use permit is required to allow the fence to be placed closer than 3 feet from the property line.

### REVIEW PROCEDURE

#### *60-Day Land Use Application Review Process*

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be July 20, 2022. The City's deadline for action is on September 20, 2022.

#### *Public Hearing*

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

As the application is for a CUP to put the fence on the south side closer than 3 feet from the property line.

### APPLICATION REVIEW

#### *Existing Site Character*

See attached pictures.

#### *Conditional Use Permit Review*

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

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

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

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

This property has a 5 foot utility easement along the west border in its entirety;

- (1) The use is not in conflict with the comprehensive plan of the city;
- (2) The property owner acknowledges that they are putting a fence in a utility easement and would be the property owner's expense if this easement needs to be utilized and the fence is dismantled;
- (3) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (4) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (5) The use will not disrupt the character of the neighborhood; and
- (6) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

## **RECOMMENDATION**

Staff recommends to the Planning Commission to approve the application for a CUP for to allow a fence on the south, west and north sections of the back yard of the property to be put on the property line, with the following conditions:

- (1) The fence will not encroach beyond the front of the house.
- (2) The fence will not exceed 6 feet in height
- (3) An access agreement be notarized and recorded with the property owners to the south, west and north so that the fence can be placed on the property line.
- (4) The property owner at 1001 5<sup>th</sup> Ave NW acknowledges that this fence is in a utility easement and can be dismantled at owner's expense if this easement is utilized.

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

- (1) The use is not in conflict with the comprehensive plan of the city;
- (2) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the city in order to handle the additional traffic generated by the use;
- (3) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (4) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property; and
- (5) The use will not disrupt the character of the neighborhood.





Wed  
Aug 8

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

## Land Use Application – Cover Sheet

### Application Type (Check All that Apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Site Plan Review (§ 154.066)                                  | <input type="checkbox"/> Minor Subdivision (§ 153.050-054)    |
| <input checked="" type="checkbox"/> Conditional Use Permit (§ 154.067)                 | <input type="checkbox"/> Concept Plan (§ 153.065-067)         |
| <input type="checkbox"/> Variance (§ 154.068)  | <input type="checkbox"/> Preliminary Plat (§ 153.080-085)     |
| <input type="checkbox"/> Zoning Amendment (§ 154.069)                                  | <input type="checkbox"/> Final Plat (§ 153.095-098)           |
| <input type="checkbox"/> Establishment of a Planned Unit Development (PUD) (§ 154.070) | <input type="checkbox"/> Subdivision Variance (§ 153.110-114) |

### Application Information

Date Submitted		Planning Case Number (City will fill out)	
Property Address 1001 5 <sup>th</sup> Ave NW Kasson MN 55944		PID # 245741004	
Applicant Eric + Kayla Gahr	Phone # 651-757-0415 Email ejgextra@gmail.com	Address 1001 5 <sup>th</sup> Ave NW Kasson MN 55944	
Property Owner ↑	Phone # Email ↑	Address ↑	
Engineer/Architect Eric + Kayla Gahr	Phone # (507) 696-1964 Email kayla.miltholt@gmail.com	Address ↑	
Use of Property Current: Open yard Proposed: Fully fenced in yard on property line for dogs/kids	Land Use Designation Current: N/A Proposed:	Zoning District Current: N/A Proposed:	
Application must be signed by all owners of the subject property			
Signature of Property Owner(s) [Signature] Kasper Gahr		Date 7/18/2022	
The undersigned applicant hereby represents upon all of the penalties of law that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinances of the City of Kasson, the State of Minnesota, and any other applicable laws and regulations			
Signature of Applicant [Signature] Kasper Gahr		Date 7/18/2022	



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

## Conditional Use Permit Application – Supplemental Information

This form provides information related to the procedures and requirements for a Conditional Use Permit (CUP) Application with the City of Kasson. For full information on CUPs, please refer to § 154.067 of the City Code.

Date Submitted: \_\_\_\_\_

Planning Case Number: \_\_\_\_\_  
(City will fill out)

Pre-Application Meeting Date: \_\_\_\_\_

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

### Criteria for a Complete Submittal:

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

<input checked="" type="checkbox"/>	Completed Application Form
<input checked="" type="checkbox"/>	Accurate Boundary Description
<input checked="" type="checkbox"/>	Evidence of ownership or enforceable option on the property
<input checked="" type="checkbox"/>	A development plan of the property drawn to scale showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs
<input checked="" type="checkbox"/>	Landscaping and screening plans
<input type="checkbox"/>	Any submittal materials pertaining to a Site Plan Review, as may be required at the discretion of the Zoning Administrator <i>Attach a Site Plan Review Application Supplemental Information form to this application</i>
<input type="checkbox"/>	Any additional information deemed necessary by the Zoning Administrator to determine the suitability of the particular site for the proposed use

### Conditional Use Information:

Zoning District: R-1 single family residential

Proposed Use: black chainlink fence on property line

Use-Specific Standards (Section Number): \_\_\_\_\_

Use-Specific Standards (List or Attach): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Itemization of Amount Financed

06/17/2022

Minnwest Bank  
300 S Washington St PO Box 439  
Redwood Falls, MN 56283

Loan Program: Fixed Rate  
Buydowns: None  
Note Rate: 5.000 %  
Term in Months: 360 months

(507) 835-7751 (fax)

Borrower(s): Kayla Gahr  
Eric Gahr

Loan Amount:	\$370,000.00
Paid Financed Charges:	(\$5,242.38)
Amount Financed:	\$364,757.62

Property Address: 1001 5th Ave NW  
Kasson, MN 55944

Closing Costs	Prepaid Financed Charges	Amount Paid to Others on your behalf	Amount Paid on your account
801 Loan Origination Fee	\$3,700.00		
801 Underwriting/Commitment Fee	\$500.00		
804 Appraisal Fee		\$475.00	
805 Credit Report Fee		\$70.00	
806 Final Inspection Fee		\$150.00	
807 Flood Certification		\$8.00	
808 Flood Monitoring	\$2.00		
812 Appraisal Service Fee		\$50.00	
1101 Title - Settlement/Closing Fee	\$250.00		
1101 Title - Exam Fee		\$525.00	
1101 Title - Name/Special Assessment Search			
1101 Title - Wire Fee			
1104 Title - Lender's Title Insurance		\$960.00	
1109 Title - Plat Drawing & Location Report			
1110 Title - Abstracting			
1117 Title - Attorney Fees			
1103 Title - Owner's Title Policy (optional)		\$511.15	
1202 Mortgage Recording Fee		\$46.00	
1202 Deed Recording Fee		\$46.00	
1204 Transfer Taxes		\$851.00	
<b>Prepays</b>			
Prepaid Interest 14 days @ \$51.39 / day	\$719.46		
Mortgage Insurance Premium Mths			
Hazard Insurance Premium 12 Mths		\$1,141.68	
Flood Insurance Premium Mths			
Property Taxes Paid in Advance Mths			
Association Dues Paid in Advance Mths			
Conv. UFMIP Paid in Cash Mths			
Hazard Insurance Reserves Mths			
Mortgage Insurance Reserves 1 Mths	\$70.92		
Property Taxes Reserves Mths			
Association Dues Reserves Mths			
Flood Insurance Reserves Mths			
Aggregate Account Adj.			
<b>Prepays</b>			
Financed Mortgage Insurance:	\$5,242.38	\$4,833.83	\$0.00
	\$0.00		
	\$5,242.38		
<b>Total:</b>	\$5,242.38	\$4,833.83	\$0.00

Kayla Gahr

Borrower / DATE

Eric Gahr

Borrower / DATE

Borrower / DATE

Borrower / DATE





AT1 001110 H-05-0006-FAC0 F H W  
3201  
GAHR, KAYLA & ERIC  
6311 134TH LN  
SAVAGE MN 55378-4458



proof of  
ownership

## DECLARATIONS

AMENDED JUN 17 2022

**AMOUNT DUE:**

None

Payment is due by **BILLED THRU SFPP**

**Policy Number:** 23-EW-U467-1

**Policy Period:** 12 Months

**Effective Dates:** JUN 17 2022 to JUN 17 2023

The policy period begins and ends at 12:01 am standard time at the residence premises.

**Your State Farm Agent**

ANNA RIEBEL

7777 WASHINGTON AVE S STE 002

EDINA MN 55439-2422

**Phone:** (612) 567-5052

**Roof Material:** Composition Shingle

**Roof Installation Year:** 2022

## HOMEOWNERS POLICY

**Location of Residence Premises**

1001 5TH AVE NW

KASSON MN 55944-1764

**Construction:**

Frame

**Year Built:**

2022

### Automatic Renewal

If the **POLICY PERIOD** is shown as **12 MONTHS**, this policy will be renewed automatically subject to the premiums, rules, and forms in effect for each succeeding policy period. If this policy is terminated, we will give you and the Mortgagee/Lienholder written notice in compliance with the policy provisions or as required by law.

## IMPORTANT MESSAGES

Your policy is amended JUN 17 2022

1ST MORTGAGEE ADDED

## PREMIUM

Endorsement Premium

NONE

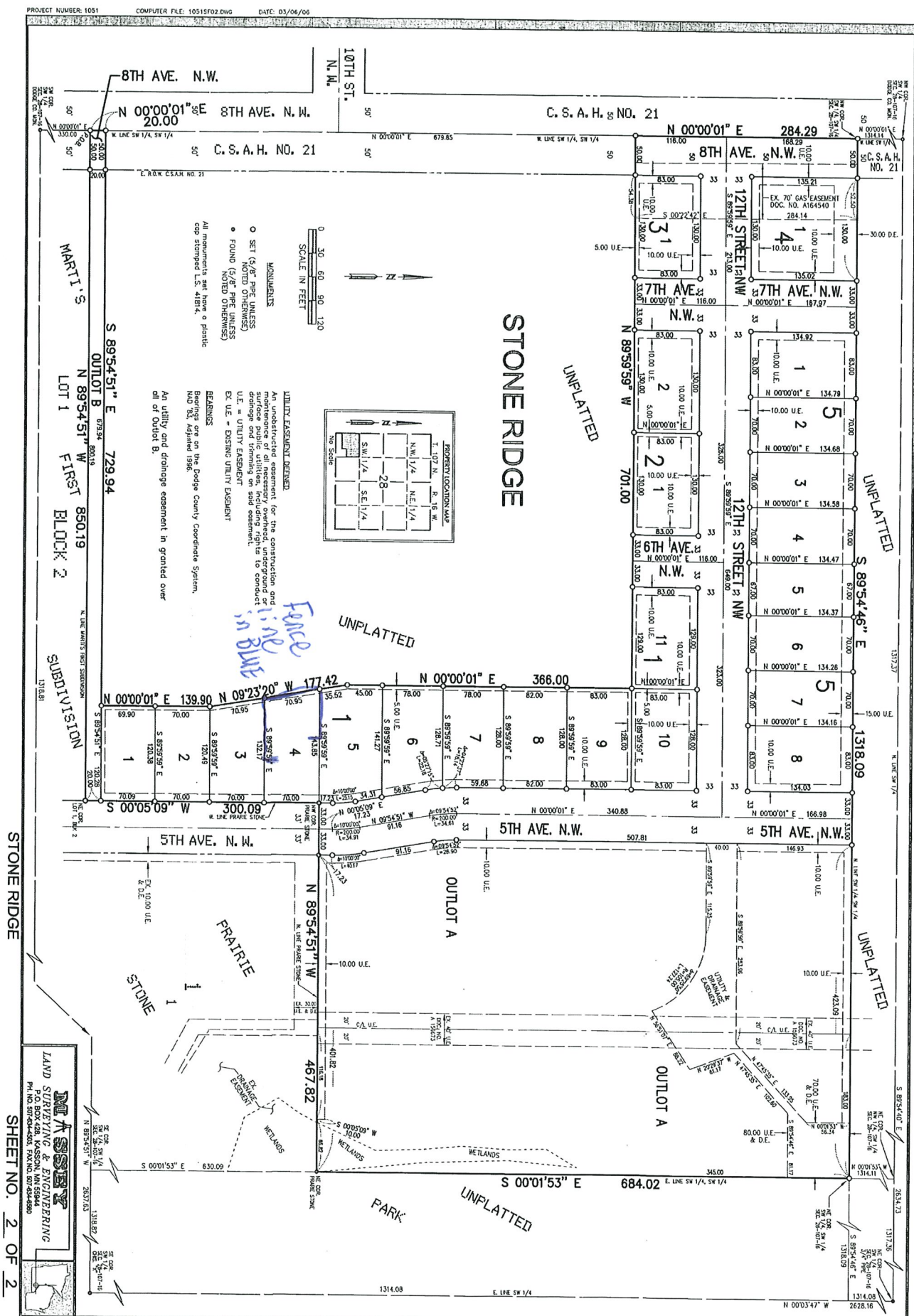
*Your premium has already been adjusted by the following:*

Home/Auto

Utility Rating Cr

Claim Record

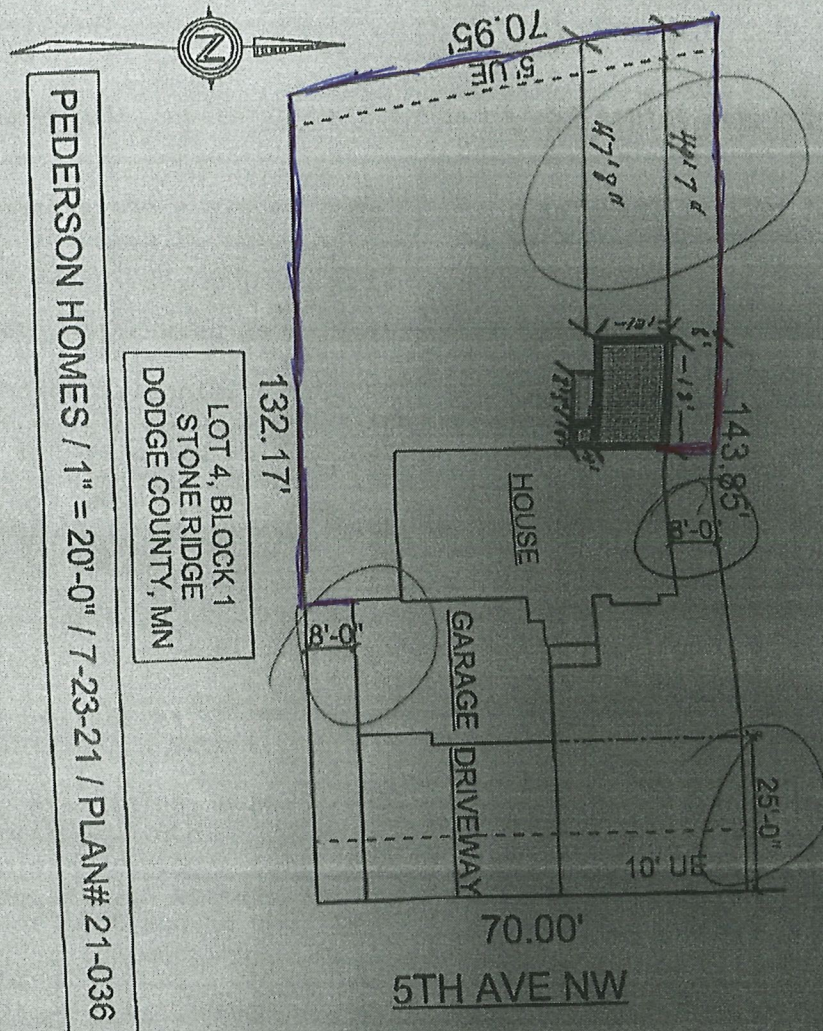
Loyal Customer



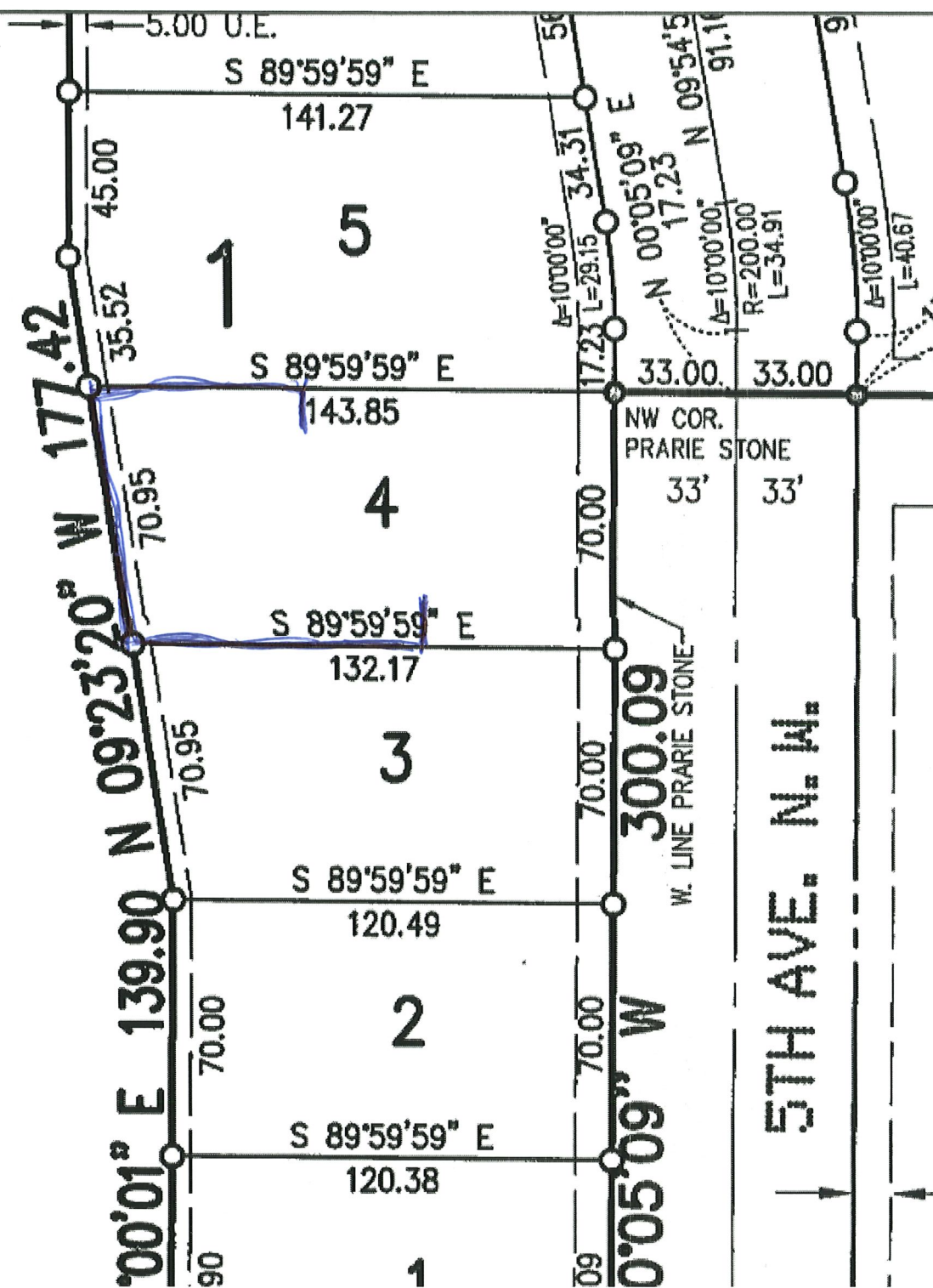


KA22-98

Fence line in BLUE







Fence Conditional Use Permit Justification:

Our dogs (Clifford & Copper) have both been attacked in the past. We would normally just put in an electric fence, but many of our neighbors have other dogs. We have already seen them in our yard on a few occasions. Therefore, we need to put in a physical fence (black chain-link) to keep them all separated and protect our dogs and child.


We have attached signatures from all the connecting neighbors approving and agreeing to the fence on our shared property lines as well, to support our request for a conditional use permit. Thank you for your consideration.

Eric & Kayla Gahr



I permit Kayla & Eric Gahr to construct a black chain-link fence on our shared property line:

Address: 905 5<sup>th</sup> Ave NW

Signature: 

Printed Name: Jeff Busch

Date: 7/18/22

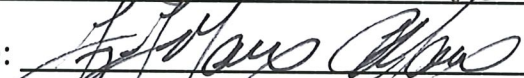
Address: 1003 5<sup>th</sup> Ave NW

Signature: verbally approved w/property owner

Printed Name: Per Tammy (607) 215-3298

Date: 7/18/2022

Address: 1000 6<sup>th</sup> Ave NW

Signature: 

Printed Name: GREGORY G. & AMANDA MARX

Date: 7/18/2022

## **LANDSCAPING, SCREENING, WALLS AND FENCES**

### **§ 154.310 GENERAL LANDSCAPING.**

(A) All open areas of a lot not used for buildings, parking, circulations, patios or storage must be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover and other site design features to ensure soil stabilization. This requirement shall not apply to undisturbed areas retained in a natural state.

(B) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.

(C) Landscape plans shall be submitted for all site and subdivision related applications where exterior construction and development activity will occur, except for the construction of an individual single-family or two-family dwelling.

(D) Landscape plans shall be prepared by a registered landscape architect for planned unit developments or development where there is greater than one acre of site disturbance.

(E) The following minimum number of plant materials shall be provided:

(1) All residential one and two-unit developments shall require two canopy trees per dwelling unit installed in the city right-of-way.

(2) All residential uses with three or more units and nonresidential uses shall provide:

(a) One canopy or evergreen tree per 25 lineal feet of street frontage.

(b) All structures must have foundation plantings consisting of shrubs, perennials and native grasses.

(c) All additions, expansions or additional structures shall require an additional two shrubs per 1,000 square feet of new construction.

(F) *Off-street parking area landscaping.*

(1) All off-street parking areas containing more than 50 stalls or two or more drive aisles must include landscaped, interior parking lot islands as follows:

(a) Islands are required at the end of each row of cars, at vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.

(b) Islands shall be provided to separate pedestrian and vehicular traffic.

(c) Islands shall contain trees, shrubs, perennials and native grasses.

(d) Islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture.

(e) Turf grass is permitted within landscaped areas located around the periphery of a parking lot.

(2) All open, off-street parking areas shall have a minimum of one square foot of landscaping per ten square feet of parking using trees, shrubs or ground cover plants. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

(G) *All plant materials must:*

(1) Meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock.

(2) Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species.

(3) Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.

(4) Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in this division.

(H) Not more than 30% of the required number of trees shall be of the same species.

(I) Trees and shrubs may be clustered and do not need to be evenly spaced.

(1) It is preferable that trees be located between the sidewalk and the curb, within the landscaped area of a boulevard or in tree wells installed in pavement or concrete.

(2) If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

(J) The minimum size of plantings shall be as follows:

(1) Canopy trees – 2.5-inch caliper.

(2) Ornamental trees – 1.5-inch caliper.

(3) Evergreen tree – six-foot height.

(4) Deciduous or evergreen shrub – five-gallon pot.

(K) Mulch shall consist of shredded bark, chipped wood, or stone installed at a minimum depth of two inches. If stone is used it shall be spread over a permeable weed barrier fabric.

(L) All required plant materials shall be planted prior to issuing a certificate of occupancy.

(1) In the event that the project is completed during a time of year when planting is impractical, a performance guarantee meeting the requirements of and in the amount of the remaining improvements may be required.

(2) In such case that a performance guarantee is required, all landscaping shall be completed within one year after the certificate of occupancy has been issued.

(M) The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this code and is the responsibility of the owner and tenant of the property on which the materials are required.

(1) Plantings which have died shall be promptly replaced by the property owner in accordance with the landscape plan approved for the site.

(2) This requirement shall run with the land and be binding upon all future property owners.

(3) Failure to comply with this maintenance requirement shall be a violation of this section.

(N) Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developers, contractor, or property owners shall deposit a security with the city to guarantee compliance with and to indemnify the city for any expenses incurred in enforcing the requirements of this section.

(1) Landscape security for all uses except one or two unit dwellings shall be in a form approved by the Departments and shall be equal to 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing.

(2) The estimated cost shall be subject to approval by the city.

(Ord. 879, passed 10-28-2020)

#### § 154.311 BUFFERYARDS AND SCREENING.

(A) *General.*

(1) Screening and buffering shall be used to provide visual and noise separation of more intensive uses from less intensive uses.

(2) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.

(3) Screening shall be provided alongside side and rear property boundaries between nonresidential uses and residential uses. Screening for new construction shall consist of the following:

(a) The buffer area abutting the residential use must meet the width shown in the table below:

BUFFER REQUIREMENTS TABLE		
Uses	Zoning District of Subject Property	Minimum Buffer Width
5+ unit Residential, Institutional, Business, Mixed-Use	R-1, R-1A, R-2, R-3, R-C	10 feet
Institutional, Business, Mixed-Use	C-1, C-2, C-3	15 feet
Institutional, Business, Industrial	I-1, I-2	20 feet

(b) The buffer area must contain a solid wall, opaque, commercial-grade fence, or hedge with year-round foliage, between six and eight feet in height. Screening within the front yard or corner side yard is limited to four feet in height. Height of screening shall be measured from the natural or approved grade.

(c) If the buffer area contains a hedge, the hedge shall be landscaped with at least two staggered rows of evergreen trees with trees in each row spaced at a maximum of 12 feet.

(d) The buffer area may be interrupted for necessary pedestrian or vehicular access.

(e) Screen plantings shall be permanently maintained by the owner of the property and any plant materials which do not live shall be replaced within six months.

(B) *Site elements to be screened.* The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site as follows:

(1) *Refuse disposal areas.*

(a) All refuse and recycling containers in all commercial, industrial, multi-family, or mixed-use zoning areas shall be screened on four sides (including a gate for access) by a solid, commercial-grade wood fence, wall or equivalent material that is architecturally compatible with the principal structure and has a height of between six feet and eight feet.

(b) Refuse enclosures shall be subject to the following:

1. A three foot setback is required to any lot line;
2. Shall include a durable gate system that remains closed when not in use; and
3. Shall allow for easy access by refuse and recycling contractors.

(2) *Loading areas.* Loading areas shall be screened from abutting residential uses and from street view to the extent feasible. Screening along district boundaries, where present, may provide all or part of the required screening.

(3) *Mechanical equipment.* All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.

(4) *Off-street parking areas.* Those parking areas for five or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of

five feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five feet from said lot line. Said fence shall be located a minimum of one foot from the said lot line.

(Ord. 879, passed 10-28-2020)

#### § 154.312 FENCES AND WALLS.

##### (A) *General.*

(1) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.

(2) Barbed wire or above ground electric fences shall not be permitted, used or constructed, except in industrial districts or where livestock are permitted.

(3) All fences shall be maintained and kept safe and in a state of good repair and the finished side or decorative side of a fence shall face adjoining property and provide a clearance for maintenance without entering upon the neighboring property.

(4) No fence, wall or hedge shall exceed six feet in height, as measured from the finished grade, unless required by the city for screening, buffering or safety.

(5) No portion of a fence, wall or hedge projecting into the front yard of a property shall exceed 30 inches in height unless required by the city for screening, buffering or safety.

(6) The area between a fence and property line shall be maintained in an attractive condition at all times.

##### (B) *Approval required.*

(1) Fences on properties with three or more unit residences or nonresidential uses shall require a site plan review application and approval with the city, as described in § [154.066](#).

(2) Retaining walls measuring four feet in height or more shall require a building permit application and approval.

##### (C) *Temporary fences.*

(1) Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four foot intervals.

(2) Such fences shall comply with the setback requirements set forth in this chapter.

(3) Temporary fences shall not be erected for more than 45 days.

(D) *Nonconforming fences.* Any fence existing on the effective date of this Code of Ordinances and not in conformance with this section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this section.

(Ord. 879, passed 10-28-2020)