

Planning Commission Meeting
Thursday, August 18, 2022, at 6:00pm

Minutes

Planning Commission Members Present: Chair Markert, Vice Chair Olson, Planning Commission Members: Siemers, Wolf, Zanto
Others: Clerk Donovan

Broadcast via the City YouTube Channel.

Planning Commission Chair Markert Called the August 18, 2022, Planning Commission Meeting to Order at 6:00pm, Pledge of Allegiance

1. Approve or Amend Agenda

Motion to approve the Agenda: Vice Chair Olson
Second: Planning Commission Member Wolf
Motion Passed: 5-0

- 2. Consent Agenda** Those items on the Planning Commission Agenda which are considered routine or non-controversial are included as part of the Consent Agenda. Unless a Planning Commission Member specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any item removed from the consent agenda shall be placed at the end of General Business.

1) July 21, 2022-Planning Commission Meeting Minutes

Motion to approve the Consent Agenda: Planning Commission Member Siemers
Second: Planning Commission Member Zanto
Motion Passed: 5-0

3. Public Hearings

1) Action Overhead Door and Krueger Excavating

Planning Commission Chair Market introduced Planner Nash who reviewed the request from Action Overhead and Krueger Excavating to change the current zoning from Commercial to Industrial.

The applicants have submitted requests for 1) a Comprehensive Plan Amendment from Commercial to Industrial, 2) a rezoning from Commercial to Industrial.

Action Overhead Door is an existing business located at 18077 Murphy Lake Boulevard (PID 041220010). They constructed an expansion under a Conditional Use Permit in 2019 and

have no current plans to expand. When under Scott County Zoning, they were zoned I-1 Rural Industrial District. A copy of their CUP is included in the packet. They have no current plans to expand but are requesting this Comprehensive Plan Amendment and Rezoning to be in a zoning district that they feel is more compatible with their current use of the property. Krueger Excavating is an existing business operating under an Interim Use Permit (IUP) for a home occupation, which is included in the packet. The business has expanded beyond the conditions of the IUP, and they are seeking to construct an addition to the existing building. The property is currently zoned Commercial in the Comprehensive Plan and Commercial on the Zoning Map. Contractor yards are not an eligible use in the Commercial Zoning District, so they have applied for the Comprehensive Plan Amendment and Rezoning to Industrial to be within a zoning district that allows contractor yards with a conditional use permit. In separate items on this August Planning Commission agenda, Krueger Excavating is seeking review and consideration of a variance and conditional use permit for an expansion on their property.

Planning Commission Chair Markert opened the public hearing at 6:16pm for Action Overhead Door and Krueger Excavating request to change Comprehensive Plan Amendment and Rezoning from Commercial to Industrial.

Planner Nash advised no written comments were received.

- David Dillon: 7455 180th St E. Concerned with the explanation on change to Industrial from Commercial. Concerned with the change to industrial such as the hours of operations, noise, and traffic, outside storage with the growth and expansion, if planned. Feels the zoning should not be changed.
- Paula Smith: 7401 180th St E. Concerned with the change to industrial and the noise and traffic.

**Motion to close public hearing to change Comprehensive Plan Amendment and Rezoning from Commercial to Industrial: Planning Commission Member Zanto
Second: Planning Commission Member Siemers
Motion Passed: 5-0**

Planning Commission questions/comments/concerns:

- When did zoning change from Industrial to commercial? Planner Nash explained the change was made approximately in the fall of 2019 with the 2040 Comp Plan. Krueger was in Urban Expansion Reserve under the county jurisdiction. Because this was part of the 2040 Comp plan, notices were not sent on specific property changes. Notification published for the 2040 Comp plan and public meetings held.
- Conditional Use Permits can have extra conditions put in place. CUP's remains with the land if conditions are being met. IUP's can have terminating clauses.

a. Comprehensive Plan Amendment

**Motion to recommend approval to City Council to make an amendment to the comprehensive land use map from commercial to industrial for Krueger Excavating and Action Overhead Door: Planning Commission Member Siemers
Second: Planning Commission Member Zanto
Motion Passed: 5-0**

**Motion to recommend approval to City Council on the rezoning that is consistent with its recommendation regarding the Comprehensive Plan amendment. subject to the City Council approval and MET Council Approval.: Planning Commission Member Wolf
Second Vice Chair Olson
Motion passed 5-0**

b. Rezoning

Mark Paul Action Overhead Garage Door explained property was zoned for Industrial with Scott County and zoning changed to Commercial with the change to the becoming a city and the 2040 Comp Plan.

Planner Nash explained the difference between commercial and industrial in the land use. Industrial could be manufacturing and include outdoor storage. Commercial could be convenience store for example.

Nate Krueger, Krueger Excavating – Reviewed history of the property
Staff recommends the Planning Commission make a recommendation on this

2) Krueger Excavating

a. Text Amendment to Zoning Ordinance

Planner Nash Staff recommend denial of the text amendment with outside storage requested. Contractor yard is not permitted use within Commercial zoning district.

b. Variance from Side Yard Setback

Planner Nash explained the variance requested is to expand building and parking. Planner Nash stated this is not allowed under the current CUP. Comment memo and outstanding items have been given and revisions needed before staff can recommend approval. Staff recommendation is to table.

c. Conditional Use Permit

Chair Markert opened the hearing of the Krueger Text Amendment to zoning ordinance, Variance from Side Yard Setback and Conditional Use Permit at 7:04.

Hearing no comments, the public hearing was closed.

Motion to close Public Hearing for Krueger Excavating: Planning Commission Member Wolf

Second: Vice Chair Olson

Motion Passed: 5-0

Planning Commission questions/comments:

Text Amendment: Commission concerned with change setting precedent and long-term zoning changes with the contractor yard and outside storage.

Motion to table the Text Amendment to Zoning Ordinance: Vice Chair Olson

Second: Planning Commission Member Zanto

Motion Passed: 5-0

Motion to table the Variance Request from side yard setback: Planning Commission Member Wolf

Second: Planning Commission Member: Siemers

Motion Passed: 5-0

Motion to table the Conditional Use Permit: Planning Commission Member Zanto

Second: Planning Commission Member: Vice Chair Olson

Motion Passed: 5-0

If Krueger Excavating would like to withdraw, it would need to be in writing.

4. General Business

5. Adjourn Planning Commission meeting


Motion to adjourn the August 18, 2022, Planning Commission meeting: Planning Commission Member Zanto

Second: Planning Commission Member Siemers

Motion Passed: 5-0


The August 18, 2022, Planning Commission Meeting was adjourned at 7:13 pm.

Recorded by:



Karen Donovan City Clerk-Credit River

Approved by:



**William D. Markert
Planning Commission Chair –
Credit River**