

**Planning Commission Meeting**  
**Thursday, March 17, 2022, at 6:00pm**  
**Minutes**

Planning Commission Members Attending: Chair Markert, Vice Chair Olson, Siemers (remote), Zanto, Wolf

Planning Commission Members Absent: none

Others Attending: City Planner Nash, Clerk Donovan (Remote), Brent Lawrence, Leroy Schommer

6:00PM: Planning Commission Chair Markert called the March 17, 2022, Planning Commission Meeting to Order. Pledge of Allegiance.

**1. Approve or Amend Agenda**

**Motion to approve the Agenda as presented: Planning Commission Member Wolf**

**Second: Vice Chair Olson**

**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.

**No items on Consent Agenda**

**3. Public Hearings**

**1) Amendment to Text of Zoning Ordinance Related to Permitting Businesses in Residential Zoning Districts**

Chair Markert asked Planner Nash to introduce the Amendment to Text of Zoning Ordinance related to Permitting Businesses in Residential Zoning Districts.

Planner Nash stated that John Mesenbrink (owner of property at 7765 175th Street) has applied for a text amendment to the Zoning Ordinance. The proposed amendment is as follows:

*Replacement of "Prohibited Use" designation with "C-10" designation in cells E-21 and E-22 of Table 20-4 of Credit River Zoning Ordinance.*

Planner Nash explained that this proposed text amendment to the Zoning Ordinance would permit Commercial Accessory Buildings as a Conditional Use on parcels that contain at least ten acres of land.

Planner Nash added that performance standards within the Zoning Ordinance that pertain to these types of uses already exists and that Commercial Accessory Buildings are currently only permitted in the Commercial Zoning District.

The proposed text amendment does not appear to meet the needs of the applicant to be able to obtain a permit for a principal commercial use for his property, even if the text amendment is approved by the city. The rationale for this finding is outlined in the Staff Memo related to the Conditional Use Permit request of the applicant.

Planner Nash recommended denial of the text amendment to the Zoning Ordinance for reasons as stated in the Staff Memorandum.

Mr. Mesenbrink then spoke to the Planning Commission and explained his request. He commented that he had been denied a building permit to add on to an existing building on the property approximately 16 months ago. He has had a Conditional Use Permit (CUP) in place since 1986 for a storage building on the property (approved by Scott County). Mr. Mesenbrink wishes to construct a new commercial building on the property that would be used in part as an office and in part to store equipment and materials used in his business that are currently being stored outside.

**Chair Markert opened the Public Hearing for resident comments regarding the Amendment of Text of Zoning Ordinance related to permitting businesses in residential zoning districts.**

Planner Nash stated there were no written comments received by any resident. The following residents made comments during the public hearing:

- Bud (last name unclear) – This resident questioned the provision in Credit River’s ordinance related to how a portion of property that lies within the road right-of-way shall be excluded when determining compliance with the minimum lot area requirements. The resident’s opinion is that acreage of a property should be calculated to include ROW.
- Rob Casey - 17874 Murphy Lake Blvd. – Mr. Casey asked why sewer and water were not being brought in with the CR27 project. Planner Nash explained that sewer is not coming down CR27 because it is still being negotiated with the MET Council as to which paths from Savage will be used.
- Jim Schlimmer - 7512 175<sup>th</sup> St E - Mr. Schlimmer asked if it was against state law to make a variance or exception for this property for the use that they are already using it for. Planner Nash stated we are allowed to approve variances for performance standards. But the City cannot approve a variance for a use in a zoning district in which that use is not allowed. Mr. Schlimmer stated he is not opposed to this application.

- Kevin Casey – 7491 Casey Pkwy – Mr. Casey feels it would be an injustice to not approve this application.
- Cathy Haugh - 17570 Murphy Lake Blvd – Ms. Haugh questioned whether a text amendment could be changed after an amendment was made. Planner Nash stated text in our ordinances can be changed.
- Nate Krueger – 7616 180<sup>th</sup> St – Mr. Krueger stated he understood we need to follow rules and stated he supported the application.
- Paul Doelz – 7673 175<sup>th</sup> St E – Mr. Doyle stated Mr. Mesenbrink’s business never bothered him, and he supported the application.
- Ken Torborg – 7750 175<sup>th</sup> St E – Mr. Torborg stated he supported the construction of a new building to store Mr. Mesenbrink’s equipment.

After there were no more residents wanting to make a statement, Mr. Mesenbrink made a few more comments pertaining to his text amendment application. He had a document from his attorney with a proposal for a change in the text of the proposed amendment differing from the original proposal. However, this letter was not shared with the Planning Commission. Chair Markert stated that, as written, the current proposed text amendment would not work and asked whether Mr. Mesenbrink would be willing to withdraw the text amendment application. Mr. Mesenbrink stated he could complete a new application as he believes there is a way to do this.

A discussion ensued regarding the issues that need to be addressed with this application, including whether the city would allow commercial uses in a residential district that go beyond a home occupation – not just for this property but for all properties within a residential district. There are other factors to consider such as rebalancing densities within in the city, road use, etc. Lastly, Planner Nash stated that the withdrawal of the text amendment application would need to be provided in writing by the applicant. The Planning Commission would table this request until a written withdrawal is received.

Hearing no further comments Chair Market asked for a motion to close the public hearing.

**Motion to close the Public Hearing regarding the Amendment of Text of Zoning Ordinance related to permitting businesses in residential zoning districts.: Vice Chair Olson**  
**Second: Planning Commission Member Zanto**  
**Motion Passed: 5-0**

## **2) Conditional Use Permit for 7765 175<sup>th</sup> Street**

Chair Markert asked Planner Nash to provide a brief summary of the Conditional Use Permit application for 7765 175<sup>th</sup> St.

Planner Nash stated that John Mesenbrink has applied for a Conditional Use Permit to allow the construction and operation of a 24,000 square foot commercial building consisting of office space and a contractor yard at 7765 175<sup>th</sup> Street.

There are also two other existing buildings on the site that would then be used as accessory buildings to the principal commercial building being constructed. The two most suitable uses for the proposed building and use in Table 20-4 of the Zoning Ordinance are 1) offices and professional buildings and 2) contractor yard. Neither of these uses may be permitted in the Urban Expansion Reserve (UER) zoning district. A contractor yard may only be permitted with a conditional use permit in the Industrial zoning district, while an office building may be permitted administratively in either the Commercial or Industrial zoning districts. The Subject Property has a Conditional Use Permit that was issued by Scott County in 1986 for a storage garage for trucks with an office consisting of a 55' x 72' building with 14' sidewalls.

Planner Nash recommended denial of the Conditional Use Permit for the reasons stated in the Staff Memorandum.

Chair Markert then opened the Public Hearing on the Conditional Use Permit application for 7765 175<sup>th</sup> St.

No resident written comments were received by Planner Nash.

Since there were also no residents present who wanted to make a statement pertaining to this Conditional Use Permit application, Chair Markert asked for a motion to close the Public Hearing on the Conditional Use Permit for 175<sup>th</sup> St.

**Motion to Close the Public Hearing on the Conditional Use Permit for 175th St: Vice Chair Olson**

**Second: Planning Commission Member Wolf**

**Motion Passed 5-0**

Planner Nash explained the possible actions the Planning Commission could make tonight related to both applications. The Planning Commission could either recommend, deny, or table the applications.

Chair Markert requested a motion to table the Text Amendment to the Zoning Ordinance application.

**Motion for the Planning Commission to table the Amendment to the Text of Zoning Ordinance Related to Permitting Businesses in Residential Zoning Districts: Vice Chair Olson**

**Second: Planning Commission Member Zanto**

**Motion Passed: 5-0**

Chair Markert requested a motion to table the Conditional Use permit application.

**Motion for the Planning Commission to table the Conditional Use Permit for 7765 175th St: Planning Commission Member Zanto**

**Second: Planning Commission Member Wolf**

**Motion Passed: 5-0**

**4. General Business**

None

**5. Adjourn Planning Commission Meeting**

**Motion to Adjourn the March 17, 2022, Planning Commission Meeting: Planning Commission Member Wolf**

**Second: Planning Commission Member Zanto**

**Motion Passed: 5-0**

**The March 17, 2022, Planning Commission Meeting was adjourned at 7:46 pm.**

**Recorded by:**



**Karen Donovan  
City Clerk-Credit River**

**Approved by:**



**William Markert  
Planning Commission Chair- Credit River**