

# Planning Commission Meeting

Thursday, October 20, 2022 6:00 PM

## Minutes

Members present: Vice Chair Olson, Planning Commission Members Zanto, Siemers, Wolf  
Members absent: Chair Markert  
Others present: Mayor Kostik, Council Member Schommer, Planner Nash, Clerk Donovan

1 **Vice Chair Olson called the October 20, 2022, Planning Commission Meeting to Order, Pledge of Allegiance**

2 **Approve or Amend Agenda**

**Motion to approve the Agenda as presented: Planning Commission Member Siemers**  
**Second: Planning Commission Member Zanto**  
**Motion Passed: 4-0**

3 **Consent Agenda**

- 3.1 August 18, 2022, Planning Commission Minutes
- 3.2 September 15, 2022, Planning Commission Minutes

**Motion to approve the Consent Agenda as presented: Planning Commission Member Wolf**  
**Second: Planning Commission Member Zanto**  
**Motion Passed: 4-0**

4 **Public Hearing(s)**

**4.1 Northern Natural Gas**

- a. Amendment to Conditional Use Permit

Planner Nash summarized the Northern Natural Gas (NNG) Amendment to its existing Conditional Use Permit at 7120 196th St E (PID #049080082).

NNG applied for an amendment to their CUP to amend the site plan to incorporate the connection to CenterPoint Energy. The changes to the site plan include CenterPoint Energy components consisting of one additional building containing an odorizer and additional utility infrastructure. A total of four buildings would now be constructed on the site along with utility infrastructure. The site would be surrounded by an approximately 7-foot-tall fence chain link fence with barbed wire on top. Surrounding everything would be coniferous trees to provide screening.

NNG representative Steven Martinez and CenterPoint Energy representatives Casey Tollefson reviewed the need to accommodate this request. The proposed additional building measurements would be 12x10, 9ft tall and match the NNG buildings on the site. No venting of gas outside of building would occur – it would be odorless. Will only operate in the winter months.

With the recommendations reflected in Staff's memo dated October 14, 2022, Staff recommended approval of the amendment to the NNG's CUP.

Vice Chair Olson then opened the Public Hearing on the proposed Amendment to NNG's Conditional Use Permit. Planner Nash advised no written comments were received. No comments were made by residents attending the meeting in-person. Hearing no comments, the Public Hearing for the amendment to the NNG CUP was closed.

Planning Commission member comments included:

- Planning Commission Member Zanto asked for the height for the other 2 buildings. NNG representative responded 11 feet at its peak.

**Motion to amend the Northern Natural Gas Conditional Use Permit: Planning Commission Member Zanto**

**Second: Planning Commission Member Siemers**

**Motion Passed: 4-0**

#### **4.2 Krueger Excavating**

- a. Variance
- b. Interim Use Permit for Outdoor Storage Accessory to a Principal Use
- c. Conditional Use Permit for Contractor Yard

Planner Nash gave a summary: Krueger Excavating has submitted applications for 1) a text amendment to the zoning ordinance to permit contract yards as a conditional use in the commercial zoning district, 2) a variance from the side yard setback, and 3) a Conditional Use Permit for a contractor yard.

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. 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 in order to be within a zoning district that allows contractor yards with a conditional use permit. However, the Comprehensive Plan Amendment process takes approximately 90 days, and the applicant wishes to construct the building sooner than that so has also applied for a text amendment to the Zoning Ordinance.

Staff suggested the Planning Commission review and consider the request for a variance and if recommend the request to be approved, that the following conditions be included:

1. Development of the site shall be in substantial conformance with the plans prepared by Jacobson Engineers and Surveyors dated September 28, 2022 and included as Exhibit B attached hereto.
2. This variance shall expire one (1) year from the date of issuance if the variance is not utilized.

Staff suggested the Planning Commission review and consider the request for outdoor storage and recommended that once the applicant submits revised plans that can be reviewed against the Zoning Ordinance for compliance with required conditions, staff will prepare recommended conditions for the Planning Commission's considerations if the outdoor storage meets the zoning ordinance requirements.

Lastly, Staff suggested the Planning Commission review and consider the request for a CUP. The CUP can only be recommended for approval if both the Variance and Interim Use Permit are also recommended for approval. If recommended for approval by the Planning Commission, Staff recommends the following conditions be included:

1. Development of the site shall be in substantial conformance with the plans prepared by Jacobson Engineers and Surveyors dated September 28, 2022 (included as Exhibit B in meeting package).
2. The CUP shall be regulated in accordance with the Credit River Zoning Ordinance, the \_\_\_\_\_, 2022 site plan, and the conditions within this resolution.
3. Parking for maintenance and other vehicles shall be provided on-site. No parking shall be allowed on any public road unless permission is granted by the City.
4. The landscaping on the Subject Property shall be installed and maintained as shown in the \_\_\_\_\_, 2022 site plan. In the event that the plantings do not thrive, owner of the property or their successor shall replace the plantings within 3 months of written notice by the City, unless said written notice is provided between August 15th and March 30th in which case the plantings shall be replaced by the following June 30th.
5. The Subject Property shall remain in compliance with the Minnesota Noise Pollution Control Rules (Minnesota Administrative Rules Section 7030) at all times.
6. The addition to the building shall be constructed in substantial conformance with the architectural plans dated \_\_\_\_\_, 2022. No additional buildings are permitted to be constructed unless the Conditional Use Permit is amended.
7. The Applicant shall pay all fees owed to the City for the review and processing of this application prior to the issuance of any permits, or alternatively establish additional escrow with the City.

Nate Krueger, the applicant, was in attendance to respond to any questions from the Planning Commission or residents.

Vice Chair Olson opened the Public Hearing. Planner Nash advised no written comments were received.

No residents in attendance desired to make any comments. Hearing no comments, the public hearing was closed.

**Motion to close the public hearing for Krueger Excavating: Planning Commission Member Wolf**  
**Second: Planning Commission Member Siemers**  
**Motion Passed: 4-0**

**Motion to recommend approval to the City Council for the Variance request for the side-yard setback with suggested Staff conditions noted: Planning Commission Member Siemers  
Second: Planning Commission Member Zanto  
Motion Passed: 4-0**

**Motion to recommend approval to the City Council of the Interim Use Permit for Outdoor Storage Accessory to the Principal Use with Staff conditions noted. Planning Commission Member Siemers  
Second: Planning Commission Member Wolf  
Motion Passed: 4-0**

**Motion to recommend approval to the City Council of the Conditional Use Permit for Contractor Yard subject to the applicant satisfying the conditions noted in Staff's memo: Planning Commission Member Wolf  
Second: Planning Commission Member Zanto  
Motion Passed: 4-0**

#### **4.3 Ordinance Amendment Related to Planning Commission**

Planner Nash summarized a proposed Zoning Ordinance Amendment related to the requirement that Planning Commission members be residents of the City of Credit River. The City's ordinance currently requires all Planning Commission members be residents of the city (Section 2-4-2 A). The proposed amendment would remove that requirement.

The reasons provided for potentially including people who are not residents include but are not limited to:

- Address temporary residency situations while a member is between moves
- Include business owners or managers
- Include property owners that do not live in the community.

Planner Nash also summarized an additional proposed Zoning Ordinance Amendment in which the term expiration date for Planning Commission members changes from December 31<sup>st</sup> to February 28<sup>th</sup> (Section 2-4-2 B).

Vice Chair Olson opened the Public Hearing. The following residents provided comments during the Public Hearing:

- Mike Haberlack - Spoke about other surrounding cities requiring Planning Commission to be residents. Believes the proposed change is not good policy.
- Peter Theberath – Looking for a permanent solution for a temporary problem. Is there any other way to do this without changing the amendment?
- Jay Saterbak – Spoke against the change to allowing non-residents becoming members of the Planning Commission.
- Leroy Schommer - Would like to ask to consider changing the ordinance.
- Nate Krueger - Would like to consider changing but would like to have a time limit in place.
- Tom Dunlop – Agreed that Mr. Krueger made a good point but also wanted to make the point of not changing the ordinance since there are other residents who would like to be on the Planning Commission.

Hearing no further comments, the public hearing was closed.

**Motion to close the public hearing regarding the amendment to the Planning Commission Ordinance: Planning Commission Member Zanto  
Second: Planning Commission Member Wolf  
Motion Passed: 4-0**

Planning Commission member comments and questions:

- Planning Commission Member Wolf – Is there anything such as a hardship rule that can be put in place with a time frame such as 6 months? Planner Nash explained how vacancies are filled with council members and can be removed with a 4/5th vote.

**Motion to make no recommendation to the council regarding the Zoning Ordinance Amendments:**

**Planning Commission Member Wolf**

**No second**

**Motion did not pass.**

**Motion to recommend denial of the proposed Amendment to Section 2-4-2 A of the Zoning Ordinance to the City Council (resident status) and recommend approval of the proposed Amendment to Section 2-4-2 B of the Zoning Ordinance to the City Council (term expiration date):**

**Planning Commission Member Zanto**

**Second: Planning Commission Member Wolf**

**Motion passed: 4-0**

#### 4.4 Shoreland Ordinance

Planner Nash reviewed the proposed Shoreland Ordinance being drafted. The city is required to adopt a Shoreland Ordinance that meets the requirements of state statute.

The updated draft reflects comments received to-date from the DNR. Review by the DNR is continuing. City Staff has requested flexibility to permit structures with a building height of 35 feet instead of the 25-foot typical requirement.

Vice Chair Olson opened the public hearing for resident comments regarding the City's Shoreland Ordinance. Residents making comments included:

- Ted Kowalski – Spring Lake Township. Comments were sent to Planner Nash and Chair Markert. Mr. Kowalski recommended removing sections 70-8-4 and 70-8-7, which are optional, and the tributaries of the Credit River should be protected.

Planner Nash acknowledged that all storm water management is reviewed by the DNR. Not sure if Ditch No 4 (portion of Credit River) can be added into the Ordinance.

- Jamie Johnston: 8056 165th St – Question on the area protected for the Credit River and whether is covered the area where the new proposed development is planned.
- Denise Peterson: 8030 165th St. - Spoke with a hydrologist at the DNR; wondering whether the city can improve / add to DNR recommendations?

Hearing no further comments, the public hearing was closed.

**Motion to close the public hearing on the shoreland ordinance: Planning Commission Member Wolf**

**Second: Planning Commission Member Zanto**

**Motion Passed: 4-0**

**Motion to consider tabling until the November 17 Planning Commission meeting: Planning Commission Member Wolf**

**Second: Planning Commission Member Siemers**

**Motion Passed: 4-0**

#### 5 General Business

#### 6 Adjourn

There being no further business before the Planning Commission, a motion to adjourn was heard.

**Motion to adjourn the October 20, 2022, Planning Commission Meeting: Planning Commission Member Zanto**

**Second: Planning Commission Member Siemers**

**Motion Passed: 4-0**

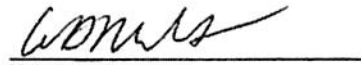
**The October 20, 2022, Planning Commission Meeting was adjourned at 7:39 pm.**

Recorded by:



**Karen Donovan**  
City Clerk-Credit River

Approved by:



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