



AGENDA ITEM REPORT

Meeting Date: April 16, 2024

Presenter: - Eric Van Dyken, Zoning Administrator

Staff Contact: Eric VanDyken, Zoning Administrator

Department: Environmental Services

Subject: Planning Commission Recommendations

Background Information:

The Planning Commission met on Monday, April 8 to consider two Conditional Use Permit (CUP) requests and Preliminary Plat application. The CUPs are forwarded for consideration now, and the plat will be forwarded to the County Board for consideration after final plat consideration by the Planning Commission.

Financial Impact:

None

Policy Implications:

The Recommendations of the Planning Commission are consistent with the policies of the Comprehensive Plan, Zoning Ordinance and the Subdivision Ordinance.

Recommendation(s):

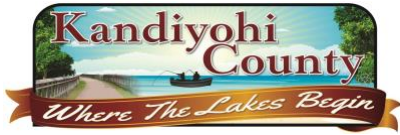
Staff recommends that the Board adopt the recommendations of the Planning Commission on these two CUP requests with conditions and findings as contained in the draft minutes.

Attachments:

[Planning Commission - 08 Apr 2024 - Minutes](#)

[Verizon](#)

[Tepetonka Village](#)



MINUTES

Planning Commission Meeting

7:00 PM - Monday, April 8, 2024

Kandiyohi County Health & Human Services Building -
Board Room

The Kandiyohi County Planning Commission was called to order on Monday, April 8, 2024, at 7:00 PM, in the Kandiyohi County Health & Human Services Building - Board Room, with the following members present:

PRESENT: Bonnie Watson, Erik Lilleberg, Jon Noeldner, Dan Halldin, Roger Imdieke, Roland Nissen, and Shawn Mueske

Also present were Eric Van Dyken, Zoning Administrator and Krista Krupa, Environmental Specialist.

APPROVAL OF MINUTES

AGENDA ITEMS:

Verizon Wireless: Part of Lot 5, Block 4, Golden Acres; and part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 36, Dovre Township. (37th Ave NE & Hwy 71 Frontage NE). Duininck Companies, Landowner. Requests installation of a 250 foot self-support tower w/9 foot lightning rod, for wireless communications in a CI Commercial/Industrial District.

Drew Knapek, Representative for Verizon Wireless, presented the request stating the need for the tower is to fill a gap in coverage in the area.

Mueske, who was on the viewing committee stated that he thought this was a logical use for this location. Noeldner and Lilleberg concurred.

Van Dyken stated that he received notification from the Dovre Township Board that the survey submitted with the application was not the most current survey. The Board had concerns as to site access and wanted to make sure that site access would be from 19th St. NE and be permitted or approved by the Dovre Township Board of Supervisors.

Van Dyken read staff findings and proposed conditions and recommendations approval.

Watson asked if this tower would be one that would require lighting. Knapek stated that it is at a height that the FAA would require lighting.

Motion by Nissen, second by Mueske to approve based on conditions and findings as presented by staff.

Conditions:

1. Access to the site shall be from 19th St. NE and shall be permitted or approved by the Dovre Township Board of Supervisors.

Findings:

1. The Planning Commission finds that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. The Planning Commission finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. The Commission notes that the surrounding area is predominantly commercial in nature.
3. The Planning Commission finds that adequate utilities, access roads, drainage, off-street parking, and other necessary facilities have been or will be provided. The Commission notes that the site will not require facilities or infrastructure above normal levels for the area.
4. The Planning Commission finds that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibrations, so that none of these will constitute a nuisance, and to control lighted signs, and other lights in such a manner that no disturbance to neighboring properties will result. The Commission notes that the lights, noise, dust, odors, fumes, and vibrations associated with the proposed use will be minimal or nonexistent.
5. The Planning Commission finds that the proposed use is allowed with a conditional use permit in the CI zoning district under Zoning Ordinance Chapter 18, Section 18-3 entitled "conditional uses".
6. The Planning Commission finds that the proposed use is in harmony with the goals and objectives of the Comprehensive Plan. The Commission notes that the Comprehensive Plan identifies in Chapter 7 Goal 9 Objective A, that the County should facilitate the development of basic infrastructure and services to as many of the residents of the County as possible without creating substantial economic or environmental problems. The Comprehensive Plan also states in Chapter 7 Goal 8 Objective A Guideline 15 that communication towers should be placed in areas with compatible existing land use and should not greatly detract from scenic views.

7. The Planning Commission finds that the proposed use has the ability to meet the standards of the Zoning Ordinance. The Commission notes that zoning staff review of the proposal found no violations of the Zoning Ordinance.
8. The Planning Commission finds that the proposed use will not have significant negative impacts on groundwater, surface water, or air quality if operated according to all applicable Federal, State, and County regulations, including the conditions placed on the permit.

The Planning Commission unanimously recommends the County Board approve the request, based on conditions and findings as stated herein.

Motion carried.

Tepetonka Club LLC: Part of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 13, and part of the NE $\frac{1}{4}$ of Section 14, all in Township 121, Range 35, Lake Andrew Township. 1155 Co Road 40 NE. Requests a 9 Lot Conservation Subdivision in an RM Shoreland Resource Management District and A-2 General Agricultural District.

Jason Ver Steeg, Engineering Project Manager from Duininck, Inc., Taylor Marcus, Marcus Construction, and Brock Olson, Tepetonka Property Manager, all spoke during a PowerPoint presentation explaining the proposed project.

Lilleberg asked about the plan for the septic system for the housing development. Ver Steeg stated that the septic is proposed to be south of the short course and is proposed to be a cluster system. He explained that several locations were considered, but based on the outcome of the soils; this was the best location for the system. Ver Steeg stated that Septic Check will be designing the system. Ver Steeg explained that Septic Check is experienced in designing and installing large and commercial sewage treatment systems.

Lilleberg asked about the water wells and if the wells for the houses would be the same as the wells for the rest of the property. Ver Steeg stated that Thein Well, Inc. is currently working on the logistics for that, but that his understanding was that there would be a separate well for the residential water needs.

Lilleberg asked if there are plans in the future for more houses to be built. Ver Steeg stated that there was not, at least not to this scale or manner.

A lengthy discussion occurred in regard to impervious surface coverage. Van Dyken explained that the property lies in two zoning districts and explained the impervious surface coverage percentage in each of those districts.

Imdieke asked if the option was still open to connect to the public sewer system. Ver Steeg stated that the option was still being considered. Imdieke asked, because the wastewater issue has not been determined, if that would affect the decision at this meeting. Van Dyken stated that the primary question is if sewage can be treated

onsite. It has been determined that sewage can be treated onsite, but it could also be feasible to connect to municipal sewer. Van Dyken indicated that staff is proposing an addition to proposed condition #3 that would allow for either option.

Watson asked about the width of the roads and cart paths and number of access points to County Road 40 and if they would be paved. Discussion occurred as to the width of the access roads and cart paths and in the event of emergency, if emergency vehicles will be able to access. Ver Steeg explained that all access points to CR 40 would be of sufficient width and turning radius to adequately accommodate emergency vehicles. Drives to homes would be in the range of 24-26 feet wide and internal cart paths would be 12 feet wide.

Gene East, Lake Andrew resident, presented concerns regarding access to County Road 40 and if carts will be accessing the road, as that is a safety concern. East noted concerns regarding impervious surface and storm water runoff, setbacks of structures, location of steep slopes and the concern of highly erodible soils. East indicated concerned about the availability and content of public information. East stated that, in concept, the conservation subdivision is better than other types of development.

Lilleberg asked if Ver Steeg could clarify the question East had regarding access to County Road 40 and if carts would be accessing the road. Ver Steeg stated that the access to County Road 40 would be 24 feet wide with proper turn radius and stated that there would be no reason for carts to be accessing County Road 40, as all facilities can be accessed internally.

Watson asked if Ver Steeg could address the setback concern. Ver Steeg stated that there are 10-foot setbacks from the rear and side property line and that there is a 100 foot setback from the river.

Mueske asked if Ver Steeg could address the slope concern. Ver Steeg stated during this process, the slopes and bluff areas needed to be addressed and that there was a small area to the west that was considered a bluff.

Van Dyken explained further the setback, slope and bluff concerns in depth and stated that the vegetation on steep slopes is being proposed to be left in place.

East asked if further guidance from Kandiyohi Soil and Water Conservation District could be consulted on the concerns with the steep slopes. Van Dyken stated that he is in regular communication with staff from that agency and will continue to be.

Gary Noehl, area resident, stated concerns about setbacks of the western cabins. Van Dyken stated that Noehl is looking at the property line and explained the process as to where and how the setback is determined and assured that the setbacks have been looked at closely. Noehl asked if they could be looked at again.

Mueske asked about the setback from the river on Lot 1 and the others. Ver Steeg stated that the proposed structure setback from the river on Lot 1 is 108 feet and that the others are greater than that. Imdieke stated that it is hard to look at the maps and not be confused by the layout of the lot and the footprint of the building.

Jason Doty, area resident, concerned that the County is making sure that Tepetonka is paying their share of the tax and that through this process, we are not missing something in that aspect.

Van Dyken stated that there have been concerns raised at the office as to how the business is organized (as a nonprofit) and after talking to the County Assessor, he was assured again that they are not exempt from property taxes.

Jared Swart, area resident, asked if the outlots on plat would be able to be developed in the future. Van Dyken stated that they would not be as there is no remaining density available. Swart asked that, if Lot 1, Block 3 was not part of the original plat, why the footnote states that it was removed. Van Dyken explained why and how Lot 1, Block 3 of the proposed plat is excluded from the Conservation Subdivision.

Mark Thompson, area property owner, had concerns regarding access onto County Road 40 as there is a hill to the east of the property and that poses a safety concern. Van Dyken noted that the applicants and staff have been in contact with the Public Works Department and that no concerns over number or location have been raised. Lilleberg asked if Van Dyken would give Thompson the name of an individual who Thompson could contact for further information. Van Dyken stated that Thompson could contact County Engineer Mel Odens.

Noeldner, who was on the viewing committee, stated that he believes that the way the land is shaped and how they are proposing the project, that it fits the land very well. He stated that there is a bluff on the west side and that as long as the proper plan is followed during construction, everything should go well.

Mueske, who was on the viewing committee, concurred adding that the proposal will preserve Shakopee Creek. He stated that the concerns on the access and septic, although valid, have all been addressed.

Lilleberg, who was on the viewing committee, stated that this was a natural fit for this location, adding that the public concerns are valid and that Tepetonka has been attempting to do the right thing. Lilleberg stated that he feels that the proposal fits well and ties in with what is already there.

Van Dyken stated that he received a phone call from Diane Anderson, area resident, who was in favor of the proposal.

Van Dyken reviewed an email received by Paul and Darcy Olson, area residents, who stated concerns about the housing units, water management plan, roads and traffic and conservation zoning and perpetuity.

Mueske asked if the septic system would be on the subdivision property or on the golf course property. Van Dyken stated that the system would be on the subdivision property and it would require an operating permit that would require monitoring.

Van Dyken stated that the Conservation Subdivision language is in the ordinance because it is something that the county put in the Comprehensive Plan for this type of situation.

Van Dyken read staff findings and proposed conditions and recommendations approval.

Motion by Nissen, second by Halldin to recommend approval of the request based on conditions and findings as presented by staff and as amended during discussion (Condition #3 by staff and Condition #4 by Watson).

Conditions:

1. Open space shall be maintained and regulated as per requirements of Chapter 34 of the Zoning Ordinance.
2. The Tepetonka Village Owners Association (or successor) shall be maintained in perpetuity in order to assure preservation and maintenance of common open space.
3. Sewage treatment needs shall be met through the design, installation, and maintenance of a cluster sewage treatment system planned for Outlot F, or other plan as approved by the Zoning Office.
4. Vegetative and grade alterations within shore and bluff impact zones shall be restricted and regulated under the standards of the Zoning Ordinance. Zoning Office staff shall be consulted prior to any vegetative or grade alterations in these protected areas utilizing the expertise of the Soil and Water Conservation District.
5. Wetland impacts shall be regulated under the Wetlands Conservation Act administered by Kandiyohi County.
6. Stormwater management improvements shall be maintained over time to assure their effectiveness as designed and installed.
7. Lot 1 Block 3 of the plat of Tepetonka Village shall be excluded from the Conservation Subdivision.

Findings:

1. The Planning Commission finds that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. The Commission notes that there are few nearby residences and that the proposed residential use will not impact their use and enjoyment. The Commission further notes that the preponderance of nearby land to the south is under the same ownership as the project proponent.

Planning Commission
April 8, 2024

2. The Planning Commission finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. The Commission notes that the immediate surrounding area is predominantly mixed agricultural, natural habitat, and rural residential. The Commission finds no evidence to suggest that the proposed development will significantly uses and development on nearby properties.
3. The Planning Commission finds that adequate utilities, access roads, drainage, off-street parking, and other necessary facilities have been or will be provided. The Commission notes that the site will not require facilities or infrastructure above normal levels for the area.
4. The Planning Commission finds that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibrations, so that none of these will constitute a nuisance, and to control lighted signs, and other lights in such a manner that no disturbance to neighboring properties will result. The Commission notes that the lights, noise, dust, odors, fumes, and vibrations associated with the proposed use will be minimal.
5. The Planning Commission finds that the proposed use is allowed with a conditional use permit in the A-2 and RM zoning districts under Zoning Ordinance Chapter 7 Section 7-3 and Chapter 11, Section 11-3 entitled “conditional uses”.
6. The Planning Commission finds that the proposed use is in harmony with the goals and objectives of the Comprehensive Plan. The Commission notes that the Comprehensive Plan identifies Conservation Subdivisions as potentially beneficial to the County (Chapter 8, Pg. 6-7). The Commission notes that it is this language in the Comprehensive Plan that resulted in the Conservation Subdivision allowances in the Zoning Ordinance.
7. The Planning Commission finds that the proposed use has the ability to meet the standards of the Zoning Ordinance. The Commission notes that zoning staff review of the proposal found no violations of the Zoning Ordinance. The Commission notes that the proposed site can adequately serve the needs of the proposed use.
8. The Planning Commission finds that the proposed use will not have significant negative impacts on groundwater, surface water, or air quality if operated according to all applicable Federal, State, and County regulations, including the conditions placed on the permit. The Commission notes that the development of this property (including the concept of residential development under a Conservation Subdivision) was the subject of a mandatory Environmental Assessment Worksheet which was completed in 2023, resulting in a negative

declaration on the need for an Environmental Impact Statement on October 3, 2023.

The Planning Commission unanimously recommends the County Board approve the request, based on conditions and findings as stated herein.

Motion carried.

Preliminary Plat: Tepetonka Village: Part of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$, Section 13, and part of the NE $\frac{1}{4}$ of Section 14, all in Township 121, Range 35, Lake Andrew Township. 1155 Co Road 40 NE. Proposing 9 lots for residential development.

Van Dyken reviewed Declaration that goes with the plat, noting that several changes to the Declaration are needed before final plat approval and recording.

Discussion occurred as to the process between the approval of the preliminary plat and the final plat.

Van Dyken recommended approval.

Watson asked if there is a point in the process that there would be input from the township on the approval of the final plat. Van Dyken stated that notification is given to the township and that any input would be accepted, but there is no obligation and no mechanism for Township approval.

Motion by Imdieke, second by Mueske to approve as presented by staff.

Motion carried.

There being no further business, meeting adjourned at 8:50 PM.

