



Shakopee Planning Commission

Meeting

Minutes

June 3, 2021

7:00 PM

City Hall, 485 Gorman St.

1. Roll Call

Chair Robbins called the meeting to order.

Commissioners present: Josh Forsythe, Jesse Lara, Daniel Olson, Brandon Pike, Noreen Reding, Kent Robbins, Ashlee Sepulvado

City staff present: Senior Planner Mark Noble, Director of Planning & Development Michael Kerski

2. Approval of Agenda

Commissioner Josh Forsythe made a motion to approve the Agenda, seconded by Commissioner Brandon Pike and the motion passed.

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3. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearing

Staff has received.

4. Recognition by Planning Commission of Interested Citizens

No one responded.

5. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Chair there will be an opportunity for members of the Commission to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

A. Vacation of public drainage and utility easement as dedicated within Lot 34, Block 2, Ridge View Estates

B. Vacation of Public Right-of-Way in DCCO First Addition

C. Vacation of Certain Drainage and Utility Easements In the Plat Jefferson Court

D. Meeting Minutes of May 6, 2021

Commissioner Brandon Pike made a motion to approve the Consent Business, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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6. General Business

A. PUBLIC HEARING - Preliminary Plat of NORCOR FARMS

Commissioner Noreen Reding made a motion to open the Public Hearing, seconded by Commissioner Brandon Pike and the motion passed.

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Senior Planner Mark Noble stated that city staff has requested the Planning Commission open the Public Hearing, ask questions of the developer, have a discussion on this item and then continue this until the July meeting, because city staff has questions about design details and questions regarding the pond along 17th Avenue, among other things.

Mr. Randy Kubes, representative of Kubes Realty as well as the developer, addressed the Commission.

Mr. Pike asked for the reason there would not be homes built on the north side of the property and Mr. Kubes answered that this area was "sacred ground" because of the views of the river valley. Mr. Pike asked for more clarification on the wide range of home prices, from \$475,000 to \$900,000. Mr. Kubes stated that the lower priced homes would be on interior lots that were smaller and most likely split entry's. He stated the higher end of the prices would include walkout ramblers with covered porches and larger backyards, with more amenities like oversize garages, front porches and master suites.

Ms. Sepulvado asked if there was a demand for the higher priced homes and Mr. Kubes explained this in detail.

Mr. Pike asked if the lots would be sold first and then homes built and Mr. Kubes answered that there would be a variety, with 2 or 3 spec homes that would be built.

Ms. Reding asked what the lot sizes would be, and Mr. Kubes answered that the lots would be average sized lots, where minimum lot size is 60ft. x 100ft. and all of these lots would exceed the minimum size requirement.

Mr. Robbins asked about the construction timeline and Mr. Kubes answered that they hoped to start grading in the fall with lots for sale in July 2022. Mr. Robbins asked if

they had a list of interested people and Mr. Kubes answered that he did.

Mr. John Rotert addressed the Planning Commission. He stated he was concerned about the stone wall along his property and potential damage to it. Mr. Kerski responded to Mr. Rotert and stated that this is just one of the reasons city staff would like this item to be continued, since the storm water engineer still had work to do.

Commissioner Brandon Pike made a motion to continue the Public Hearing until July 8, 2021, seconded by Commissioner Josh Forsythe and the motion passed.
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B. PUBLIC HEARING - Annexation and Rezoning of property to Agricultural Preservation (AG) Zone - Mjolsnes Property

Commissioner Josh Forsythe made a motion to open the Public Hearing, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Mr. Noble presented the staff report.

Mr. Travis Mjolsnes, applicant, addressed the Commission. Mr. Robbins asked if there has been interest in the property and Mr. Mjolsnes stated that there had been interest in the past, but nothing currently.

Commissioner Brandon Pike made a motion to close the Public Hearing, seconded by Commissioner Noreen Reding and the motion passed.

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Commissioner Josh Forsythe made a motion to offer a positive recommendation to the City Council for approval of the draft Resolution, approving the annexation of property, seconded by Commissioner Brandon Pike and the motion passed.

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Commissioner Josh Forsythe made a motion of a positive recommendation to the City Council for adoption of the draft Ordinance, approving the rezoning to Agricultural Preservation (AG) Zone., seconded by Commissioner Brandon Pike and the motion passed.

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C. PUBLIC HEARING - Annexation and Rezoning of property to Urban Residential (R-1B) Zone - Kangas Property

Commissioner Noreen Reding made a motion to open the Public Hearing, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Mr. Noble presented the staff report.

Mr. Kerski explained the history of annexation of this parcel in detail to the Commissioners.

Mr. Noble added that the city did receive a letter from an adjacent property owner in opposition, and it was included in the Commissioner's report. Mr. Noble stated that there was also a letter from the Jackson Township Board stating their objection to this request included in the packet. The letter was received on 5/4/21 and states that this item is not in compliance with the orderly annexation agreement between the city of Shakopee and Jackson Township. Mr. Noble explained that the Shakopee Mayor and Shakopee City Administrator did counter this objection stating that this application agrees with the orderly annexation agreement and could move forward.

Mr. Tom Gillham, supervisor for Jackson Township, addressed the Planning Commission. He stated that there is a dispute between the city and Jackson Township regarding areas E and F, as they are not available to be annexed until 2050. He added that he was objecting to this annexation on behalf of Jackson Township as well as any annexation within the E and F area.

Mr. Robbins asked Mr. Gillham why these areas were in dispute and Mr. Gillham explained that this was agreed upon that these areas would not be annexed until 2050 so that they still could have a Township.

Ms. Sepulvado asked Mr. Gillham if the property owner was requesting this annexation, why would Jackson Township object to it and Mr. Gillham answered that since this was what was agreed upon in the orderly annexation agreement, it did not matter who was requesting it.

Mr. Kerski clarified onscreen the parcels in question.

Ms. Sepulvado asked for Mr. Kerski to repeat aloud what the orderly annexation agreement states if a property owner requests annexation and Mr. Kerski did so. Mr. Kerski also repeated item 4 in the agreement verbatim.

Mr. Gillham added that paragraph 9 in the agreement refers to areas E and F and Mr. Noble read this paragraph aloud verbatim.

Mr. Forsythe asked for clarification on E & F and that it was Mr. Gillham's thought that property owners in that area should not even be able to annex until 2050 and Mr. Gillham stated that he was correct. Mr. Forsythe asked if the Township approved of the Countryside addition in area E and Mr. Gillham stated that the Township did approve of that annexation. He continued to state that Jackson Township would like to have a say in how those areas would be annexed, and not be done piecemeal or scattered. Mr. Gillham stated that the orderly annexation agreement has not been orderly at all.

Ms. Reding asked how the Township responds to property owners that want to annex in these areas and Mr. Gillham explained this in detail.

Mr. Patrick Link, representative of Link Construction, addressed the Commission.

Mr. Pike asked if there was a building timeline if the annexation were approved and Mr. Link answered that they were open; and that the property could develop right away, but it was all dependent on the market.

Ms. Sepulvado asked for clarification that there was no immediate plan for development and Mr. Link answered that she was correct.

Mr. Kerski added that the city had had a meeting with the Township in August, and they expressed concern with these smaller projects eating away at the edge of the Township in E and F as requested by property owners. Mr. Kerski also stated that even though this was not in the agreement, the city suggested that individual property owners looking to annex could meet with the Township prior to doing so.

Mr. Noble added that this property is in a reserve district, so if a property owner or developer wanted to develop a property in the Township, they would not be able to; it would need annexing and rezoning prior to any development.

Mr. Olson asked about the city response to the Township dated 5/6/21 referencing another property owner's attempt to annex that went before an administrative law judge who ruled in favor of the property owner, and what zone this property was in, and the status and Mr. Kerski answered that this was the vet clinic.

Mr. Lara asked where the property was located that a resident was concerned about traffic and Mr. Kerski clarified this for the Commissioners.

Mr. Olson asked about property #2 in the residential development and how the township was not opposed to this, and Mr. Gillham responded that this was incorrect; they are opposed.

Ms. Reding asked if the property owner had met with the Township Board and Mr. Gillham stated that they had.

Mr. Pike asked Mr. Link what they would do if the Planning Commission did not approve this recommendation to the City Council for rezoning and Mr. Kerski clarified this for Mr. Pike stating that if approved for annexation, it would have that land use.

Commissioner Ashlee Sepulvado made a motion to close the Public Hearing, seconded by Commissioner Josh Forsythe and the motion passed.

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Mr. Forsythe stated that in a different conflict regarding annexation between the city and Jackson Township, an administrative law judge ruled in favor of the ability of a property owner to come to the city and request annexation. He added that he did not have a concern about the legality of this annexation request.

Ms. Sepulvado stated that she agreed with Mr. Forsythe.

Mr. Robbins stated that he appreciated the city's predicament and the situation of a property owner wanting to annex vs. the city requesting an annexation. He added that unfortunately, the orderly annexation agreement mentions both situations.

Commissioner Noreen Reding made a motion of a positive recommendation to the City Council for approval of the draft Resolution, approving the annexation of property, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Commissioner Noreen Reding made a motion of a positive recommendation to the City Council for adoption of draft Ordinance, approving the rezoning to Urban Residential (R-1B) Zone, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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D. PUBLIC HEARING - Annexation and Rezoning of property to Urban Residential (R-1B) Zone - Jacobson Property

Commissioner Brandon Pike made a motion to open the Public Hearing, seconded by Commissioner Josh Forsythe and the motion passed.

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Mr. Noble presented the staff report.

Mr. Olson asked if the property owner/and or developer was required to notify Jackson Township of this request and Mr. Noble answered that with these applications, the city has notified Jackson Township through Project Docs and a map in advance of this meeting, so has met the criteria.

Ms. Sepulvado asked for clarification that this application was received after the applicant and property owner had met with the Jackson Township Board and Mr. Noble stated that she was correct. Mr. Noble replied that the applicant was present and could confirm the meeting with Jackson Township.

Mr. Tom Gillham, Jackson Township Supervisor, addressed the Planning Commission. He stated that Jackson Township objected to this annexation request as well, since it is in area E, which should not be annexed until 2050.

Mr. Steve Behnke, representative of Donnay Homes, addressed the Planning Commission. Mr. Behnke stated he met with the Jackson Township Board on May 4, 2021, and made a presentation to them. He stated that the development on this property would include 60 single family lots, constructed in 2 phases.

Ms. Sepulvado asked if the home designs and layouts would be like their other products in Shakopee and Mr. Behnke answered that the homes would be similar to Prairie Meadows 1st and 2nd addition. He added that home prices would depend on the market and went on to explain this in detail.

Mr. Forsythe asked Mr. Behnke how their development plans would fit with the vet clinic property and Mr. Behnke explained this in detail.

Mr. Kerski clarified that the city would require this property owner and the previous item's property owner to work together regarding the sewer connection. Mr. Kerski also clarified that both of the owners of these properties would still be living in their homes, so only part of both of these properties would be developed at this point.

Ms. Sepulvado asked if there were 2 homes on this property and Mr. Behnke clarified that there was an existing barn and home on the property.

Ms. Reding asked where the boundary to Jackson Township was and Mr. Noble explained this in detail.

Commissioner Jesse Lara made a motion to close the Public Hearing, seconded by Commissioner Noreen Reding and the motion passed.

Mr. Pike asked if city staff could include Jackson Township annexation requests be included in their packets in the future and Mr. Kerski pointed out that Mr. Gillham had already left the meeting.

Ms. Sepulvado asked for a copy of the orderly annexation agreement and city staff stated they would provide the Planning Commission with a copy.

Mr. Kerski stated that city staff had a meeting with the Jackson Township Board with all attorneys present this past March and explained in detail the issues that were discussed during that meeting.

Commissioner Josh Forsythe made a motion of a positive recommendation to the City Council for approval of the draft Resolution, approving the annexation of property, seconded by Commissioner Brandon Pike and the motion passed.

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Commissioner Josh Forsythe made a motion of a positive recommendation to the City Council for adoption of draft Ordinance, approving the rezoning to Urban Residential (R-1B) Zone, seconded by Commissioner Noreen Reding and the motion passed.

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E. PUBLIC HEARING - Annexation and Rezoning of property to Agricultural Preservation (AG) Zone - Palmer Shakopee Holdings Property

Commissioner Ashlee Sepulvado made a motion to open the Public Hearing, seconded by Commissioner Jesse Lara and the motion passed.

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Mr. Noble presented the staff report.

Mr. Robbins asked about future zoning and Mr. Kerski confirmed it would be mixed business park, guided as an employment center.

Ms. Reding asked if the AG zoning was kind of a holding zone and Mr. Kerski answered that she was correct.

Mr. Olson asked when the City Council approves an annexation, when does it take effect and Mr. Kerski explained this in detail, approximately 60 days on average.

Mr. Noble added that this applicant has provided a survey certificate and legal description so the annexation should not take that long.

Mr. Brian Lynch, representative of Palmer Shakopee Holdings, addressed the Planning Commission.

Mr. Robbins asked for clarification on their business and Mr. Lynch answered that it was Palmer Bus Services, and would include a shop, dispatch and office area with wash facilities and a complete cold storage area. Mr. Robbins asked if Palmer buses carried Shakopee school children and Mr. Lynch said yes.

Ms. Sepulvado asked if Shakopee was the only city that Palmer served and Mr. Lynch replied yes, for this particular contract. Ms. Sepulvado asked if this location would be large enough to handle an expansion and Mr. Lynch explained this in detail.

Mr. Forsythe asked for clarification on the dispatch functions and the "bus barn" where buses start and end their day and Mr. Lynch confirmed he was correct.

Commissioner Noreen Reding made a motion to close the Public Hearing, seconded by Commissioner Daniel Olson and the motion passed.

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Commissioner Brandon Pike made a motion of a positive recommendation to the City Council for approval of the draft Resolution, approving the annexation of property, seconded by Commissioner Josh Forsythe and the motion passed.

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Commissioner Brandon Pike made a motion of a positive recommendation to the City Council for adoption of the draft Ordinance, approving the rezoning to Agricultural Preservation (AG) Zone, seconded by Commissioner Josh Forsythe and the motion passed.

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7. Other Business

Mr. Kerski welcomed the Planning Commission back to City Hall in person. He added that they were working on getting a bus tour for the Commissioners and needed to have a bus large enough to accommodate any resident that would like to join them by the end of the summer.

8. Adjourn to Thursday, July 8, 2021 at 7:00 p.m.

Commissioner Jesse Lara made a motion to adjourn the meeting at 9:02 pm, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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