

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – January 21, 2025
Minutes

Members Present: Scott Hoes, Greg Grazzini, Andy Steinhagen, Matthew Kerber, Frank Mendez, John P Fahey

Members Late: None

Members Absent: Scott Wakefield

Staff Present: Jason Mielke, Donovan Hart, Christina Neel

Pursuant to due call and published notice thereof, the January 21, 2025, regular meeting of the Carver County Planning Commission was called to order by Jason Mielke at 7:00 p.m.

The first order of business was the organization of the Planning Commission and the election of the Chairman.

Office of the Chairman

Mielke called for nominations for the office of Chairman. Andy Steinhagen made a nomination for Scott Hoes for Chairman. Mendez seconded the nomination. No other nominations were made. Mielke asked for a motion to cease nominations and cast a unanimous ballot for Scott Hoes as Chairman. Motion by Grazzini to cease nominations and cast a unanimous ballot for Scott Hoes as Planning Commission Chairman. Mendez seconded the motion. All voted aye. Motion carried.

Office of the Vice-Chairman

Chairman Hoes called for nominations for the office of Vice-Chairman. Matt Kerber made a nomination for Andy Steinhagen as Vice-Chairman. Steinhagen declined the nomination. Hoes made a nomination for Greg Grazzini. No other nominations were made. A motion was made by Hoes to cease nominations and cast a unanimous ballot to elect Greg Grazzini as Vice-Chairman. All voted aye. Motion carried.

Appointment of the Secretary

Chairman Hoes acknowledged historically Land Management staff has served as secretary for the Planning Commission. A nomination was made by Grazzini to appoint the Land Management staff as Secretary to the Planning Commission. Fahey seconded the nomination. No other nominations were made. A motion was made by Hoes to cease nominations and elect Land Management staff as secretary to the Planning Commission. All voted aye. Motion carried.

Appoint Representative to the Board of Adjustment

Chairman Hoes acknowledged appointing a representative to the Board of Adjustment. Grazzini made a nomination for Steinhagen to be the representative to the Board of Adjustment. Kerber seconded the nomination. A motion was made by Fahey and

seconded by Kerber to cease nominations and cast a unanimous ballot for Andy Steinhagen as the representative to the Board of Adjustment. All voted aye. Motion carried.

Agenda – A motion was made by Steinhagen to approve the agenda. Hoese seconded the motion. Chairman Hoese called for a vote on the motion. All voted aye. Motion carried.

Minutes – A motion was made by Grazzini and seconded by Kerber to approve the minutes from the October 15, 2024, regular meeting. All voted aye. Motion carried.

File #PZ20240048 – Peter Daggett – Chairman Hoese called the public hearing to order at 7:05 p.m. to consider a request by Peter Daggett. The purpose of the public hearing was to consider a request to amend and increase the number of horses for a public equestrian boarding facility pursuant to Chapter 152 of the County Code. The property is located in Section 23 of Hollywood Township.

The following were present: Peter Daggett, Wendy Daggett

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Staff Report addressed to the Planning Commission and Hollywood Township dated January 13, 2024, and all attachments.

Neel stated the applicants own an approximate 20-acre parcel which is improved with a single-family residence, a barn, an accessory structure with stalls and an indoor riding arena, several small outbuildings, and outdoor riding arena and grazing pastures. In 2010, a CUP was issued to the property for an equestrian facility with boarding and training for up to 12 horses. The applicants wish to continue the horse boarding operation in the way the previous owners operated and increase the total number of horses to 19. The applicants' letter states they boarded their own horses at this facility prior to purchasing the property in 2020. They currently have 14 horses at the property, 4 of which are their own. Since purchasing the property, they have not increased the size of any pastures and have added one outdoor shelter. There is no formal training on site, as the boarders are casual riders who come to the site 2-3 times a week and rarely trailer their horses off site. There are no employees outside of family. Average daily trips are 6-10 with the maximum number of 7 vehicles on site at any time. The site has ample parking space for the trucks and trailers used at that time. The hours of operation are listed as 9AM to 9PM, with boarders coming and going throughout the day as meets their schedules. Neel used an aerial photo to illustrate the layout of the pastures, outdoor riding arena, and barns with stalls and indoor riding arena, and parking areas on the property. She also noted the Shoreland Overlay District on the pasture areas. The existing 3-foot by 3-foot "Daggett Farm" sign is conforming with the sign ordinance. No

other signage is proposed for the site. Neel read the statements written by Matt Steele, Carver County Feedlot Officer, concerning the feedlot status of the property, which are included in the staff report. The request was reviewed by Taylor Huinker, Area Hydrologist with the DNR, who had replied in an email dated December 30, 2024, that there are no comments or concerns regarding the applicants' request. Jacob McLain, Senior Environmentalist, reviewed the septic records and stated since the property is in the Shoreland Overlay District, a compliance inspection would be needed on the existing system for the house and holding tank for the riding arena. The Hollywood Town Board reviewed the request at their December 9, 2024, meeting and recommended approval without additional conditions or concerns. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the Carver County Zoning Code should be referenced.

Peter Daggett, 4010 Tacoma Ave., had no additional comments.

No one was present to represent the Hollywood Town Board for comment on this request.

There was no one present from the public for comment about this request.

Chairman Hoese referred to the comments from the Feedlot Officer and asked about the recommendation for a fence in the north pasture near the creek and asked if staff would require that in the conditions.

Neel replied that Mr. Steele submitted the fencing comment as a recommendation and not as a condition for approval of the request. The Board can make changes to the conditions to include the fencing as a requirement, if they choose.

Mr. Daggett stated he and Mr. Steele discussed the fencing, and he noted the creek winds in and out of the treeline, which would require a lot of fencing on both sides to prevent the horses from going into the creek. He stated that he made improvements to the bridge on the westerly side of that pasture, which makes it more usable for the riders to cross in that area.

Wendy Daggett, 4010 Tacoma Av, stated there are only 4 horses that access that area.

Hoese also had seen an aerial photo indicating a compost site and asked where that location was on the property.

Mr. Daggett stated it had always been next to the barn, however, Mr. Steele stated that location was too close to the water, so he is now changing the location and will have a service come to pick up the material or will put it in the back of the indoor arena. He spread on the south pastures only for one year.

Grazzini noted there appeared to be pastureland available for 16 horses and asked where the other horses would be kept.

Mr. Daggett stated he has no intention to have 19 horses on the property but was encouraged to increase the number a bit in case he would expand to have other animals on the site in the future. He stated there were 17 boarded horses for about 3 months and it wasn't what they wanted. The current number of 14 seems to be ideal for their operation.

Ms. Daggett replied that the other horses were kept in the dry lot in the center of the property. She also confirmed that a maximum of 19 animal units would likely not be necessitated.

A motion was made by Steinhagen to close the public hearing. The motion was seconded by Kerber. Chairman Hoesé called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:17 p.m.

Grazzini made a motion to **approve and adopt Resolution #25-01** incorporating the findings of fact and staff recommendations approving the increased number of horses for an equine boarding facility. Steinhagen seconded the motion for approval. All voted aye. Motion carried.

File #PZ20240050 – Michael & Colleen Klingelutz – Chairman Hoesé called the public hearing to order at 7:15 p.m. to consider a request by Michael Klingelutz. The purpose of the public hearing was to consider a request for additional density pursuant to Chapter 152 of the County Code. The property is located in Section 23 of Laketown Township.

The following were present: Michael Klingelutz, Colleen Klingelutz, Peter Parris, Kristin Bruellman, John Bruellman

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated January 14, 2025, and all attachments.

Hart stated the applicants own an approximate 151.8-acre parcel consisting of crop production land, wetlands, a stand of trees adjacent to a single-family dwelling, sheds, and agricultural buildings. The applicants are requesting a CUP to allow for the creation of one High Amenity (Wooded) lot using the One Lot Incentive option in Laketown Township. Hart used an aerial photo of the property outlining the proposed 9.8-acre high amenity lot configuration. The proposed lot meets the requirements for the High

Amenity/Conservation Incentive option in Laketown Township's chapter of the 2040 Comprehensive Plan. The proposed lot consists of the farmstead with existing septic system, detached accessory structures and approximate 4.5 acres of wooded area with trees of desirable species over 20 years of age. Hart explained the details surrounding the creation of a high amenity lot. The applicants' letter describes their request for the additional density and confirms the trees were planted 27 years ago and are over 30 feet tall. The proposed lot with existing access on Airport Rd, meets the lot requirements for creating a lot through the minor subdivision process. Tim Sundby, Water Resources Supervisor, stated in an email dated December 31, 2024, that there would be no review from the Carver County Water Management Organization (CCWMO) as there is no proposed grading activity. The lot would be required to comply with the Water Rules Standards, Chapter 153. The request was reviewed by Jacob McLain, Senior Environmentalist, who stated a compliance inspection must be conducted on the existing system. If the system fails, a new system will need to be installed, and an alternate site identified on the newly proposed lot. The Laketown Town Board reviewed the request and recommended approval at their December 9, 2024, meeting. Hart read the proposed conditions for consideration if the request is recommended for approval.

Michael and Colleen Klingelhutz had no additional comments.

Peter Parris, Laketown Town Board supervisor, confirmed the applicants had attended the township meeting and the board voted to recommend approval of the request.

There was no one present from the public for comment about this request.

Steinhagen asked about the condition referring to the keeping of animals, if a future would be able to have a horse on the property.

Hart replied horses would not be allowed on a high amenity lot.

Mendez asked for clarification of the statement referring to the keeping of animals.

Hart explained that dogs, cats, and other animals kept as household pets, and fewer than 10 fowl is allowed on a high amenity lot.

A motion was made by Steinhagen to close the public hearing. The motion was seconded by Mendez. Commissioner Fahey stated he will abstain from the vote due to a possible conflict of interest. Chairman Hoese called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:28 p.m.

Steinhagen made a motion to **approve and adopt Resolution #25-02** incorporating the findings of fact and staff recommendations approving the high amenity-one building eligibility incentive lot. Kerber seconded the motion for approval. All voted aye. Motion carried.

File #PZ20240047 – Michael Schonhardt – Chairman Hoese called the public hearing to order at 7:29 p.m. to consider a request by Michael Schonhardt. The purpose of the public hearing was to consider a request for a home extended business accessory use pursuant to Chapter 152 of the County Code. The property is located in Section 30 of Waconia Township.

The following were present: Michael Schonhardt, Augie Kreye

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Staff Report addressed to the Planning Commission and Waconia Township dated January 13, 2025, and all attachments.

Exhibit G – Email received January 15, 2025

Exhibit H – Letter dated January 13, 2025

Neel stated the applicant owns an approximate 7.36-acre parcel improved with a single-family dwelling with attached garage and several accessory structures. The applicant is requesting a CUP to operate Home Extended Business Accessory Use (HEBAU) for a deck construction business. The submitted operational plan outlines the details of the business. There are three employees who arrive at the site to pick up equipment and drive work vehicles to job sites daily and return in the evenings. Work hours are listed as 8:00 AM to 6:00PM from late March through early December. The three employees and the owner make 2-4 trips per day from the site and employees park in a designated area of the property. There are four work vehicles stored on site, a combination of trucks and trailers used to haul equipment for the decking business. The submitted site plan, dated November 27, 2024, illustrating the operational area and identifying each buildings use, whether personal storage, business storage or a combination of both. No additional buildings, structures, or signage are proposed at this time. Justin Broughman, Carver County Transportation Planner, reviewed the request and stated the Public Works department *sees no issues with this request and recommends approval. Any future site changes at this location must not encroach on the 160-foot width needed for the two-lane rural highway right-of-way, as specified by the Carver County 2040 Comprehensive Plan.* Mike Wanous, District Manager of the Carver County Soil & Water Conservation District, commented in an email dated December 2, 2024, *“The adjacent parcel is enrolled in the Conservation Reserve Enhancement program (CREP) and has a permanent conservation easement requiring perennial vegetation of native grasses. No equipment, supplies, or personal storage shall be placed over the property line and into the conservation easement.”* Neel read an email received from the adjacent property owner, Patricia Beier, concerning the encroachment of items owned by Mr. Schonhardt across the property line and onto her property. She is not opposed to him running a business from the property but asked that he be a courteous neighbor and follow the rules.

Neel also read a letter from Ben Datres of the Carver County SWCD, outlining the violation and consequences for the items placed on Ms. Beier's property.

Michael Schonhardt, 9325 Hwy 25, admitted that some materials did encroach on Ms. Beier's property when he purchased the parcel. He had some good wood removed from decks stored behind his shed to screen them from view, which encroached on the Beier property. The materials have been removed and someone from the SWCD conducted a site visit to verify things were cleaned up. He also took photos of the property this morning to prove that everything was removed.

Neel continued stating request was reviewed by Taylor Huinker, Area Hydrologist with the DNR and stated there are no concerns or comments regarding the proposed use. In an email dated November 27, 2024, Senior Environmentalist, Jacob McLain, stated since the property is in the Shoreland, a compliance inspection will be needed. The current compliance for the site expired on 10/17/2020. Tim Sundby, Water Resources Supervisor, commented that the site plan shows less than one acre of new impervious surface and less than one acre of total disturbance, so no permit is needed at this time. The Waconia Township Board reviewed the request at their November 25, 2024, meeting and recommended approval with no additional conditions. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the Carver County Zoning Code should be referenced.

Mr. Schonhardt stated he has moved some trees on the property to create better screening of his materials from view.

John Zimmerman, Waconia Township supervisor, had no additional comments about the request.

Augie Kreye, 301 Lincoln St, explained the adjacent land is owned by his mother-in-law. He stated Mr. Schonhardt has a fenced area on his property which helps to keep smaller items on his property. He asked if there was a setback from the property lines for that fence.

Neel replied there is not a setback for fencing that does not require a building permit. It is suggested that the fence be placed on the property so that both sides of the fence can be maintained without encroaching onto the adjacent property. The ordinance does not define a specific setback for the fence.

Mr. Schonhardt stated he intended to have a 5-foot setback from the property line for the fencing. He stated there are stakes marking that area but wasn't sure how accurate they were. He guessed it might be closer to 4 feet from the property line.

Mielke explained the lines as shown on an aerial map and it appeared that the fence was within the 4-5 foot distance from the property line.

Mr. Schonhardt again stated that there was some encroachment when they initially moved to the property. But after Mr. Kreye approached him about the problem, he had the items removed within 48 hours. He stated there is a disc and another implement that are frozen to the ground right now and need to be moved along with some pallets. He offered the photo take this morning to prove that the other items are no longer encroaching. He stated his intention was to keep things screened from view from the road.

Mr. Kreye stated they are not opposed to him running a business from the property but asked that he be a respectful neighbor and keep things on his own land.

Grazzini compared two of the photos and asked how Mr. Schonhardt accessed the items that were on the Beier property without crossing onto the property.

Mr. Schonhardt stated the items have been removed and he is no longer storing things that encroach onto the Beier property. He had a trailer of things to be sold and placed it outside of the fence to make more room within the fenced area.

Hoese asked about the condition listing four business vehicles as the maximum allowed and asked if that was enough for him to run the business.

Mr. Schonhardt confirmed four vehicles would be adequate for his business.

Mielke stated that the maximum number of vehicles permitted is four, as the request was submitted under the HEBAU. Since the property is within the Shoreland Overlay District of Patterson Lake, a contractor's yard CUP is not permitted in this area.

Fahey confirmed that the materials will be stored within the fenced area and not encroach on the neighboring property.

Mr. Schonhardt stated he moved all the wood inside a building and the items he wants to sell are currently on a hay rack on the property. He confirmed the item have been removed from the adjacent property and shared the photo of the property taken that morning with the board members to view.

Mielke asked how SWCD had determined where the property line was to between this property and the CREP easement description.

Mr. Kreye replied that the easement description is the property line and indicated on the aerial photo where there are stakes marking the line. He stated it appears that Mr. Schonhardt has made an honest effort to clean up and resolve the issue and asked how the encroachment could be prevented from happening again.

Neel explained that Conditional Use Permits are subject to an annual review for compliance, which is based on aerial photos of properties and site visits. If there are complaints or questions about certain properties or activities, they will be reviewed.

A motion was made by Grazzini to close the public hearing. The motion was seconded by Steinhagen. Chairman Hoes called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:50 p.m.

Grazzini made a motion to **approve and adopt Resolution #25-03** incorporating the findings of fact and staff recommendations for approving the home extended business accessory use. Kerber seconded the motion for approval. All voted aye. Motion carried.

File #PP-PZ20240049 – John Zimmerman – Chairman Hoes called the public hearing to order at 7:51 p.m. to consider a request by John Zimmerman. The purpose of the public hearing was to consider a request for a Preliminary Plat pursuant to Chapters 151 & 152 of the County Code. The property is located in Section 35 of Waconia Township.

The following were present: John Zimmerman

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Staff Report addressed to the Planning Commission and Waconia Township dated January 13, 2025, and all attachments.

Hart stated in May 2024, a CUP was issued to the subject property allowing for the creation of two residential lots pursuant to the additional density provision of the Carver County Zoning Code. The applicant is now requesting approval of the Preliminary Plat of Zimmerman Subdivision consisting of the two proposed residential lots. Copies of the Preliminary Plat have been sent to the area government agencies, utilities, and school district. Comments were received from Carver County Environmental Services, the City of Waconia, and the Carver County Water Management Organization. The lots are approximately 2.9 and 3.1 acres in size, each having a defined a building site that conforms to code requirements. The Preliminary Plat shows utility and drainage easements as well as wetland drainage easements over the wetland areas on the lots, including buffers for the identified wetlands. Each lot has access from the existing township road so a development contract is not needed as there will be no construction of a new road. Senior Environmentalist, Jacob McLain, report a new septic system was installed in the existing house on the property and soil borings for primary and alternate septic sites on each lot have been approved. The SSTS system locations would need to be fenced and protected prior to any land alteration for construction. Stormwater management and erosion control measures would need to be addressed pursuant to Chapter 153 (Water Management Rules) of the County Code. Tim Sundby, Water Resources Supervisor, confirmed that a combined erosion and sediment control and stormwater permit would be required if the cumulative impervious surface constructed on all lots is greater than 1 acre. He also indicated that the buffer width of the wetland in

Lot 2 would need to be increased due to the adjacent slope of the land. Abigail Ernst, Water Resources Program Analyst, confirmed she reviewed and approved the wetland boundaries shown in the submitted Zimmerman Property wetland investigation report. The Carver Soil and Water Conservation District shall review the lots for erosion/sediment control measures during the building permit process. Draft covenants have been reviewed and will be refined prior to the final plat approval. The Waconia Town Board reviewed and recommended approval of the Preliminary Plat with no objections. Hart read the proposed conditions for consideration if the Preliminary Plat is approved. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the Carver County Zoning Code should be referenced.

John Zimmerman, 10850 110th St, had no additional comments.

No one representing the Waconia Town Board was present for comment.

There was no one present from the public for comment about this request.

A motion was made by Fahey to close the public hearing. The motion was seconded by Kerber. Chairman Hoese called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:58 p.m.

Hoese made a motion to **approve and adopt Resolution #25-04** incorporating the findings of fact and staff recommendations approving the Preliminary Plat of Zimmerman Subdivision. Mendez seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Grazzini and seconded by Hoese to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:08 p.m.