

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – March 18, 2025
Minutes

Members Present: Scott Hoese, Greg Grazzini, Matthew Kerber, Andy Steinhagen, Scott Wakefield, John P Fahey

Members Late: None

Members Absent: Frank Mendez

Staff Present: Jason Mielke, Christina Neel, Donovan Hart

Pursuant to due call and published notice thereof, the March 18, 2025, regular meeting of the Carver County Planning Commission was called to order by Chairman Scott Hoese at 7:00 p.m.

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

Minutes – A motion was made by Fahey and seconded by Kerber to approve the minutes from the February 18, 2025, regular meeting. All voted aye. Motion carried.

File #PZ20250005 – Rufino Mendoza – Chairman Hoese called the public hearing to order at 7:02 p.m. to consider a request by Rufino Mendoza. 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 16 of Laketown Township.

The following were present: Rufino Mendoza, Anayeli Mendoza, Pete Parris, Jeffrey Kahnke, Leticia Mendoza Gonzales, Eddy Mendoza

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 March 7, 2025, and all attachments.

Hart stated the applicant owns an approximate 3.02-acre parcel which is improved with a single-family residence and an approximate 1,400 square foot accessory structure. The general scale of Mr. Mendoza's business classifies it as a Home Extended Business Accessory Use (HEBAU), however, after purchasing the property and moving the business, he learned the maximum number of work vehicles allowed for a HEBAU on a parcel of less than five acres is two. And only one vehicle with a capacity greater than one-ton is allowed. Mr. Mendoza received a variance allowing a total of four work vehicles, including two trucks exceeding one-ton capacity. He is now requesting a conditional use

permit (CUP) for a HEBAU to operate his tree service and snow removal business, E & R Landscaping. The operating plan outlines the details of the business operations. Hours of operation are 7AM – 7PM, Monday through Friday in the summer, and 8AM – 4PM, Monday through Friday in the winter. Some projects may require extended hours but would remain within reasonable limits. The business generates approximately 12 vehicle trips per day, using a fleet of four work trucks, including two dump trucks. The business has four employees and appears to comply with the HEBAU zoning standards, including operating hours, screening requirements, and the minimum 500-foot setback from adjacent residences. The site plan includes a proposed 6,000 square-foot structure at the rear of the property, which would include both commercial and personal storage. The proposed structure, designed to meet setback requirement and avoid encroachment on wetlands, would consist of 4,600 square feet of commercial storage and 1,400 square feet of personal storage. This structure would replace the existing 1,400 square foot structure on the property. The site plan also designates areas for work vehicle parking and temporary outdoor storage, all screened by existing and proposed trees. The surrounding neighborhood includes a mix of agricultural and residential uses along with several properties that have CUPs. Abigail Couture, Permitting Technician with the Minnehaha Creek Watershed District, reviewed the request and added the comment: *“If the applicant proceeds with the proposed work-such as adding outbuildings or pavement for their landscaping business-they may need to obtain permits from MCWD to do this work.”* Jacob McLain, Carver County Senior Environmentalist, reviewed the parcel septic system and stated, *“The system was installed in 2023 and is compliant. An alternative site has also been identified. The site plan shows the driveway and employee parking in a location that does not interfere with the existing mound system. The owner should be reminded of the potential negative impacts of driving on a septic system. Otherwise, it appears the proposed commercial structure is intended for storage. However, if the use changes and septic is required, a design must be completed.”* Taylor Huinker, DNR Area Hydrologist reviewed the request and had no concerns or comments. At the time of this report, no comments had been received from the City of Victoria concerning the request. The parcel has direct access to Hwy 5. MnDOT serves as the acting road authority and MnDOT Transportation Planner, Cameron Muhic, reviewed the request and stated he had no comments. The Laketown Town Board reviewed the application and recommended approval of the request at their January 13, 2025, Town Board meeting. Hart read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the permit application, the reasons for denial should be referenced.

Rufino Mendoza, 7485 Hwy 5, had no additional comments and stated he has read and agrees with the proposed conditions.

Pete Parris, Laketown Town Board supervisor, reported the applicant attended their meeting and he confirmed the Township recommendation for approval of the request. He stated the neighbors seem pleased that the property has been cleaned up and he is confident that Mr. Mendoza will store his equipment in the new building.

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 7:11 p.m.

Grazzini made a motion to **approve and adopt Resolution #25-06** incorporating the findings of fact and staff recommendations approving home extended business accessory use for a tree service and snow removal business, E & R Landscaping. Steinhagen seconded the motion for approval. All voted aye. Motion carried.

File #PZ20250006 – Brad Matter – Chairman Hoese called the public hearing to order at 7:12 p.m. to consider a request by Brad Matter. The purpose of the public hearing was to consider a request for a Contractor's Yard pursuant to Chapter 152 of the County Code. The property is located in Section 15 of Hollywood Township.

The following were present: Brad Matter, Kris Matter

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 March 7, 2025, and all attachments.

Neel stated the applicants own an approximate 21.87-acre parcel improved with a single-family dwelling with attached garage, a 30' x 30' machine shed, a 28' x 45' personal storage shed, and cropland currently in production. The applicant is requesting approval to operate an excavating business, Matter Excavating, as a contractor's yard from the property. The submitted operational plan describes a family-owned and operated business which is currently run from his father's property. Once the proposed structure is completed, the business will move all operations to this location. The proposed structure and operational area meet the 500-foot setback from any neighboring residences and the applicant resides on the property. The applicant has 4 employees and a total of 6 work vehicles, with an estimated 6-12 daily vehicle trips during the busy season. Hours of operation are Monday – Saturday, 6AM – 9PM, during spring, summer and fall. Winter hours and days of operation are minimal due to daylight limitations and ground freeze. The site plan outlines the current property layout and the proposed 60' x 120' commercial building to be located west of the house and personal storage buildings. It would include an office space, material and vehicle storage, and maintenance shop for company equipment. There is a designated screened area adjacent to the building for outdoor material storage, including gravel and sand. Employee parking is south of the new building. Mature trees surrounding the proposed building site provide natural screening for the operational area, which appears to meet the Zoning Code requirements. Tim Sundby, Water Resources Supervisor with Carver County Water Management Organization (CCWMO), reviewed the request and stated a stormwater permit is not required at this time, but if the total disturbed area exceeds one acre, an erosion sediment control permit may be required. Mike Wanous, District Manager at Carver County Soil & Water Conservation District (SWCD), had no concerns regarding the proposed contractor's yard, but noted a nearby wetland and emphasized that no material shall be placed in a wetland area and that the site must comply with the Wetland Conservation Act (WCA) regulations. Lori Brinkman, Senior Environmentalist and Advanced SSTS Inspector, stated a compliance inspection is required when there is an application for a contractor's yard. However, since the existing mound system will be abandoned, a compliance

inspection is not appropriate. A design for a replacement mound, including tank certification for reuse of the existing tanks, must be submitted to Carver County. The replacement mound should be installed prior to abandonment of the existing mound. Drew Pflaumer, Carver County Public Works Transportation Planning Manager, stated he had no comments or concerns regarding the proposed contractor's yard and the access from County Rd 21. The Hollywood Town Board reviewed the request at their February 10, 2025, meeting and expressed support, recommending approval, and stated there are no concerns at this time. Neel read the proposed conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the permit application, the reasons for denial should be referenced.

Brad Matter, 3710 County Rd 21, added that the specs for the proposed building are not final yet and may be changed slightly.

Chairman Hoeser asked if he had read and agrees with the proposed conditions for the permit.

Mr. Matter stated he agrees with the proposed conditions.

There was no one present representing the Hollywood Township board.

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 Grazzini. Chairman Hoeser called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:20 p.m.

Kerber made a motion to **approve and adopt Resolution #25-07** incorporating the findings of fact and staff recommendations approving a contractor's yard. Steinhagen seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Grazzini and seconded by Kerber to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.