

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – January 16, 2018
Minutes

Members Present: Jim Burns, Jim Ische, Scott Smith, Gabrielle Theis, Mark Willems

Members Late: None

Members Absent: Frank Mendez, Alan Herrmann

Staff Present: Steve Just, Jason Mielke, Jennifer Tichey

Pursuant to due call and published notice thereof, the January 16, 2018, regular meeting of the Carver County Planning Commission was called to order by Steve Just 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

Just called for nominations for the office of Chairman. Willems made a nomination for Jim Burns for Chairman. Smith seconded the nomination. No other nominations were made. A motion was made by Willems and seconded by Theis to cease nominations and cast a unanimous ballot for Jim Burns as Chairman. All voted aye. Motion carried.

Office of the Vice-Chairman

Chairman Burns called for nominations for the office of Vice-Chairman. A nomination was made by Ische for Mark Willems as Vice-Chairman. Smith seconded the nomination. No other nominations were made. A motion was made by Theis and seconded by Ische to close nominations and cast a unanimous ballot to elect Mark Willems as Vice-Chairman. All voted aye. Motion carried.

Appointment of the Secretary

Chairman Burns acknowledged that traditionally the Land Management staff has acted as Secretary to the Planning Commission. Burns called for nominations for the position of Secretary. Willems made a nomination for the Land Management staff to be the Secretary to the Planning Commission. Theis seconded the nomination. There were no other nominations. Burns called for a vote on the appointment of Land Management staff as Secretary to the Planning Commission. All voted aye. Motion carried.

Appoint Representative to the Board of Adjustment

Burns stated one Planning Commission member is appointed to the Board of Adjustment. He confirmed that Willems has served that position in the past and is willing to continue that service. Ische made a nomination for Willems to be the representative. Theis seconded the nomination. No other nominations were made. A motion was made by

Ische and seconded by Theis to appoint Mark Willems as the representative to the Board of Adjustment. All voted aye. Motion carried.

Minutes – A motion was made by Willems and seconded by Smith to approve the minutes from the December 19, 2017 meeting. All voted aye. Motion carried.

File #20170056 – John Emery – Chairman Burns called the continued public hearing to order at 7:06 p.m. to consider a request by John Emery. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is located in Section 10 of Hollywood Township.

The following were present: Carrie Emery

The following items were entered into the record:

Exhibit G – Revised Public Hearing Notice

Exhibit H – Letter to the Planning Commission and Hollywood Township dated January 8, 2018, and all attachments

Just explained the public hearing had been continued to allow Mr. Emery to request a larger building than originally planned. His initial request was for a 40 x 60 foot building and he wanted to increase the size to a 40 x 64 foot structure. The Township heard the request and recommended approval. Just read the conditions for consideration if the request is approved.

A motion was made by Ische and seconded by Smith to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:07 p.m.

A motion was made by Ische and seconded by Theis to **approve and issue Order PZ20170056** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure. All voted aye. Motion carried.

File #20170051 – Sever’s Fall Festival – Chairman Burns called the continued public hearing to order at 7:08 p.m. to consider a request by SSP Holdings, LP, representing Sever’s Fall Festival. The purpose of the public hearing was to consider a request for a Large Scale Activity (Recreational/Educational Use) pursuant to Chapter 152 of the County Code. The property is located in Section 9 of Dahlgren Township.

Commissioner Theis asked to recuse herself from voting on this request, citing a possible conflict of interest.

The following were present: Mitch Michaelson, Jeff Bednar, Dan McCormick, Sever Peterson, Jim Mieseler, Theresa Mieseler, Adam Jeurissen, Tabitha Jeurissen, Tom Johnson, Karin Johnson, Kevin Mijal, Lance Paulson, Curt Main, Dennis Rollins

The following items were entered into the record:

Exhibit L – Revised application dated December 29, 2017

Exhibit M – Letter to the Planning Commission and Dahlgren Township dated January 9, 2018, and all attachments

Exhibit N – Letter from Carver County Public Works dated January 12, 2018

Exhibit O – Letter from MnDOT received January 16, 2018

Exhibit P – Letter from Ben & Collette Williams dated January 10, 2018

Mielke reviewed the information describing the property, noting an existing CUP for ScreamTown, a seasonal commercial business activity. He stated that this request has been continued several months to allow the applicant to submit necessary information clarifying their proposed land use. The main topics of concern were the traffic on Hwy 212, the operational plans for two separate but similar large scale activities, and also the operation of the existing CUP on the property. Mielke noted a change in the application, incorporating the ScreamTown activities and Sever's Fall Festival activities into one land use and CUP, treating them as one land use with separate operational plans. Mielke stated that the applicant has waived the 60-Day Law letter and has agreed to extend the County Board deadline to March 20, 2018. Mielke explained the general business activities and operational areas of the two proposed land uses. He explained that the overall operational areas will remain the same; however, the tents and temporary buildings may change locations from year to year in order to improve the flow of traffic and participants. He indicated the proposed areas on an aerial map. The application also includes an area for the 'pick your own' pumpkin patch, which is more of a farm-related business activity with a roadside stand. He stated the proposed dates/hours of operation for Sever's Fall Festival as September 1st – November 8th, which is Friday through Sunday, from 9:00 a.m. to 8:00 p.m. and including the Thursday of MEA week. The dates for ScreamTown would remain Friday through Sunday, the last full weekend in September to the first full weekend in November, including the Wednesday & Thursday of MEA week. The hours for ScreamTown remain 5:30 p.m. to 11:00 p.m. Both businesses are weather-dependent, but it is anticipated that the seasonal attendance typically ranges from 3,000 to 6,000 people per day, or an assumed 3,000 vehicles per day. Mielke stated the application was unclear as to how the vehicle number was determined and presumed the traffic study might better clarify the traffic associated with each business. The application indicates approximately 120 – 150 employees for Sever's Fall Festival and a seasonal staff of approximately 80 people for ScreamTown. Sever's Fall Festival would take full responsibility of the impact that both of the business activities would have on the neighbors and community. The concern for sights and sounds is addressed in a submitted 'Sight and Sound' Mitigation Plan. Multiple meetings have been held with the applicant's traffic consultant, SRF Consulting, Carver County Public Works and MnDot, and also the Township and staff, concerning the highway access and road improvements, resulting in two possible options for recommendation. From the letters received from both road authorities, it appears that the bypass lane would meet MnDOT's technical criteria, however, from a safety standpoint; both road authorities would prefer the left turn lane construction, which may provide a more controlled or safer alternative. The Carver County Sheriff's Department also provided information concerning traffic and patrolling and strongly encouraged construction of a

left turn lane. Mielke cited some of the concerns with having two business activities governed by one CUP and stated the overlapping hours of operation, the traffic, parking, and operational areas. He explained more of the traffic concerns during peak hours of arrival/exit for each business and how that would be addressed at the appropriate times. The Township has heard the request and revisions at multiple meetings and the most recent recommendation for denial is based on the incompatibility with the neighborhood and traffic concerns. Letters from neighbors stating their concerns have also been received and are a part of the record. Mielke explained the status of the existing CUP (ScreamTown) in either scenario, if the current request is approved or if it is denied. He read proposed conditions if the request is approved.

Mitch Michaelson stated that throughout the application process, there have been three main topics of concern, namely, traffic, multiple uses with one CUP, and neighborhood compatibility. He clarified that the intent from the beginning was to have the two land uses at the same site, using the same property access entrance and exit for both activities. He stated the traffic study done by SRF Consulting includes the traffic numbers for both business activities. The businesses are run independently from each other by two different families, but they revised the application to include both of the activities under one CUP, understanding that a violation with one could potentially put the other business at risk. He stated there has been a lot of work put into addressing the issues and concerns that have been brought up and they want to continue to work toward a satisfactory solution. He summed up the application and proposal as one big event taking place on the parcel for 26 days a year. He commented on the concern of compatibility with the neighborhood and stated they have taken additional measures to mitigate some of the noise, sounds and sights. He stated that Jeff Bednar from SRF Consulting and Dan McCormick from Carver County Public Works could better address the traffic issues.

Chairman Burns asked about constructions of the turn lane, citing the estimated cost of \$400,000 and a statement that the family is not interested in participating in the costs for the permanent eastbound left-turn lane or shoulder improvements to accommodate a temporary event developed eastbound left-turn lane.

Mr. Michaelson explained the evolution of this request and stated that their discussions with SRF Consulting began in November of 2016 to try and plan for safety for the customers' entrance and exit from the site. The initial plan was flawed and wasn't going to be workable, and they learned that with some infrastructure and investment for road improvements, the property entrance can be made both safe and efficient for the traffic for both seasonal land uses. Therefore, the family is prepared to make the significant investment to keep this project moving forward and allowing the events to take place on that property location. He also noted that the realignment of Hwy 212 is imminent and going to take place.

Willems, representing Dahlgren Township, stated there was much discussion at their last meeting and the Township voted to recommend denial of the request.

Ische asked for clarification of the revised application and the current CUP for

ScreamTown. He wanted it to be clear for everyone to know what the effects of an approval or denial of this request would have on the current business operations at this site.

Just replied and stated that the ScreamTown portion of the operational plan is open for discussion. It is a part of the new proposal moving forward and if a new CUP is granted, according to their application, Screamtown is certainly a part of that discussion. The existing CUP for ScreamTown is in place and needs to be honored. If this application was withdrawn or if this request for the larger activity is denied, then the existing ScreamTown CUP would still carry forward as a permitted land use. The existing CUP for ScreamTown would only be superseded and replaced if this combined application request was approved.

Dan McCormick, Transportation Manager with Carver County Public Works, confirmed there have been a number of meetings over the past year to discuss different traffic pattern options. He recalled detour options using Kelly Av and also Jonathan Carver Pkwy, which had their own unique problems. After a while, they began discussions with MnDOT to pursue other possibilities using the highway access. He stated that the latest recommendation of a left turn lane construction would adequately support the traffic for the site, with MnDOT also in agreement. The cost of construction would be assigned to the applicant at 100%, and they have accepted that obligation. This should be a project that they are able to construct and obtain the permits for. He further described a 4-lane option at the site entrance, allowing traffic to get off of Hwy 212 as expeditiously as possible. Public Works Department has also recommended a stronger parking management plan and monitoring event management team that would move the traffic more deliberately through the site and away from the highway. They also discussed a possible contingency plan allowing MnDOT to obligate the applicant to modify anything that would be necessary to meet their requirements, as a condition of the permit. He noted other suggested recommendations made concerning the access with respect to the official Hwy 212 project map. He confirmed there is a reconstruction project pending for Hwy 212 and explained how the proposed highway corridor is important with respect to future plans for this property. He also indicated the future reconstruction has potential changes to the property access with 'R cuts' at Kelly Av and Mellgren Ln. He used an aerial photo to illustrate and explain more about this concept. He read and commented on the eight recommendations cited in the letter from the Public Works Department.

Willems questioned the necessity for the recommendation for an annual MnDOT review.

Mr. McCormick stated that they fully believe the left turn lane should be adequate if constructed correctly, but the annual review would allow MnDOT to talk with the applicants in the event something may change or there is a traffic issue. He agreed it may not be necessary annually, but could be done on an ad hoc basis.

Mr. Michaelson stated that the annual review is something the family and SRF had suggested because access to the site is ultimately important to the overall success of the event.

Smith asked who would be responsible for the construction cost of the turn lane.

Mr. McCormick stated the applicant is responsible for the full cost of construction for the turn lane. Mr. Michaelson confirmed and echoed that the family is responsible for the cost.

Tom Johnson, 7575 Mellgren Ln, stated he and others have attended many meetings about this CUP application. Much information has been gathered from documentation and personal testimony based on facts and assumptions. He stated that the proposed turn lanes will not assist or ensure safe highway access from other direct property access points, such as Mellgren Ln, the church (Zoar), field approaches, or a nearby intersection, but will be potentially more dangerous due to an almost 50% increase in the number of vehicles on event days. Increasing the traffic volume will make the highway exponentially less safe for the area neighbors and residents than it is currently. Eastbound traffic attempting to turn left onto Mellgren Ln will face more traffic without any assistance of law enforcement or a turn lane. The Hwy 212 reconstruction may improve the traffic impact, but will not yet be completed for several years. He expressed concern with the proposed two events being controlled with one CUP, stating that this will allow activity on the entire property from 9:00 a.m. until 11:00 p.m. He questioned how this could be measured and monitored to assure compliance. He asked for more clarification on the request for concerts and other entertainment activities on the property. He cited incompatibility of this entertainment venue in an agricultural/residential neighborhood and stated there is no ordinance in place to limit noise or undesirable aspects which can emanate from the activities at the property. Past efforts to alleviate noise from ScreamTown have failed. He stated that ScreamTown has been an undesirable neighbor since its beginning because of noise, traffic and the nature of the entertainment. He concluded that all of the agencies and parties involved with this application recognize that traffic is an issue. Certainly the increased traffic related to these events will affect safety in a negative way. He reiterated his concerns and asked that this request be denied. He also asked that because of past violations and incompatibility with the surrounding neighborhood, that the current CUP also be terminated.

Theresa Mieseler, 7777 Hwy 212, read a letter from Ben & Colette Williams who reside at 7535 Hwy 212, expressing concerns about safety and light and noise pollution. Ms. Mieseler also inquired why the applicant had consulted with SRF on this project as early as 2016 and yet no plans or information had been released until recently. She also asked about the proposed 'R cut' and how that will affect the traffic flow exiting the site onto the highway. She echoed the concerns expressed by Mr. Johnson and commented about the increased traffic and safety issues, citing a recent fatality on the highway within a few miles of this site. She asked if there is any regulation on the maximum number of participants for an event.

Mielke stated the estimated number of people attending was based on the activity from the Shakopee location over the past few years, which has been increasing. The traffic

model studied that information and considered projected growth and flexibility related to the application. He confirmed there is not a defined or restricted number stated in the ordinance. The application information supplied the projected numbers.

Burns concluded that the information in the operational plan becomes a part of the CUP.

Just confirmed that the operational plan will be attached to the CUP and will be subject to compliance review. There is only so much room within the operational area for parking and courtyards and ScreamTown. Similar to any other business, if the activity grows beyond the boundaries of this CUP, the applicant would need to return to the Planning Commission for an amendment or a new CUP.

Ms. Mieseler questioned whether there was a specific number restriction listed for ScreamTown.

Mielke confirmed the CUP language stated an 'annual average' of 600 patrons.

Ms. Mieseler stated a concern with noise and asked if there would be pumpkin shooting.

Mr. Michaelson replied that pumpkin slinging is certainly a part of the event and has been since its beginning. It is something the people truly enjoy and it adds to the overall festival and experience. Pumpkin slinging will definitely be a part of the event. He stated they have done significant things to mitigate the noise factor, such as a sound curtain and other things. He stated that the activity is well within the State Statute limits for noise levels and they are committed to continue to follow those guidelines.

Ms. Mieseler stated that Matt Dunn is a big part of the ScreamTown operation and this application, and questioned why he has not been present at any of the meetings.

Mr. Michaelson stated that the CUP is attached to the land and the landowners, and he stated that his family is committed to the responsibility of the activities on the land, both with Sever's Fall Festival and also ScreamTown, even though Mr. Dunn is the owner/operator of that business operation. He stated that there is no plan to modify or change any part of the operational plan for the ScreamTown activities. Mr. Michaelson and his family are taking responsibility for all of the proposed activities on the land which they own.

Ische asked to whom the CUP for ScreamTown was issued.

Just replied that the CUP is issued to the land owner and runs with the land. He stated that the Peterson family was the listed applicant.

Ms. Mieseler commented that the ScreamTown area has unsightly debris which should be cleaned up and hoped this was not any indication of the proposed activity. She stated that at the Township meeting, it was suggested that a meeting was to be coordinated with the applicant, the Sheriff's Department and others concerning the traffic and safety, and she

was not aware if that had taken place. She summarized her concerns and stated that Dahlgren Township has voted unanimously to deny this request, and other neighbors have expressed their concerns and recommendation for denial, and she asked that a decision be made with the recommendation for denial of the application.

Mr. McCormick explained that the 'R cut' construction would be sized according to the information related to the approved land use, taking into account the additional traffic.

Mr. Michaelson stated that he met with the Sheriff's Department at 9:00 a.m. on January 9th and they are on board with the recommendations from Public Works and MnDOT. He also clarified a previous statement of a unanimous vote for denial from the Township, and corrected that to be a 2 to 1 vote for denial. It was not unanimous.

Willems asked if there was a written policy from the Sheriff's Department on staffing for the events. He wondered if they are committed to staffing the events with two officers each day the event is open.

Just replied that Sheriff Olson commented that he could not commit to the staffing, and if they are not able to provide two officers for the event, then the applicant would have to contract with the Highway Patrol. Between the two entities, he felt comfortable that coverage would be provided.

Willems asked if the applicant has been in touch with the State Patrol to confirm their involvement.

Mr. Michaelson replied that he has been in contact with the State Patrol and staffing was a significant portion of the conversation with the Sheriff's Department. The current traffic management plan was also shared with them. The Carver County Sheriff's Department will be the primary source for patrol, and the State Patrol is willing to fill any shifts as needed. The applicant will have an off-duty traffic control contract with the State Patrol.

Jeff Bednar, SRF Consulting Group, clarified that from the September 2017 traffic report, the ScreamTown traffic typically varied from 300 to 600 vehicles per day. Those vehicles were included as a part of the design event for the day analysis. He also clarified that the traffic management plan provides some mitigation for the traffic volume and speed on Hwy 212. He used an aerial photo to illustrate and explain the signage and traffic control device for the event. He stated that signage will be provided to establish an advisory 45 mph speed limit for a distance up to a half mile east of Mellgren Ln. A speed display sign and additional signage would also help driver's become aware of their traveling speed and the patrol at the event entrance location. Cones would be placed along the centerline of the highway in both directions from the driveway in an effort to control more positive speed control awareness.

Ische asked what the speed limit is along the highway.

Mr. Bednar stated the posted speed limit is 60 mph, but the advisory speed signs will suggest a 45 mph speed limit in this area.

Mr. Michaelson stated that in the discussions with the various road departments, it is best to have the site 'window' as small as possible. He believes with the road improvements and infrastructure, this site will be workable and could operate on its own. Advanced warning signs from both directions are absolutely necessary to allow patrons to find the event site and to allow passing traffic to be aware of the site entrance location. He assured that the advanced signage and traffic control officers are important to the family and would always be a part of the traffic control plan.

Ische asked if the signage plan has been approved by MnDOT.

Mr. Bednar confirmed that MnDOT has approved the signage plan and is using it as an example for other events around the State. He continued and focused on explaining forecasting figures relating to traffic numbers, using the highest projected use and times for the event. He explained the results of the traffic simulation mode and noted the spillback distance onto Hwy 212 and the property at the entrance. The analysis indicates that on the highest design day, the traffic volume levels could be managed to acceptable levels.

Willems questioned to whom these traffic levels would be acceptable. He stated that meeting requirements is one thing, but any spillback onto Hwy 212 may not be 'acceptable' to people who travel that road on a daily basis. He expressed frustration with the stated results and noted that even though the speed limit on Hwy 212 is 60 mph, the average speed limit is 64 mph. He also doubted whether the traffic flow would voluntarily reduce speed 20 mph to the suggested advisory speed limit of 45 mph.

Mr. Bednar stated that the results are indicating reasonable numbers.

Willems interjected and asked what happens when the actual traffic spillback goes beyond the projected acceptable distances. He questioned what MnDOT will do at their annual review and what can be done to correct a problem.

Mr. Bednar stated that a part of the traffic management plan will be a performance direction which will be provided to the Sheriff's Department and/or the State Patrol giving direction on how long traffic can be stopped along Hwy 212 to that intersection. The traffic control officers maintain visual contact of the traffic as it approaches the site driveway and won't allow it to spill back beyond the acceptable distances.

Chairman Burns recapped that information clarifying that the traffic control officers would stop traffic on Hwy 212 to allow vehicles to exit the site and then continue the Hwy traffic again. This could be done repeatedly as necessary. He asked what length of time the highway traffic would be stopped.

Mr. Bednar replied it would be a 180 second signal site with the control officers acting as

the traffic 'signal'. He stated that there may some vehicle backup on the site, but this will allow traffic flow on Hwy 212.

Willems stated that this problem is multiplied by the overlap of the two businesses and their operating hours. He also understood that there would be no stoppage of Hwy 212 traffic in the most recent traffic plan.

Mr. Michaelson stated that this discussion is based on traffic numbers for one day, the anticipated highest usage day, of the entire event operation. He stated that in their experience, this may happen on only three or four days of the entire season, so this is not the case for every day of the event. He stated that the traffic flow pattern and control will be managed entirely as the Sheriff's Department and State Patrol feel is best and safest for that site. He reiterated that in his meeting with the Sheriff's Department, they concluded that the traffic management is very do-able and with the road improvements, it could take care of itself much of the time. The intent is not to stop traffic flow on a major highway, but it can be done if necessary.

Willems read from the submitted Traffic Operations and Parking Plan and reiterated that there is no mention of possibly stopping traffic on Hwy 212.

Mr. Michaelson restated that traffic stoppage is not the intent, but is at the discretion of the traffic control officers, if they feel it is necessary. He stated that in their most recent meeting, the primary concern was for staffing and keeping the intersection safe and orderly.

Chairman Burns restated the traffic control concern during the overlap of hours, citing the peak traffic time for entrance and exiting of the site between 4:00 p.m. or 4:30 p.m. to 6:00 or 6:30 p.m. and also considering the regular flow of traffic on Hwy 212.

Mr. Bednar explained the simulation results from the design event calculated at the peak hours, stating that not all of the projected daily vehicles will be entering and exiting at the same time.

Mr. Michaelson explained that ScreamTown's current hours of operation are 7:00 p.m to 11:00 p.m. The event data indicates that their event traffic increases well after most of the Fall Festival patrons are exiting. He understands the concern, but stated that the improvements to the access on the property with two lanes in and two lanes out and the assistance of the traffic control officers should be able to accommodate the traffic safely.

Willems pointed out that the traffic simulation was calculated using a figure of 3,000 vehicles. He reviewed the submitted annual daily vehicle numbers and noted that there have been nine days in the past three years with an average of more than 2,000 vehicles. This is more often than just the Thursday and Friday of MEA weekend. He concluded there is a lot of traffic entering and exiting this site most of the time.

Mr. Michaelson explained that there is a significant different between commuter traffic

on weekdays and weekend traffic on the highway. He stated that modeling the study during the Thursday and Friday of MEA weekend represents the highest traffic volumes and the peak times that it would be necessary for traffic control. He acknowledged that there are more than two days with traffic numbers exceeding 2,000 vehicles; however, they are often weekend days without the daily commuter highway traffic.

Smith asked how soon the turn lane construction would be completed.

Mr. Michaelson contacted an independent contractor and was told it would not be impossible to complete by September 1st. He stated they had constructed a right-hand turn lane into the property for the current land use CUP which was successfully completed on time.

Dennis Rollins, 7570 Mellgren Ln, echoed the concern of the traffic study numbers and simulation, and stated that the intent of the business is to grow and be successful, which will significantly increase the traffic numbers. He expressed the current danger for residents on Mellgren Ln making a left-hand turn onto Hwy 212 and stated it will be increasingly more difficult with increased traffic heading to this site.

Lance Paulson, 7540 Mellgren Ln, has experienced traffic backups with the current CUP, and cannot imagine how this will increase with an even larger event at this site. He stated the computer simulation models are not adequately addressing the projected increased traffic volumes. He also commented that noise from the current site activities has not been reduced through any mitigation efforts, and seems to have increased. He anticipated additional violations would be likely with the additional events at the site.

Ms. Mieseler asked if the traffic control cones will be placed on the centerline of the highway.

Mr. Michaelson confirmed that was correct, per the traffic management plan, advanced warning indicates that the cones be placed along the center, similar to approaching a construction zone in recognizing vehicles slowing.

Ms. Mieseler cautioned about the potential danger with placing cones on a busy highway. She also expressed concerns with the signage, asking if they would be removed each time after an event and also that they not be placed to obstruct the view for anyone entering onto the highway.

Mr. Michaelson explained MnDOT's application and approval process for the placing of signs, cones, and other directional materials.

Ms. Mieseler stated that the current signage for ScreamTown is turned over and remains in the road side until the next event. She presumed this request would require more signs and asked if they would also remain in the road side or be removed and replaced each time.

Mr. Michaelson replied that the cones would need to be removed, but he would have to refer to the sign company and the MnDOT recommendation about the sign locations.

Ms. Mieseler stated that should be considered and resolved, as drivers veer to the side of the road or have been known to pass on the right side of the road, which causes unsafe conditions. Her recommendation was that the signs be removed each time after the weekend events.

Mr. Johnson questioned safe access from the field approaches and intersections with the increased traffic, and reiterated the danger of accessing Hwy 212 from Mellgren Ln.

Chairman Burns asked if the cone placement will allow for large farm machinery and trucks to use the highway without interference.

Mr. Michaelson stated their family is aware of that issue and will work to ensure that the farm equipment and trucks will be able to pass through that area without interference.

Mr. McCormick further explained information about the traffic volume and peak times using a graph indicating vehicles per hour. He stated that much information has been analyzed by different agencies and many factors are used to try and establish reasonable results.

Mr. Bednar also clarified traffic numbers from the graph and what they represented.

Mr. McCormick stated the improvements that are required by MnDOT for the left turn lane will likely be 1,000 feet or more in each direction, and he would recommend that MnDOT also consider a wider centerline management plan, which makes for a safer. The current right turn lane will be extended to the east and the left turn lane will be sized according to the land use request. He also stated that creating wider shoulder areas for field approaches may also be advisable.

Mr. Bednar offered more specific information about the road construction and lane and shoulder width.

Mr. Paulson cited the 180-second stop traffic issue, and stated that Hwy 212 is the most heavily traveled road in the State for grain semi-trucks.

Mr. Bednar explained the 180-second stop time cycle, noting that is the time lapse from traffic stop to start to stop again. The actual time that traffic is stopped is less than the 180 seconds. This would happen only as necessary during peak traffic times, as most of the traffic is going to be able to exit the site where there is an acceptable gap in traffic flow. Outbound traffic will be allowed to turn right and/or left.

Mr. Michaelson reminded everyone that the traffic models are based on a 'worst case' scenario and that the peak traffic numbers is not the usual or sustained amount of traffic all of the time.

Mr. Paulson also noted that the events are weather-dependent, which can also cause greater volumes of traffic. He asked if the previous discussions suggesting detour roads of Kelly Av and Jonathan Carver Pkwy are now put to rest.

Mr. Michaelson confirmed that there is only one entrance to the property and it should be clearly marked with the advanced warning signage plan. The proposed road improvements should alleviate the need for alternate or detour routes.

Mr. Johnson again stated that all of the traffic control discussion is at the site entrance and there has been no consideration for the accesses at Mellgren Ln, field approaches, residences, Kelly Av, or Co Rd 43. He stated that increased traffic will make all of these approaches more dangerous.

Mr. Michaelson referred to the traffic models and graphs indicating the vehicle numbers and how relatively few times the peak volumes occur during the event times. He stated their family believes this proposal is good for the community and the request is within their rights as property owners.

Mr. Bednar used the traffic model again and cited an example using vehicle numbers entering and exiting the site in one hour. He stated this would result in one additional car entering the highway every 12 seconds. The time required to make a left turn out of a driveway is approximately 7 seconds of 'adequate gap'. He was showing that the increased traffic during that hour was barely enough to compromise the ability to exit a driveway. He reiterated that the data has been reviewed and analyzed and the results indicate that with proper traffic control, the traffic from this event can be safely controlled.

Willems noted the application referred to agri-tourism and asked how ScreamTown fits into that category.

Mr. Michaelson stated that it is an interpretation of the Code and ScreamTown has been operating under a CUP on this site for the past ten years. He feels that their application is well within the Code requirements.

Willems stated that there have been complaints and violations associated with ScreamTown, more particularly with noise and longer operating hours. He asked if combining the two events will increase the problem and opportunity for complaints.

Mr. Michaelson stated he does not view this application as a problem. He stated his family is committed to being good neighbors and operating a successful business at this site. He confirmed this by pointing out their willingness and commitment to make a significant investment in infrastructure improvements to ensure safety for patrons and everyone. He is committed to making this event work for the future, despite what has happened in the past.

Karin Johnson, 7575 Mellgren Ln, expressed concern with the compatibility issue. She stated that an event of this size is an interruption to their quiet, rural life. She asked that the request be denied.

Mr. Michaelson reiterated his family's commitment to making this possible and their willingness to mitigate the concerns expressed and be a good neighbor. He recapped all of the steps they are going to take to make this happen.

Ische stated that he has attended the Fall Festival and ScreamTown to become more familiar with the activities and operations of these events. As a County Commissioner, he has received many telephone calls and complaints about ScreamTown and its operations over the years. He asked the applicant if there was any consideration for terminating this business and carrying on with only the Fall Festival, which might be a better fit of 'agri-tourism' at the site. He also stated that he would not feel comfortable with making a decision on this request tonight, as two members of the board were absent and one member has recused herself from voting.

Mr. Michaelson stated that if there was no prior history with ScreamTown and this was a completely new application, and there was significant resistance to the ScreamTown portion, it would be an easier decision to make. He stated that the business owner, Matt Dunn, has poured himself entirely into making a living with this business and has been able to operate it for the past number of years. Taking this opportunity away from him is not something that the family is considering doing.

Sever Peterson, 15570 Flying Cloud Dr, stated that he is a part of the family business and they will be taking full responsibility of the activities on the entire property, including ScreamTown. They are aware that the hours of operation are of particular concern and assured that this will be closely monitored. He also stated that removing that business opportunity would be difficult and unfair to Mr. Dunn. He stated that he felt they are compatible with the neighbors, the neighborhood, and the community. He reiterated their commitment to monitor the ScreamTown activities and asked that their request for the large scale activity be approved. He also recalled a former location of the Fall Festival in Eden Prairie along Hwy 212 and stated there was only one access at that location and all of the highway traffic travelled by because the new highway was not yet constructed. He highlighted their assurance to be good neighbors and assure traffic safety.

Willems understood that 10 years ago, there was a request was to have both business activities at this site. That didn't materialize, but ScreamTown received a CUP and began operating at the site. He stated that ScreamTown is not the business activity that people thought it to be. Or maybe it has evolved into the event that it is currently, and there have been numerous complaints about noise and late hours. He stated that they have been and applicants' tenants for the past ten years and should have been monitored more closely for compliance during that time. He pointed out that the combined hours of operation for the two businesses comprise 15 hours of each day for the neighbors. He stated that 25 event days amounts to approximately 15% of the year. He was still struggling with how the enforcement of two separate businesses operating under one

CUP would be handled. He asked what current measures are in place. Just stated that Mr. Dunn has tried to control the vehicle numbers and submits an annual report. Ultimately, MnDOT would have required a turn lane at some point, and that is being required with this new application.

Burns asked if the new CUP application was approved and the Fall Festival were to cease in 5 to 10 years, would this allow the attendance at ScreamTown to grow to 6,000 patrons just because the turn lane is in place?

Just replied it would be difficult to say that the business was in compliance with such a significant a change in the operational plan. He stated that having 3,000 to 6,000 people at a family-friendly daytime event transitioning to the evening hours of an operation anticipating an annual maximum of 600 people would be a huge deviation from the operational plan. He stated this would not be consistent with the submitted operational plan and conditions of the permit.

Willems stated that another part of the difficult with two businesses is trying to separate if one event is allowed to have music or other entertainment, will that carry over to the other?

Just stated that the size and complexity is a concern, but the submitted site and operational plans are what the activities are governed by and will be evaluated against. Moving and changing activity areas without authorization would be violations of the permit, so having the plans attached to the permit is critical to enforcement.

Ms. Mieseler stated that it is troublesome that ScreamTown is still in operation even with all of the phone calls and complaints. It has created so many questions about the new application and it seems that once the business is in place, it doesn't go away, but the problems persist.

Mr. Michaelson stated he was a part of the application from ten years ago and stated at that time, it was not necessary to change the location of their Fall Festival. Therefore, the CUP application was only for ScreamTown to operate at this site since then. He stated that the average of 600 patrons per day was established because of the infrastructure that was in place at that time. Mr. Michaelson also clarified that 26 days in a year is a little over 7% and not 15% as had previously been stated. He acknowledged that their businesses are seasonal and are impacting the community, but in a positive way, through support, education and celebration of agriculture. And that will be their motivation moving forward.

Burns asked what the growth projections are for the next ten years.

Mr. Michaelson stated they have experienced steady growth of approximately 6% per year with the Fall Festival, which has been encouraging. He predicted a change in location may result in reduced attendance initially, but was hopeful that it would increase steadily again over time.

Ische asked if it was determined that they are not able to operate another season at the present site.

Mr. Michaelson stated that has not been confirmed at this time. There are critical meetings and changes being made to Shakopee's Comprehensive Plan, which will determine the fate of that location. They are unsure of their opportunity for the 2018 season at that site and are preparing for a change in location.

Smith stated there has been growth within the County and increased traffic on Hwy 212 and anticipated growth in the cities of Cologne and Norwood Young America. He stated this will continue to increase the traffic along Hwy 212 and was unsure that the Hwy 212 reconstruction project would be completed even by 2022 to accommodate that growth.

Willems asked the applicant if he would prefer to have a vote and a recommendation tonight or if the request can be continued for another month.

Mr. Michaelson understood the importance of having a full member board to vote on the request. He stated that the progression of this application is of the utmost importance to their family because of the interest of time, however; he stated that it might be best for everyone in attendance to have it continued until all of the members can vote on it.

Willems stated he would not be supporting this request and gave his reason that 5 of the requirements for approval are not being met by this application. He concluded it is always good to have a full board to vote on the issues, however; he believed these 5 issues would not be changed or resolved in another month.

Mr. Michaelson stated that their family is not trying to be burdensome with the duration this public hearing has been open and apologized for the length of time this application has required.

A motion was made by Ische and seconded by Smith to continue the public hearing until February 20th meeting.

Willems confirmed his position to vote and deny the request, whenever that opportunity will be.

Chairman Burns called for a vote on the motion to continue the public hearing until February 20, 2018. Ische, Burns and Smith voted aye. Willems voted nay. Motion carried. The public hearing was continued at 9:51 until the February 20, 2018, meeting.

Chairman Burns asked if there is anything that the Planning Commission is requesting from the applicant for the next meeting.

Willems cited the 5 findings of fact that he felt were not being met by this application; namely, (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

(D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.

(E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.

(G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.

(I) The use or development is compatible with the land uses in the neighborhood.

Adjournment

A motion was made by Willems and seconded by Smith to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 9:52 p.m.