



PLANNING COMMISSION MEETING

ISD #15 District Office Building 4115 Ambassador Blvd.

Wednesday, February 15, 2023 at 7:00 PM

AGENDA

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. ADOPT AGENDA**
- 4. APPROVE MINUTES**
 - [A.](#) Minutes - January 18, 2023
- 5. PUBLIC COMMENT**
- 6. PUBLIC HEARINGS**
 - [A.](#) Patriot Parkway Comprehensive Plan Amendment and Rezoning
- 7. REGULAR BUSINESS ITEMS**
 - [A.](#) Serenity at Seelye Brook Concept Review
 - [B.](#) Planning Commissioner Training
- 8. DISCUSSION BY PLANNING COMMISSIONERS**
- 9. ADJOURNMENT**

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
JANUARY 18, 2023**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chair Women Fairbanks

2. **Roll Call:** Present were Dean Becker, Liz Fairbanks, Gail Genin, Deborah Humann, Dustin Hingos, and Dustin Pavel.

Others in attendance: Colette Baumgardner, Community Development Director; Beth Richmond, City Planner; and, Kevin Robinson, City Council.

3. **Adopt Agenda:** Motion by Pavel, second by Humann to approve the agenda with amend the agenda to include additional public comment. Motion carried 6-0.

4. **Approve Minutes:** Motion by Pavel, second by Fairbanks to approve the November 16, 2022 minutes. Motion carried 6-0.

5. **Public Comment:** None

6. **Public Hearing:**

a. Car Detailing Interim Use Permit (IUP)

Richmond reviewed the staff packet and request for an IUP for a home extended business at 5620 Ambassador Boulevard for a car detailing business. She added that this has been brought to the County as Ambassador Boulevard is a County Road and shared their comments concerning the two access points rather than the preferred one access point. She reviewed concerns of parking, lighting and utilities.

The Commission asked if the business wants to change what they are doing or add more to it, that would require a new IUP. Richmond said correct and the uses that are currently listed are what would be allowed.

Baumgardner explained the applicant's request to add car washing to the list of uses. She stated that the car washing tank would need to be reviewed by the City inspector for septic tanks.

The Commission asked if Staff has an idea of when they would want to start operating the car wash. Baumgardner stated it would be this spring. The Commission asked if it would still be the same volume of cars with the car wash. Richmond stated that it would still be the same as the original proposal.

The Commission asked about having the driveway paved. Richmond explained that Staff suggests requiring the first 50 feet off of Ambassador be paved. The Commission asked if

it is Code that driveways be paved. Richmond explained what the Code says concerning any driveway connected to a paved road be paved.

The Commission asked about the number of outside employees allowed under the IUP. Richmond explained that it allows one additional employee since that was the applicant's request.

Duane Lilleboe, 5620 Ambassador Boulevard, the applicant, came forward and discussed his business and goals. He stated that he will operate by appointment only and he will be picking up most cars.

The Commission shared their concerns for the car wash. Mr. Lilleboe explained that it is not a standard car wash, it is more of a power wash and explained the drainage situation.

The Commission shared their concerns with the soil and asked the applicant if he had considered doing soil testing every few years. Richmond explained that the applicant has provided plans for a holding tank that would deal with the waste water. Mr. Lilleboe said he would not be opposed to soil testing.

The Commission asked about the business having insurance. Mr. Lilleboe said it is insured.

The Commission asked about a contingency plan if a car does not get picked up and a car is parked on the property for 24 hours. Mr. Lilleboe said it would be stored inside the building. The Commission asked how many vehicles at a time could be parked on the property. Mr. Lilleboe said three at the most.

The Commission shared their concerns with the dumpster. Mr. Lilleboe shared there is a two yard trash container that is picked up every two weeks.

The Commission asked about the lighting. Mr. Lilleboe explained that the new light has not been put up and the old light that was not allowed with the City has been turned off.

The Commission asked about the vacuums being used. Mr. Lilleboe said it would just be a shop vac and there are two air compressors in the building that is insulated to cancel the noise.

The Commission asked if the applicant has an issue with paving the driveway. Mr. Lilleboe said he will pave it.

The Commission asked if there was ample storage for the supplies. Mr. Lilleboe said yes.

Public Hearing opened at 7:25 p.m.

Chad Smith, 5770 Ambassador Boulevard, came forward and shared that he has lived in the City for a long time and he shared that he thinks businesses should stay in the part of the City that are zoned for businesses. He stated that Ambassador Boulevard is not set up for a business. He shared that he has experience with hazardous waste and wastewater and this cannot be controlled.

John Roman, 5584 Ambassador Boulevard, came forward and shared that he thinks single family neighborhoods should be free of business activities. He asked if the City

has means to inspect and account for this home's extending business. He explained that commercial properties exist so that the business activities and annoyances are kept from residential properties. He does not see it fair that other income generating businesses pay a premium for commercial properties while this applicant uses their property to run their business. He said a business like this introduces chaos to the community.

Eugene Vonesh, 5775 Ambassador Boulevard, came forward and said that this business has not added to traffic and when the cars are on the property they are brought into the garage. He stated he washes his vehicle three times a week so that is also not a concern of his. He said he does not see the concerns previously discussed.

Michelle Anderson, 22861 Unity Street, Oak Grove, came forward and shared that she was the real estate agent that helped the Lilleboes purchase their house and that she is also the St. Francis Area Chamber of Commerce President. She stated that they are currently looking for businesses to join the Chamber. She stated that she found that there are a lot of at home businesses in St. Francis. She stated that this is setting a big precedent of what the City is requiring and stated that the Lilleboe's have done everything that the City has asked them to do.

Beth Hubbard and Craig Bistodeau, 5632 Ambassador Boulevard, came forward and stated that none of the business practices taking place affect them and that they do not have an issue with it in any way. They shared their support for the Lilleboe's.

Scott Hoffman, 5646 Ambassador Boulevard, came forward and stated that he believes in small business and said that the Lilleboe's are being responsible with the development of the business. He shared his support of the Lilleboe's business.

Tim Cohen, 23263 Ambassador Boulevard, came forward and shared that he has a small business himself and said that it seems that the Lilleboe's have a similar operation and asked where the line is drawn.

Brad Janshen, 5737 236th Avenue, came forward and stated that Mr. Lilleboe has done everything that has been asked of him so far and shared his support for the Lilleboe's.

Erin Smith, 5770 Ambassador Boulevard, came forward and stated that she only found out about this from a letter from the City. She stated that she works from home and has seen the traffic increase as a result of the business. She added that Ambassador is one of the most dangerous roads in the County and with this being a residential area, it should not include a business.

Jake Walrod, 2802 233rd Lane NW, came forward and shared that he has known the Lilleboe's for many years and know that they run a clean business and have never had any complaints.

Kambria Vandervoste, 23263 Ambassador Boulevard, came forward and shared that she has also know the Lilleboes for many years and explained that she does not see the concern with safety as there are only 2-4 cars a day. She noted that a concern that should be brought to the City would be to add a shoulder or turn lane on Ambassador. She shared her support for the Lilleboe's.

Public Hearing closed at 7:48 p.m.

The Commission thanked the residents for coming forward to voice their opinions.

The Commission discussed some of the concerns mentioned by the residents and added that any concerns for Ambassador need to be brought to Anoka County as it a County Road. They discussed that the applicant has gone above and beyond what was required of them. The Commission asked about other businesses run out of homes in the area. Baumgardner explained the difference between a home occupation and a home extended business and what is required of each. She stated that to her knowledge there is not a record of any other home extended businesses in the area.

The Commission asked if this business is open to the public or if it is just for existing accounts. Mr. Lilleboe said it is currently for existing accounts. The Commission asked if the applicant were to fall out of the conditions set, what the procedure would be. Richmond explained that the IUP would come back before the City and revoke the permit. The Commission asked how often inspections are done on these businesses. Richmond stated that it is done on a code complaint basis.

The Commission discussed the traffic and chemical concerns. They stated that they have no reason to deny this applicant as he is currently complying with all set forth for him.

Mr. Lilleboe explained that the car wash will have minimal effects and that he runs a very eco-friendly and green business.

The Commission encouraged the residents to come to the Council meeting that will discuss this concern. Richmond stated that if the motion passes this would go to the next available City Council meeting, which would be February 6 or February 21.

Motion by Pavek, second by Humann, to recommend approval of the Home Extended Business IUP for a car detailing business at 5620 Ambassador Boulevard Northwest, including conditions of the car wash and holding tank, with conditions and findings of fact as recommended by Staff. Motion passed 6-0.

b. 2022 Code Revisions

Richmond reviewed the staff packet and the request for the Commission to review Zoning Code revisions in order to keep the Code current and address best practices. She reviewed the proposed revisions concerning definitions, principal and accessory uses, use specific standards, and development standards.

The Commission asked about if there will be an update to the building permit forms. Richmond said they should.

The Commission discussed the approved parking services and vehicles that are parked on other surfaces and do not see a problem with the vehicles being parked. The Commission asked how this could be updated. Baumgardner recommended continuing with the changes as they are written as it does not change the current standards, or direct Staff to make parking more lenient.

The Commission asked if Staff had talked to Oak Grove concerning the accessory dwelling units, as Oak Grove has worked through this already. Richmond explained that the language is new from 2021 and research was done at that time on what has worked in other cities in the area.

Public Hearing opened at 8:30 p.m.

Allan Ewing, 4128 DeGardner Circle, came forward and addressed the leniency concerning trailers and boats and stated that he does not see the issue with someone having a small boat or trailer in the backyard. He does not see there being a minimum amount of acres for this.

Public Hearing closed at 8:31 p.m.

The Commission continued to discuss the approved parking services and vehicles being parked. Richmond offered clarifications on the concerns of where the vehicles can be parked.

The Commission asked about unlicensed vehicles and what this is considered. Baumgardner explained that these are things like racecars or derby cars that are not made for driving on the roads.

Eric Dorshawn, 23514 DeGardner Circle, came forward and recommended making an amendment to include Class 5, bituminous, and concrete.

The Commission discussed the reasons that this was put in place and understands why this is in the Code. They discussed that allowing anything to be parked in backyards can have an effect on property and neighborhood values. Richmond stated that this can be addressed concerning the urban area versus the rural residential areas. She stated this could be moved to the Council with direction to staff to make edits that reflect the discussion.

Motion by Fairbanks, second by Humann to recommend approval of the revisions to the City Code as presented by Staff with the redirection of the flexibility of approved parking surfaces for off-street parking regulations with conditions and findings of fact as recommended by Staff. Motion passed 6-0.

c. 23543 DeGardner Circle Comprehensive Plan Amendment

Richmond reviewed the staff packet and request for a Comprehensive Plan Amendment to address the error in initial guiding. The updated guiding would create alignment with the current use and zoning of the parcel.

The Commission asked if this request is just to correct the error and reguide this how it was intended. Richmond said yes.

Public Hearing opened at 8:44 p.m.

Allan Ewing, 4128 DeGardner Circle, came forward and asked if there were any plans to add an apartment complex in this area. Richmond said there was no plan for this and clarified the concerns.

Eric Dorshawn, 23514 DeGardner Circle, came forward and shared concerns that it seems like they could try to fit another apartment building into the lot. The Commission clarified that if that were ever to happen this would come to the Planning Commission and numerous other items would need to be addressed.

Brian Mulgrew, 4133 DeGardner Circle, came forward and stated he was concerned that something else would be built in this area. He stated he would like to see some park equipment back into the park. Baumgardner stated that the City is looking at adding a Parks Commission for this spring.

Debra Rangel, 23514 DeGardner Circle, came forward and stated that there is a lot of traffic in the area and is concerned with how the apartments were in the area when it was zoned for a park. The Commission clarified that it was zoned by mistake.

Mr. Mulgrew came back up and stated that he often goes over to the park and cleans up junk in the area.

Public Hearing closed at 8:53 p.m.

Motion by Genin, second by Hingos to recommend approval of the Comprehensive Plan Amendment with conditions and findings of fact as recommended by Staff. Motion passed 6-0.

7. **Regular Business Items:** None
8. **Planning Commission Discussion:** None
9. **Adjournment:** Meeting adjourned at 8:56 p.m.

Website Link to Packets and Minutes for the Planning Commission:
<https://www.stfrancismn.org/meetings>

Recorded by: Colette Baumgardner

DATE APPROVED:



PLANNING COMMISSION AGENDA REPORT

TO: St. Francis Planning Commission

FROM: Beth Richmond, Planner

SUBJECT: Comprehensive Plan Amendment, Rezoning

DATE: 2-8-2023 for 2-15-2023 meeting

APPLICANT: City of St. Francis & First Baptist Church

LOCATION: 23040 Pederson Dr NW

COMP PLAN: MHDR, HDR, C

ZONING: R-3, B-2

OVERVIEW:

The City owns two parcels along Hwy 47 that are guided for commercial development. The lots are currently accessed by a gravel drive from Pederson Dr NW (CR 81). In order to provide access to the lots and allow development to occur, a paved, public road is needed. This project would include the city-owned parcels as well as land owned by the First Baptist Church. The City went through a concept review process for this project in September 2022. This concept showed a paved public roadway and the creation of two additional commercial parcels on the land currently owned by the church. The Planning Commission and City Council were supportive of the concept as proposed.

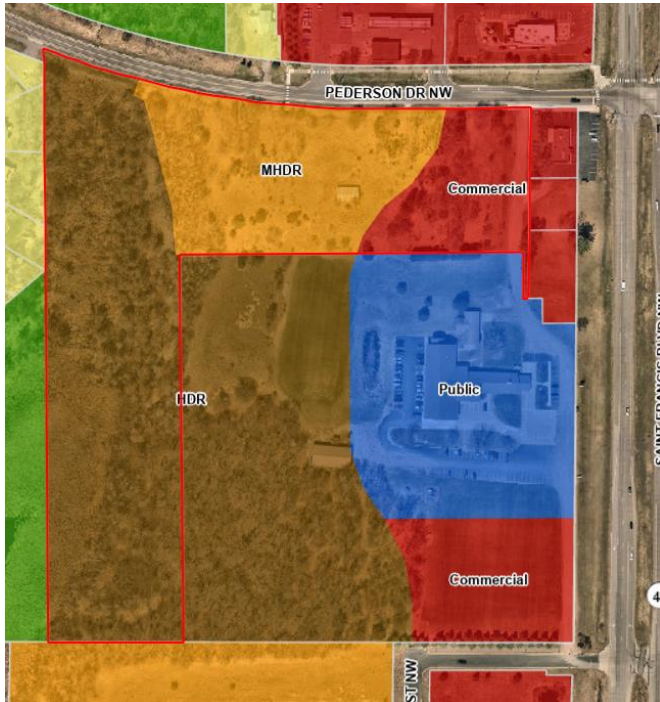
The next step in the process is to request a Comprehensive Plan amendment and rezoning for a portion of the church-owned land involved in this project. The Planning Commission is requested to hold a public hearing, review the Comprehensive Plan amendment and rezoning requests, and provide a recommendation to the City Council.

COMPREHENSIVE PLAN AMENDMENT REVIEW

The property at 23040 Pederson Dr NW is currently split into three land use categories on the Future Land Use map in the Comprehensive Plan. The eastern ~2 acres are guided for commercial use. The central 4 acres are guided for Medium/High Density Residential (MHDR) use, and the western ~7.75 acres are guided for High Density Residential (HDR) use.



Existing Future Land Use Map



The Comprehensive Plan amendment as proposed would split the land currently guided for MHDR use into commercial land on the east and HDR land on the west. No MHDR land would remain.

The requested Comprehensive Plan amendment includes:

1. A conversion of the eastern ~1.2 acres of MHDR land to Commercial use.
2. A conversion of the western ~2.8 acres of MHDR land to HDR use.

Proposed Comprehensive Plan Amendment



The additional commercial land will be used to create two new commercial lots that would be available for future development. Staff is requesting to reguide the remainder of the MHDR land to HDR to be consistent with the existing residential guidance on the western portion of the site and to help move the City toward its overall density goals. The future development of the site will be required to adhere to the uses and density ranges established in the Comprehensive Plan for each land use category. Land guided for HDR use must have a density of 12-60 units per net acre.

REZONING REVIEW

The City is required to ensure that its zoning map is in compliance with its Comprehensive Plan land use guidance. The land that is currently guided for MHDR use is all zoned R-3 High Density Residential. The newly-guided 1.2 acres of commercial land should be rezoned to B-2 General Business to be consistent with its new land use designation and with the existing commercial land surrounding it. Because the newly-guided residential land is already zoned R-3 High Density Residential, no rezoning is required for this portion of the property.

RECOMMENDATION

Staff requests that the Planning Commission hold a public hearing and review the requested Comprehensive Plan amendment and rezoning. Staff recommends that the Planning Commission act to recommend approval of the Comprehensive Plan amendment and rezoning to the City Council. If the City Council approves the Comprehensive Plan amendment request, the amendment will be submitted to the Metropolitan Council for final review.

Staff recommends the following:

- 1. Planning Commission recommendation of approval of the Comprehensive Plan Amendment to reguide the property at 23925 St. Francis Blvd with conditions and findings of fact.
- 2. Planning Commission recommendation of approval of the rezoning request to rezone ~1.2 acres of land at 23040 Pederson Dr NW from R-3 to B-2.

Proposed Conditions of Approval – Comprehensive Plan Amendment

- 1. The Comprehensive Plan amendment shall be submitted to the Metropolitan Council for final review and approval.

Proposed Findings of Fact – Comprehensive Plan Amendment

- 1. The proposed amendment is compatible with the surrounding land uses.
- 2. Public infrastructure is capable of serving the proposed development on this site.

PLANNING COMMISSION ACTION

After the public hearing and discussion, the Planning Commission could take one of the following actions:

- 1. Recommend approval with the conditions and findings of fact as presented by Staff.

Proposed Motions:

- a. Move to recommend approval of the Comprehensive Plan Amendment to reguide ~4 acres of land at 23925 St. Francis Blvd to HDR and C with conditions and findings of fact as recommended by Staff.*
 - b. Move to recommend approval of the rezoning request to rezone ~1.2 acres of land at 23925 St. Francis Blvd from R-3 to B-2.*
2. Recommend denial with Planning Commissioners' findings of fact.
3. Table the request to the next Planning Commission meeting and provide direction to Staff and the applicant as to the additional information needed.

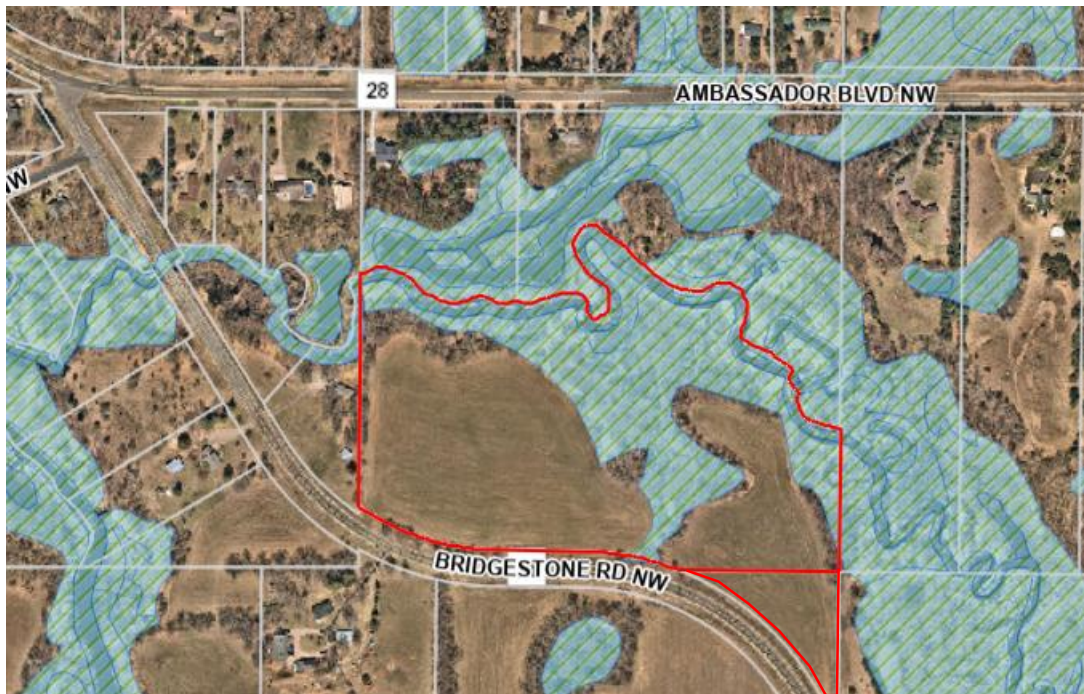


PLANNING COMMISSION AGENDA REPORT

TO: St. Francis Planning Commission
FROM: Beth Richmond, Planner
SUBJECT: Serenity at Seelye Brook Concept Review
DATE: 2-8-2023 for 2-15-2023 meeting
APPLICANT: C&E Ventures, LLC (Eric Vickaryous)
LOCATION: South of Ambassador Blvd NW and north of Bridgestone Rd NW (PIDs 36-34-25-22-0006 and 36-34-25-23-0004)
COMP PLAN: Agriculture
ZONING: A-2 Rural Estate-Agriculture

OVERVIEW

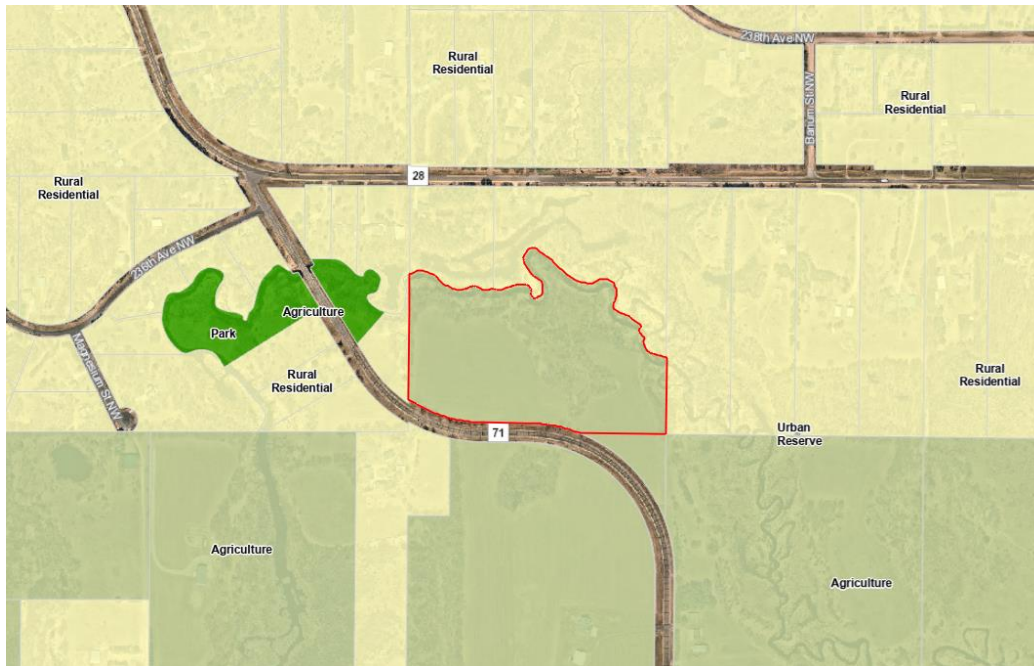
The applicant, C&E Ventures LLC, represented by Eric Vickaryous, has applied for review and discussion of a concept plan for a residential development on a ~23 acre site located south of Ambassador Blvd NW and north of Bridgestone Road NW (PIDs 36-34-25-22-0006 and 36-34-25-23-0004). The applicant has provided four concept plans showing options to subdivide the site resulting in 2, 4, 6, or 8 residential lots.



ANALYSIS

Existing Site Characteristics

The ~23 acre site includes two undeveloped parcels and is located on the west side of the City. The site is currently guided for agriculture use by the Comprehensive Plan. It is bordered by property guided for Rural Residential use to the north, east and west, and by land guided for agriculture use to the south.



Both parcels have frontage on Bridgestone Rd NW (CR 71). Bridgestone Rd NW is a County Road; therefore Anoka County has jurisdiction over any access points onto Bridgestone Rd NW from the site. No access points exist today. Anoka County has been notified of the proposed concepts but has not yet provided comment.

The site is vacant today. The northern boundary of the site abuts Seelye Brook, which is designated as a protected public water by the MnDNR. A large wetland complex covers roughly 8.5 acres throughout the northern and central portions of the site. The wet areas of the site are heavily wooded. A wetland delineation and geotechnical report would be required to be submitted with any additional applications.

Proposed Improvements

This site is located outside of the City's Urban Service Area. As such, each lot created would be expected to be served by individual private well and septic. No public streets are planned to be constructed as a result of this development.

Concepts

The applicant has provided four concepts for review by the Planning Commission. They are listed from most to least number of lots proposed.

Concept A (2 lots)

Concept A shows the property divided into 2 single-unit residential lots of 10.34 and 11.21 acres. This concept is consistent with the current agriculture designation for the property and would not require a Comprehensive Plan amendment or a rezoning. The only approval required would be for a metes and bounds subdivision.

Concept B (4 lots)

Concept B shows the property divided into 4 single-unit residential lots ranging in size from 4.03 to 8.00 acres. Each lot is proposed to have its own individual driveway. As the applicant noted, there are a number of privileges that lots over 5 acres in size have in the City, including large animal keeping. If Concept B is the preferred concept, Staff suggests shifting the lot lines slightly to create cohesive lots that each exceed 5 acres in size.

In order to achieve this concept, the following approvals would be required:

- Comprehensive Plan map amendment to reguide the area to the Rural Residential land use category
- Rezoning to RR district
- Preliminary and final plats

Concept C (6 lots)

Concept C shows the property divided into 6 single-unit residential lots. The layout is similar to that of Concept D; however the lots are slightly larger. The lots in Concept C range in size from 3.02 acres to 4.57 acres. Three shared driveways are proposed to minimize access onto Bridgestone Rd NW.

In order to achieve this concept, the property would require the following approvals:

- A Comprehensive Plan map amendment to reguide the area to the Rural Residential land use category.
- A Comprehensive Plan text amendment to redefine the maximum density for the Rural Residential land use category. This would be a significant change to the Rural Residential category and would affect all properties in the City that have this guidance. Text amendments are complicated, and Staff is unsure at this time what all would be required to complete this change.
- A rezoning to RR or PUD. If rezoning to RR, a text amendment to change the lot dimension requirements for the RR district would also be needed. If rezoning to PUD, the applicant would need to demonstrate the public benefit of the development.
- Preliminary and final plats

Concept D (8 lots)

Concept D shows the property divided into 8 single-unit residential lots. The lot lines extend all the way from Bridgestone Rd NW in the south to Seelye Brook in the north, creating relatively long, thin lots. The lots range in size from 2.26 acres to 3.54 acres. The applicant is proposing to create 4 shared driveways in this concept. Each driveway would serve two lots.

In order to achieve this concept, the property would require the same approvals listed for Concept C.

Land Use

As noted above, Concepts C and D would require a text change to the Rural Residential land use category in order to allow a density greater than 1 unit per 5 acres (the current maximum). This change would be significant because it would affect all properties guided Rural Residential, not only the subject site in this concept.

The Metropolitan Council implements the Metropolitan Land Planning Act. In doing so, the Metropolitan Council has established regional land use policies that all local jurisdictions must be consistent with in their local land use planning. The land within the City of St. Francis that is located outside of the Urban Service Area has been designated as “Diversified Rural.” This designation allows a maximum density of no more than 4 units per 40 acres across all “Diversified Rural” land. If a text amendment were to allow a more dense development pattern, Staff would need to complete a detailed analysis across all rural residential lands to determine how such a change in density affects the overall “Diversified Rural” density, and what the appropriate maximum density would be. If the change to the Rural Residential land use category results in the City exceeding the 4 units per 40 acre “diversified rural” maximum density, then the density change will not be allowed by the Metropolitan Council because it would be inconsistent with regional land use policy.

Staff will present additional information at the meeting related to the level of effort it would take to complete this analysis and to work with the Metropolitan Council to update the density maximum. It is possible that amending the Rural Residential density maximum may also affect calculations in other chapters such as Transportation which would then need to be updated.

Discussion Items

Staff will review the following items at the meeting for discussion purposes:

- Is it appropriate to amend the Comprehensive Plan to reguide this property to the Rural Residential land use category?
 - If so, is the Commission interested in amending the text of the Rural Residential land use category to increase the maximum allowable density?
- If the land were to be reguided, is it appropriate to rezone this property to the RR zoning district?
 - Depending on the desired concept, the RR district’s dimensional requirements may also need to be amended. Applicant has also discussed desire to rezone to PUD.
- Staff’s preferred concepts would be Concept A or Concept B as they are more consistent with the City’s vision and regional land use policy. Does the Planning Commission have a preferred concept?

ACTION TO BE CONSIDERED

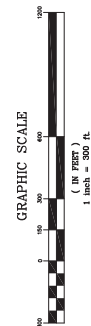
The Planning Commission is requested to provide feedback to the applicant on the proposed concept. No motion is required. Comments shared are not binding to the City nor do they

constitute official assurances or representations of the City on future recommendations or approvals. The City Council will also review the concept and provide feedback.

If the applicant chooses to proceed with the project following concept plan review, the likely entitlements would include a Comprehensive Plan amendment, rezoning, and preliminary and final plat.

Attachment:

- Concept Plans



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

preliminary 02/05 ☐

Ag 4125

ACRE LAND SURV
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area and beyond
763-458-2987 acreland.com

Agenda Item # 7A.

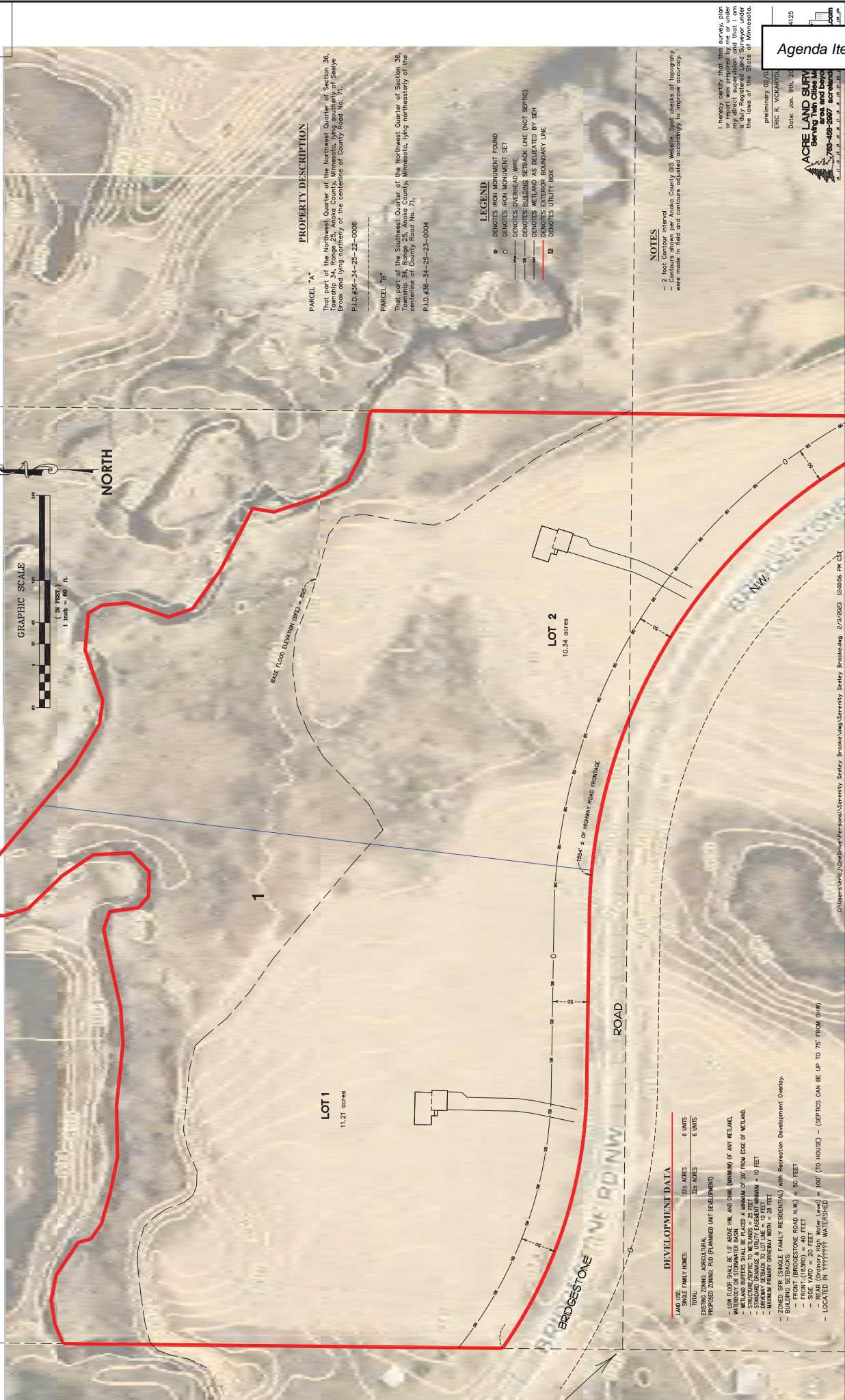
CONCEPT PLAN

~OF~

SERENITY AT SEELEY BROOK

Property Address: #UNASSIGNED
23XXX BRIDGESTONE ROAD N.W.

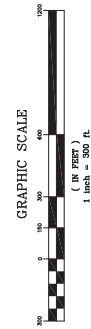
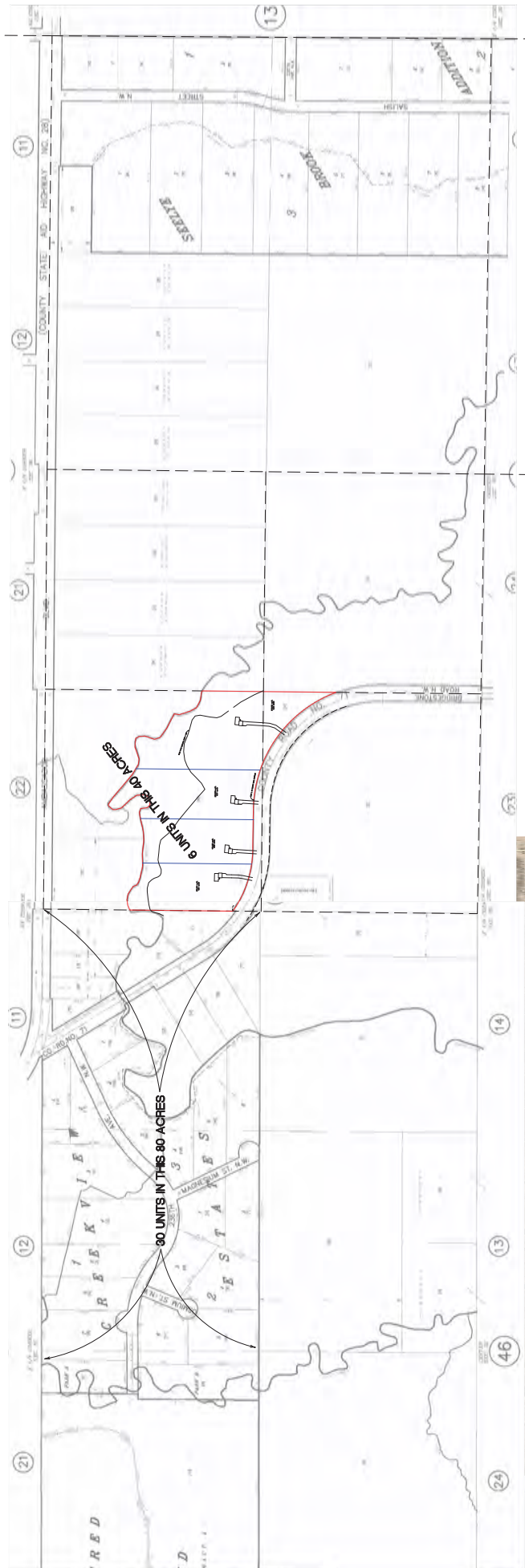
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Agenda Item # 7A.

ACRE LAND SURVEY
Eric R. Wickert
763-468-2887
www.ericwickert.com

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Ag

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area and beyond
763-458-2997 acreland.com

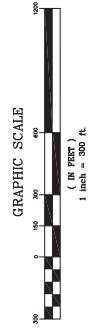
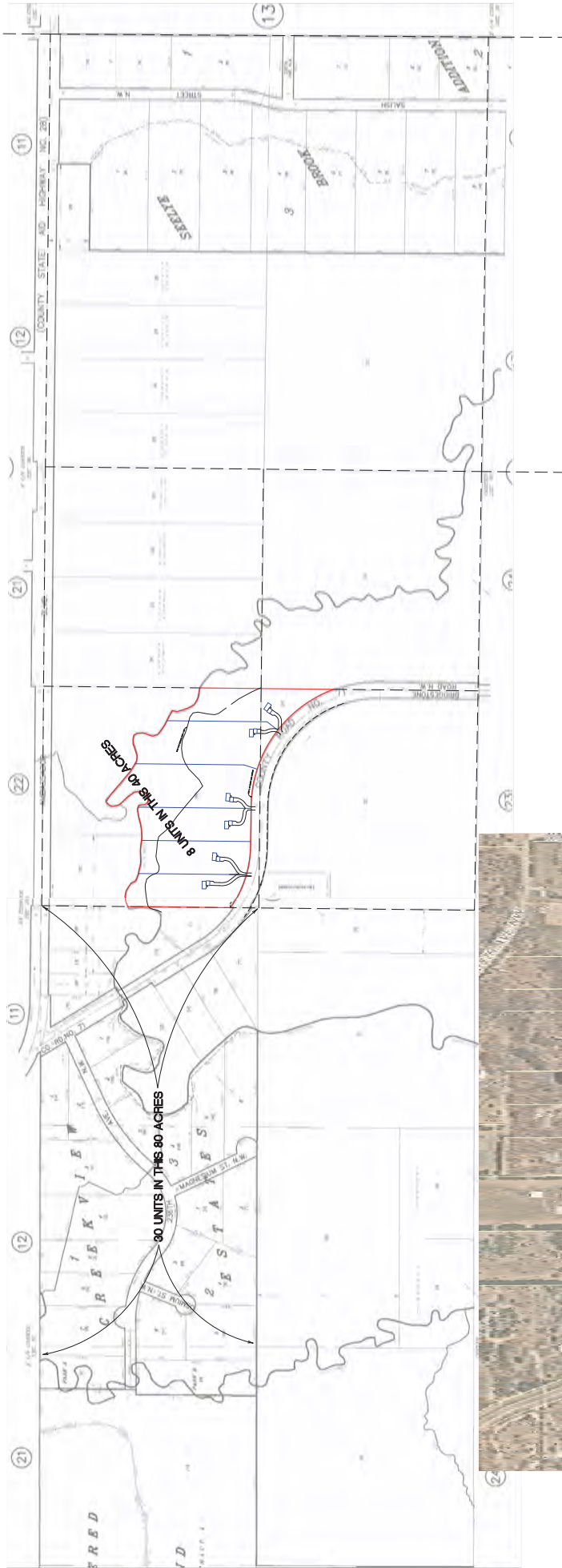
Agenda Item # 7A.

CONCEPT PLAN

~OF~

SERENITY AT SEELYE BROOK

Property Address: #UNASSIGNED
23XXX BRIDGESTONE ROAD N.W.



I hereby certify that this survey, plan, map, or drawing was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Eric R. Wickert
Preliminary 02/01
Date: Jan. 9th, 2011

4125

ACRE LAND SURVEY
SERENITY AT SEELYE BROOK
763-455-2897
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Agenda Item # 7A.

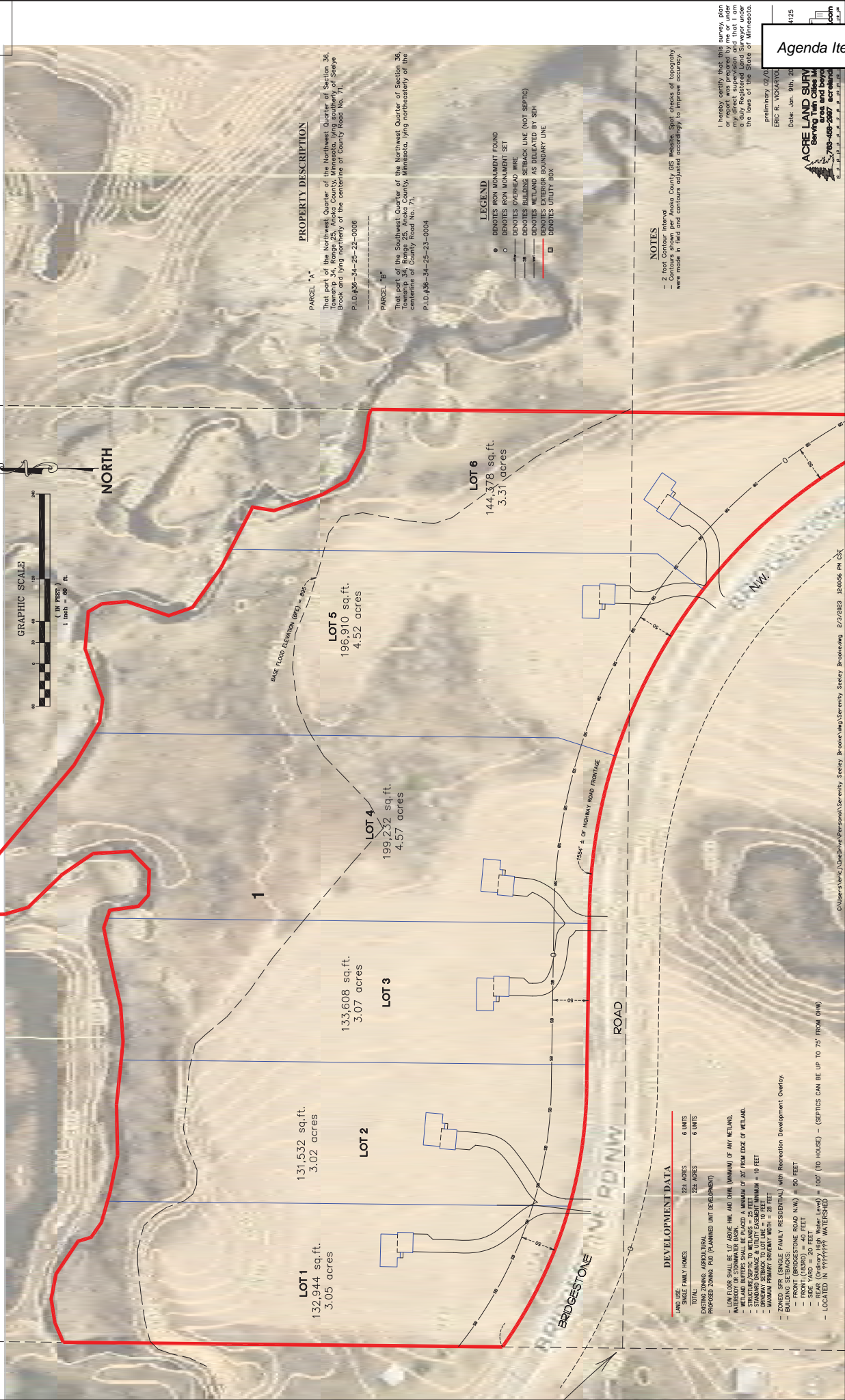
CONCEPT PLAN

~OF~

SERENITY AT SEELEY BROOK

Property Address: #UNASSIGNED
23XXX BRIDGESTONE ROAD N.W.

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Agenda Item # 7A.

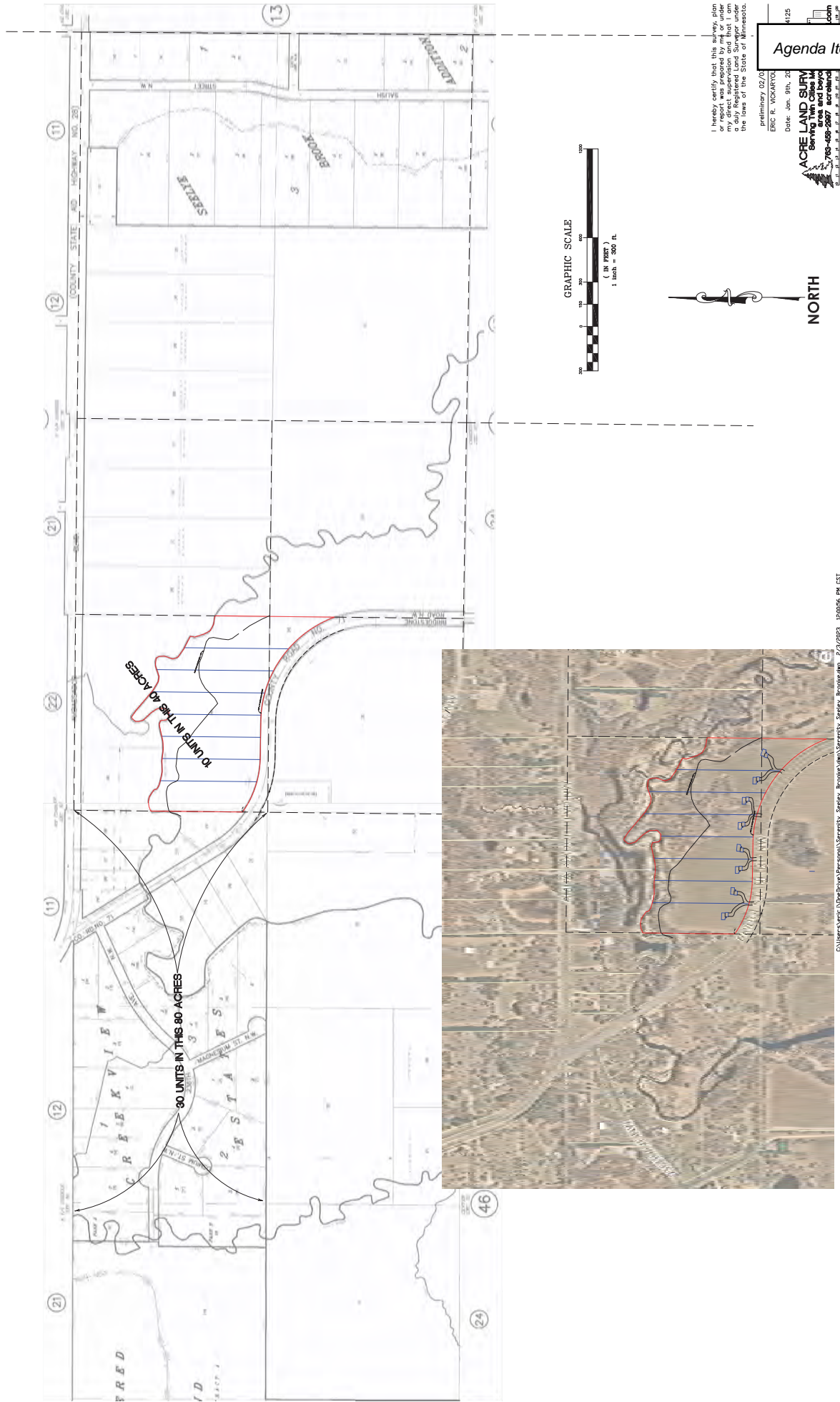
CONCEPT PLAN

~OF~

SERENITY AT SEELEY BROOK

Property Address: #UNASSIGNED
23XXX BRIDGESTONE ROAD N.W.

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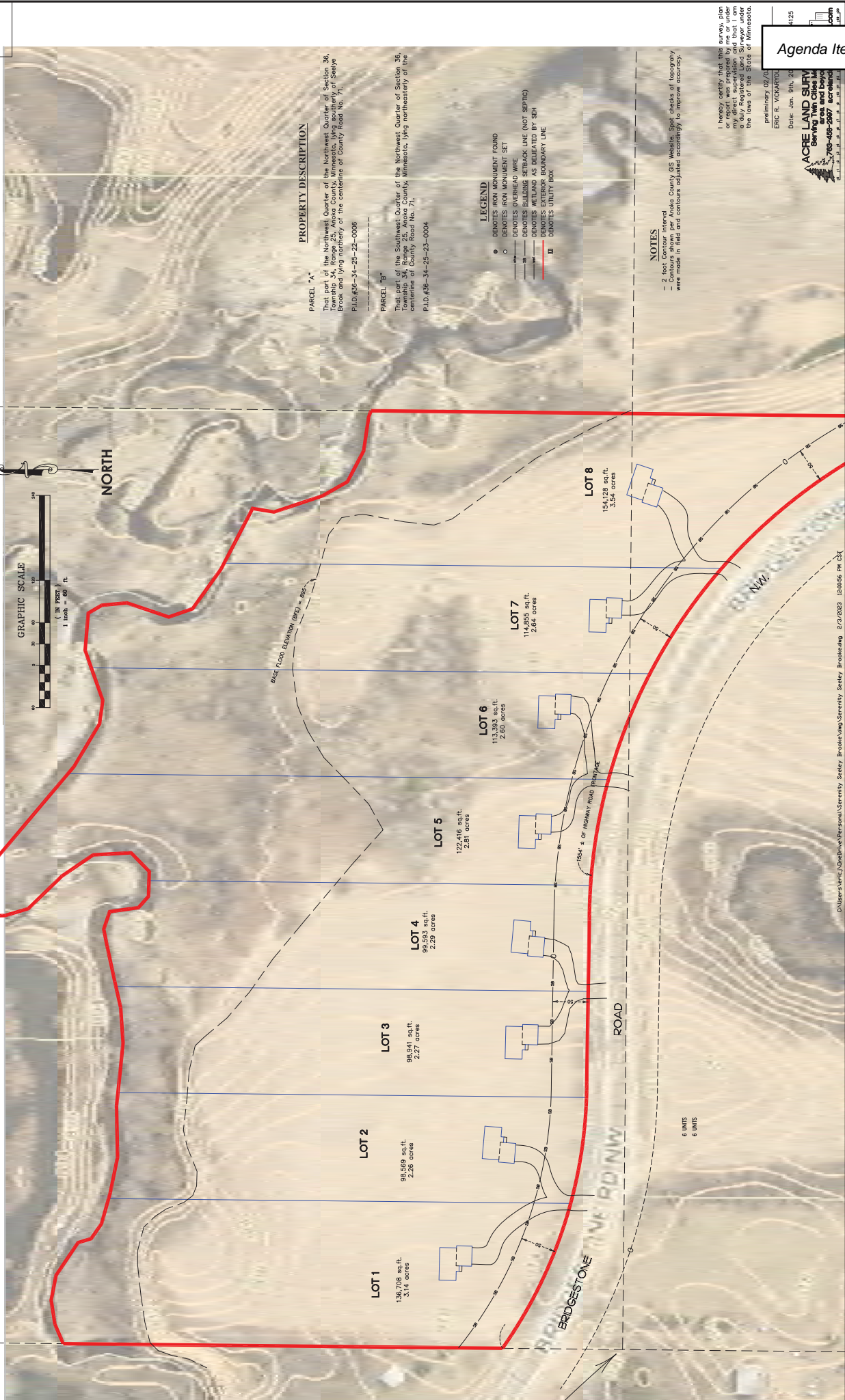
CONCEPT PLAN

~OF~

SERENITY AT SEELEY BROOK

Property Address: #UNASSIGNED
23XXX BRIDGESTONE ROAD N.W.

3



Agenda Item # 7A.



PLANNING COMMISSION AGENDA REPORT

TO: St. Francis Planning Commission

FROM: Colette Baumgardner, Community Development Director

SUBJECT: Planning Commissioner Training

DATE: 2-15-2023

OVERVIEW

Staff will present a training for Planning Commissioners on the role of a commissioner, meeting procedures, city code, and applications types. Training helps to ensure that land use applications are reviewed in timely and consistent manner. The training will provide a setting for commissioners to ask questions and get refamiliarized with code and procedures.

ATTACHMENTS

- Draft training slides

Planning Commission Training

Planning Commission – February 9, 2023

Roles & Responsibilities

PZ Role, Tasks and Responsibilities

- Serves as advisory body for the City Council
- Considers requests for conditional use permits, variances, rezonings, and subdivisions
- Holds public hearings when required
- Makes recommendations to City Council
- Oversees updates to the Comprehensive Plan
- Chairperson
 - Appointed on annual basis for one-year term
 - Runs meeting – seek to be impartial and objective in conducting meeting
 - Call special meeting in consultation w/Staff

Member Expectations

- Attend meetings – inform staff of absences as quorum (*majority of members*) is required for meeting to be held
- Become informed on cases and issues, including conducting site visits as needed
- Listen respectfully
- Make hard decisions in the best interest of the community in the midst of controversy

Open Meeting Law (13D)

- **Purpose**

- All meetings of the Commission must be open to the public, subject to a few exceptions
- Ensure public's right to be informed and provide opportunity for public input

- **Meeting**

- Quorum of the Commission is together and
 - Makes a decision concerning city business;
 - Discusses city businesses; OR
 - Obtains information on city business
- Training sessions are permissible

Communications

- Packets sent to members on Thursdays/Fridays prior to the meeting
- Discussions outside of meetings limited
- Email correspondence limited
 - Publicly accessible government data
 - Staff group email of information **one-way only** (*do not “reply all” to an email*)
 - Individual correspondence limited to between Staff and member
- **Serial meetings are not allowed** – a serial meeting occurs when a quorum of commissioners communicate serially (one after another) in any email or phone call.
- **Social Media**
 - Members may use social media, so long as use is limited to exchanges with all members of the general public
 - Posts must be open for reading/comment by the general public
 - Commissioners should not express any decision on topics that are/may come before the Commission

Conflicts of Interest

- If you have an actual or potential personal or financial interest in a decision to be made, disclose the conflict, abstain from voting, and don't participate in the discussion.
- Member who has excused oneself has same right to comment as member of the public
- If any questions, please reach out to Staff. Avoid even the appearance of a conflict.

Guiding Documents

Comprehensive Plan

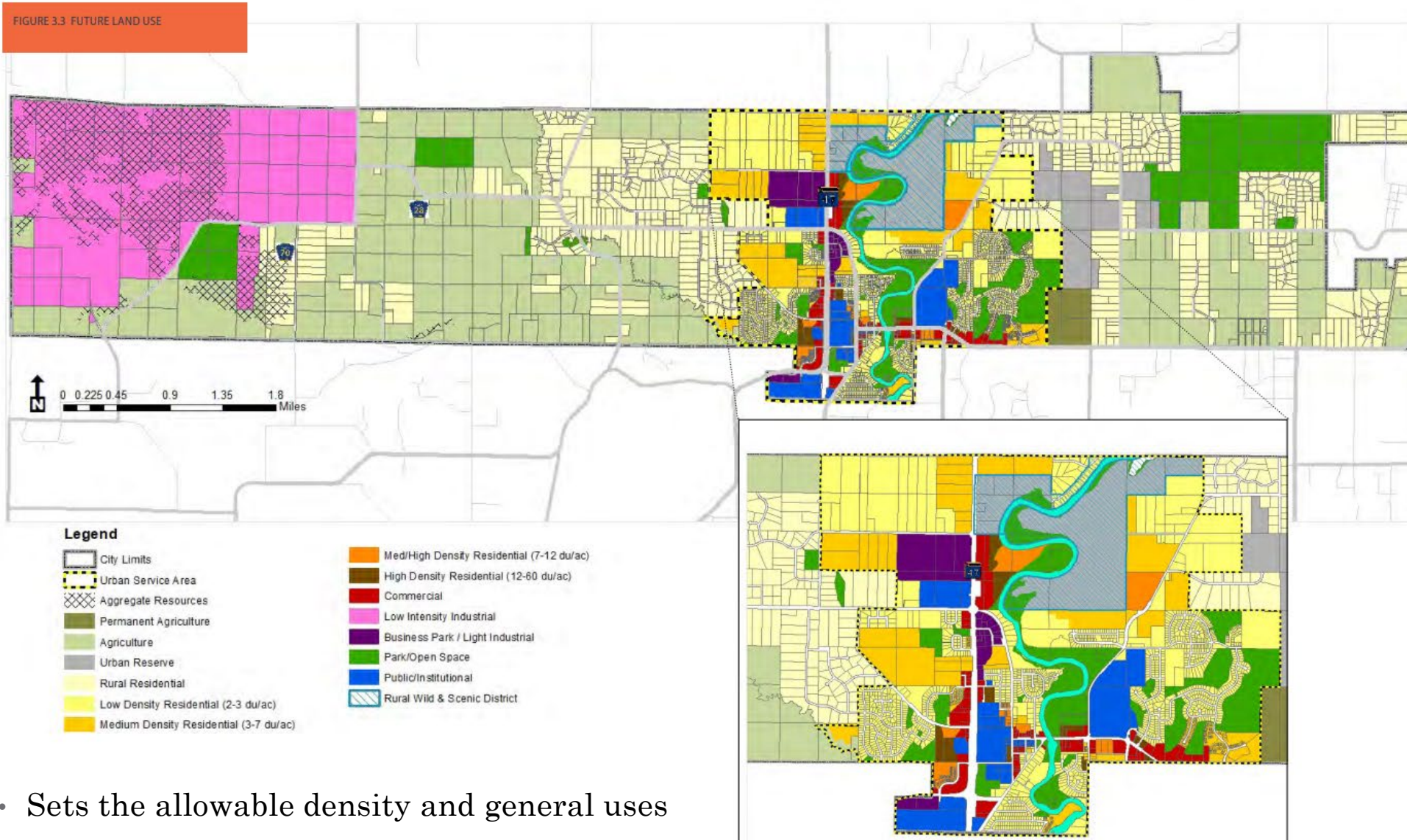
- **Broad in scope**
- **Establishes 20 year community vision to 2040**
- **Guide future physical and socio-economic growth and change**
- **Visionary and general whereas the zoning ordinance is regulatory and detailed**
- **Zoning ordinance must be consistent with the comprehensive plan and is a primary tool to implement the comprehensive plan**

Chapters

1. Setting the Stage
2. Vision & Guiding Principles
3. Land Use
4. Economic Development
5. Housing
6. Parks
7. Transportation and Mobility
8. Wastewater
9. Surface Water Management
10. Water Supply
11. Implementation



Comprehensive Plan – Land Use

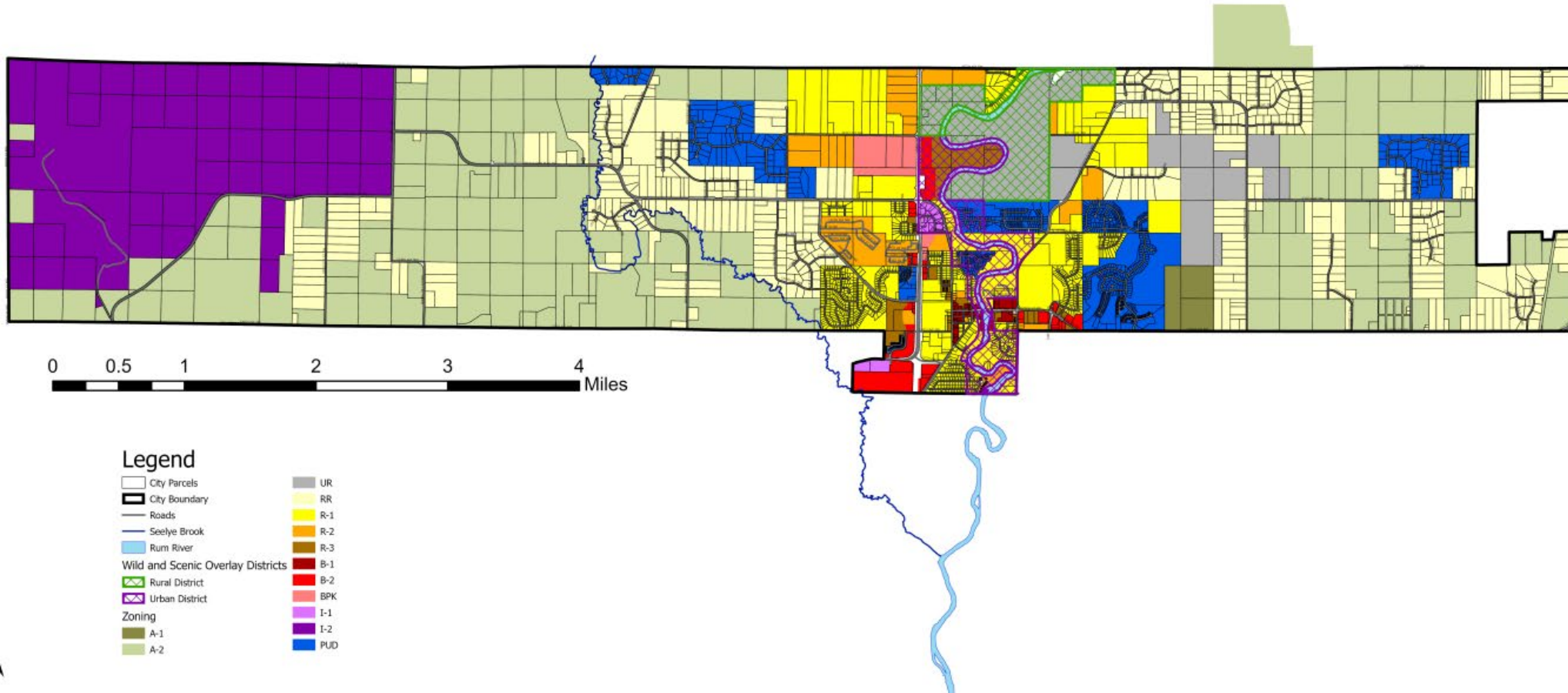


- Sets the allowable density and general uses

City Code

- **General**
 - More than land use
 - 11 chapters regulating all aspects of the City from elections to licenses to nuisances
- **Planning Commission-related chapters**
 - Chapter 10 Zoning
 - Chapter 11 Subdivision
- **Zoning Map**
 - Community divided into districts to guide development in compatible manner
 - Each district includes requirements about uses and development design
 - 13 base districts
 - Approved by Council 4/19/21

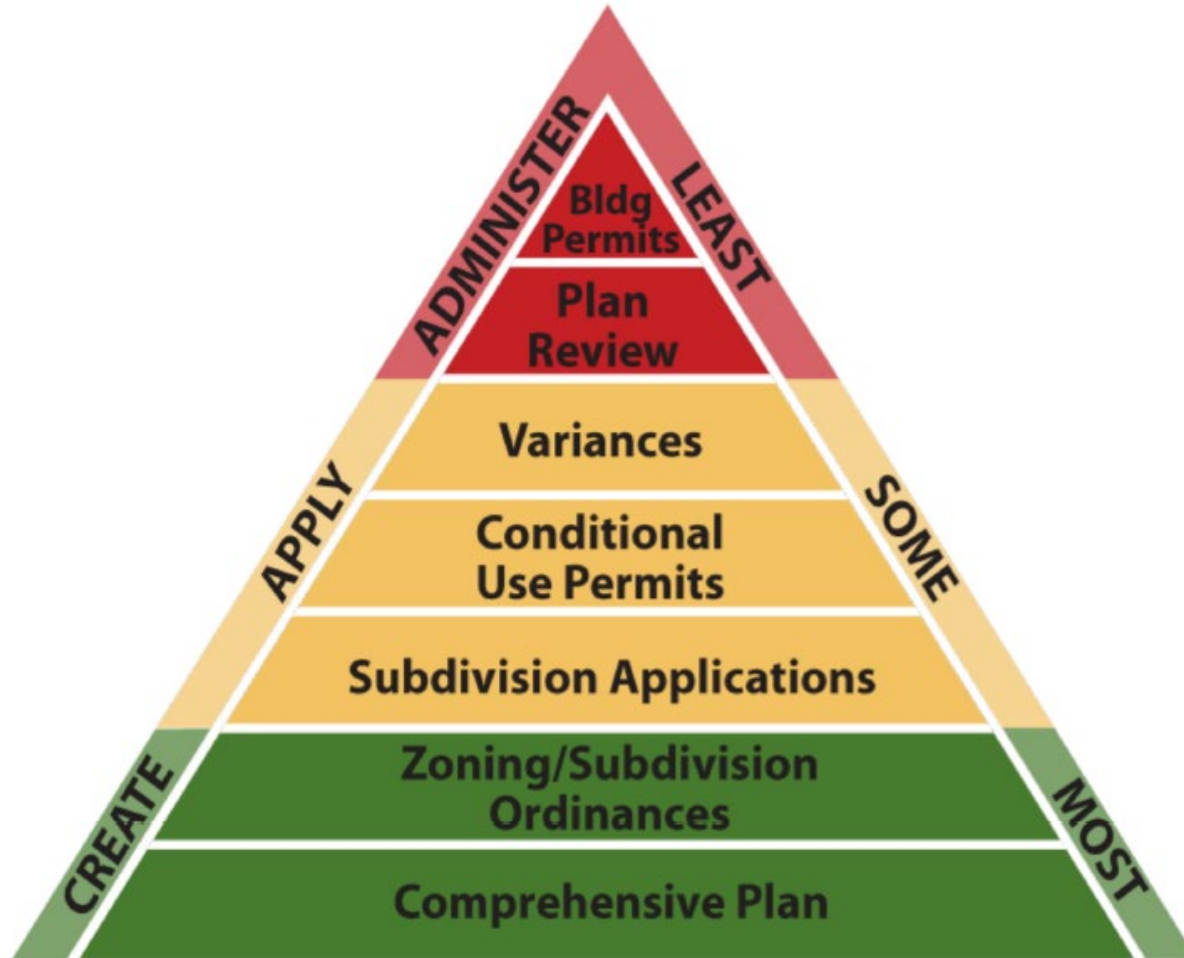
Zoning Map



*As of April, 2021

Application Review

Levels of Discretion for Decisions



Review Timeframes

- **State Statute requires City action by specified timeframes or it is deemed automatically approved**
- **Land Use Applications (rezoning, conditional use permit, variance)**
 - Section 15.99 provides for 60-days to respond to a written land use application once it has been deemed complete
 - Timeframe for the 60-day review period starts when the City receives the written application
 - The 60-day clock can be restarted if within 15 business days the City issues a written statement identifying missing components of the application
 - If incomplete letter is issued the 60 day clock stops until missing information is submitted and application deemed complete
 - Deadline for action can be extended by the local unit of government for an additional 60 days
 - The applicant must grant any extension that goes beyond 120 days
- **If action is not taken within timeline then the application is automatically approved**

Public Hearings

- Public hearings are required for most land use applications to ensure due process
- Planning Commission generally holds the public hearing – exception is for easement vacations
- Notification for most public hearings must be made at least 10 days in advance by publishing in the City's official newspaper and mailings to all property owners within 350 feet

Review Process at Meeting

1. **Staff**

- Staff presents report
- Commission has opportunity to ask questions of Staff

2. **Applicant**

- Applicant provides a brief presentation
- Commission has opportunity to ask questions

3. **Public**

- Public Hearing – or when not a public hearing, at Commissions discretion, the public in attendance can make comments and ask questions
- Commission has opportunity to ask questions

4. **Commission Discussion and Action**

- Discussion amongst Planning Commission members (*no additional public input*)
- Motion made
- Discussion about motion
- Vote on the motion

Public Hearing Format

1. Each individual should introduce themselves (name/address*)
2. Comments should be directed to the Planning Commission
3. Only one person can speak at a time
4. Please limit comments to about 3 minutes
5. Commenters should be asked to respect everyone's time by limiting repetition and focusing on new information
6. Repeat commenters should wait until everyone has had a chance to share their thoughts

**If a member of the public does not wish to disclose their address (may be in Safe at Home program for domestic violence victims), the person may still provide comment to the Planning Commission.*

Options for Action

1. **Recommend approval**
Include conditions if needed and any findings.
2. **Recommend denial**
Findings of fact should be identified.
3. **Table the request to a future meeting if additional information is needed or public testimony needed to be taken**

Note: Applicant may choose to withdraw an application at any time – this may be chosen if denial anticipated as many land use actions can not be resubmitted for one year after a denial

Findings of Fact

- Findings of fact are what a court evaluates to determine whether the decision was legal and rational or arbitrary and capricious
- Decisions should be made on facts presented at the meeting, including at a public hearing
- In approving or denying a request the Planning Commission should identify how it complies or fails to comply with ordinance standards
- Staff will commonly suggest findings or reference parts of the ordinance which should be evaluated

Making a Motion

I move that the Planning Commission recommend approval/denial of insert type of application as requested by the applicant, subject to the conditions recommended by Staff and including the findings of fact as identified

- Wording is provided by Staff in the report
- If changes are needed to the conditions one can add to the above “with the following modifications...”
- Each motion needs to be made and seconded before it is considered (discussed & voted on)
- Dissenters to the motion are encouraged to provide additional information that can be shared with the City Council

Land Use Requests

Site Plan

CUP

IUP

Variance

Site Plan Review

- The following cases shall require a site plan review procedure, as described in this Section:

A. New construction of multiple unit residential, commercial, industrial or institutional principal buildings;

B. Modifications, additions, or enlargements to multiple unit residential, commercial, industrial, or institutional principal buildings which increase the gross floor area more than 25 percent;

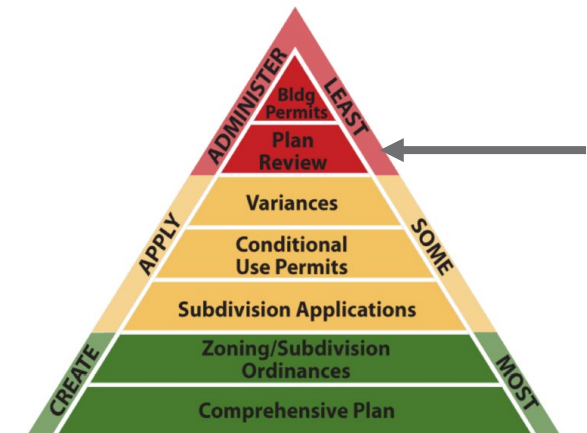
C. Modifications to multiple unit residential, commercial, industrial, or institutional buildings which alter the design or materials of any single exterior building wall more than 25 percent;

D. Changes in use of leasable space in single or multi-tenant buildings where a change of tenant intensifies the use of the space or requires additional off-street parking; or

E. Expansion of off-street parking related to modifications, additions, or enlargements to the gross floor area of an existing building.

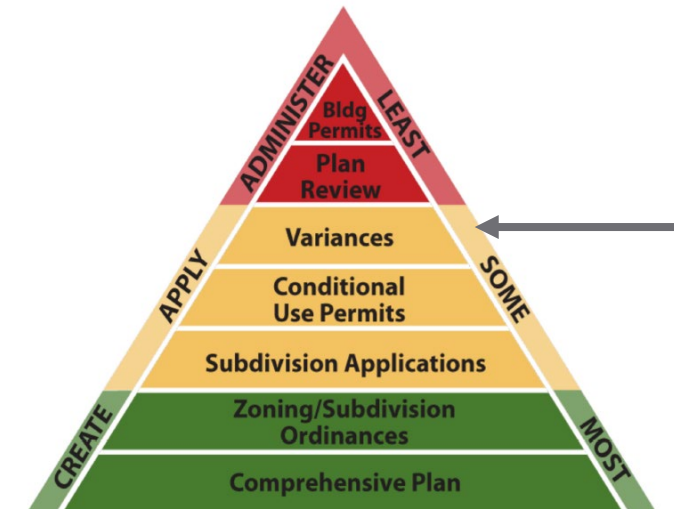
F. New construction or modifications of accessory buildings greater than 200 SF.

- Commission provides review and recommendation to Council.
- No public hearing needed.



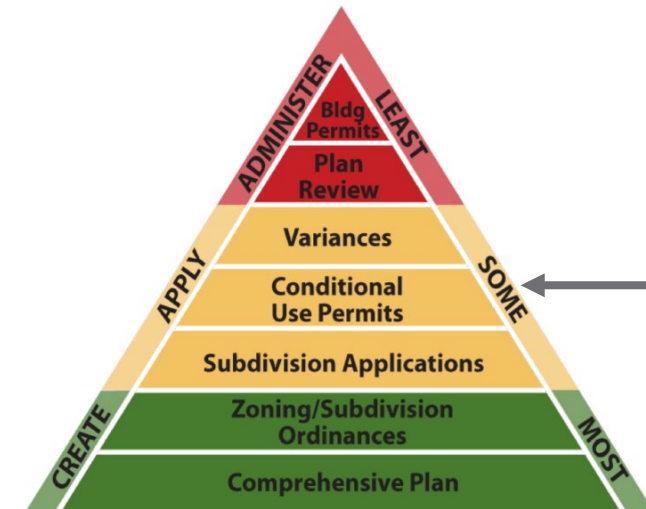
Variance

- Request to vary from the Code
- Use variances not allowed
- Criteria
 1. A variance shall only be granted when it is in harmony with the general purposes and intent of the **ordinance**.
 2. A variance shall only be granted when it is consistent with the **comprehensive plan**.
 3. A variance may be granted when the applicant for the variance establishes that there are **practical difficulties** in complying with the zoning ordinance.



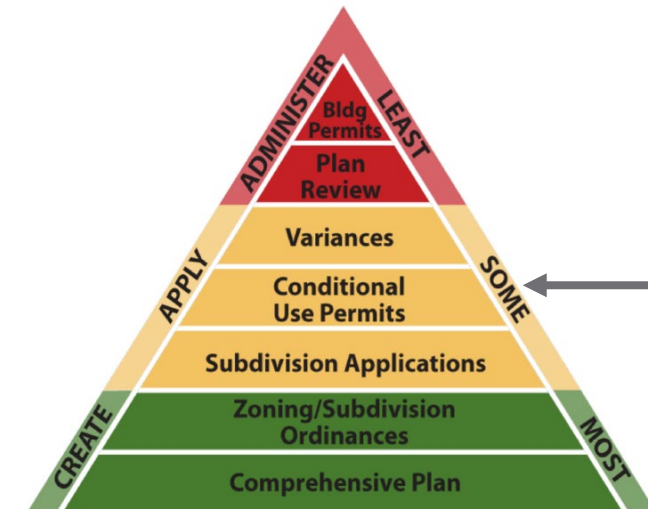
Conditional Use Permit

- Requires specific permit
- Use not appropriate generally but may be allowed with conditions
- Permit endures with the property no matter who the owner is (runs with the land)
- Involves public hearing, review by Planning Commission and review and action by Council



Interim Use Permit

- Similar to CUP
 - Requires specific permit
 - Use not appropriate generally but may be allowed with conditions
- Termination date for use is specified
- Involves public hearing, review by Planning Commission and review and action by Council



Subdivision Requests

Administrative Adjustment

Minor Subdivision

Major Subdivision

Subdivisions

Administrative Adjustment

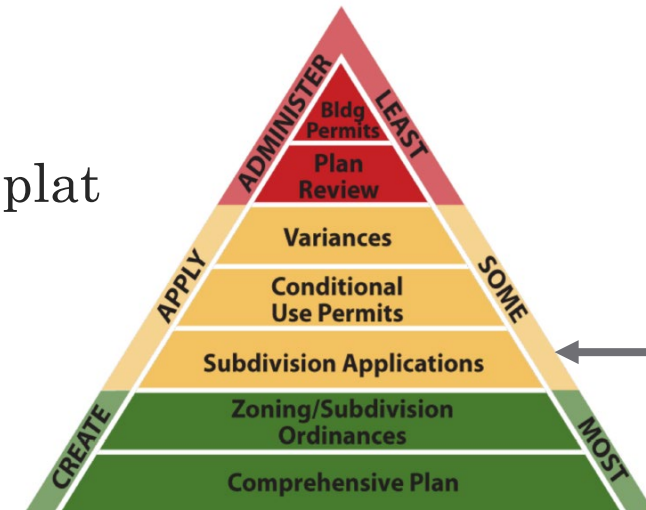
- Typically lot line adjustments, also includes subdivision by metes and bounds, and subdivision of multi-tenant buildings
- Completed by Staff review and approval

Minor Subdivision

- Subdivision creating no more than 3 lots
- Requires City Council only

Major Subdivision

- Typically includes concept plan, preliminary plat, and final plat



Major Subdivision Process

- **Concept Plan (not mandatory)**
- **Preliminary Plat**
 - Tentative drawing of a proposed subdivision
 - Analyzed for conformance with subdivision and zoning ordinance regulations
 - Approval indicates that the final plat if prepared would be accepted by the City Council
 - Reviewed by both Planning Commission and City Council. A public hearing is held at Planning Commission.
 - Applicant has one year after approval to prepare a final plat
- **Final Plat**
 - Final drawing which is able to be submitted to the County recorder or registrar of title
 - Should be minimal changes from preliminary plat to final plat
 - Park dedication fees determined at this time
 - Reviewed by the City Council only
- **Simpler subdivisions may run Preliminary and Final Plats concurrently**

Reference Slides

Parliamentary Procedures

- **Withdrawing a motion**
 - Motion maker can withdraw a motion as long as it is before the Chair repeats it
 - Once the Chairperson repeats a motion then it can only be withdrawn by maker if no one objects
- **Friendly Amendments**
 - Suggestion by someone other than motion maker of a revision to the motion
 - Can only be done before the Chair repeats the motion
 - Motion maker can chose to accept or reject suggestion
- **Amending a motion**
 - Occurs once motion has been made and Chair repeats it
 - “I move to amend the motion by...”
 - The motion needs to be seconded
 - The proposed amendment is debatable
 - A majority vote on the amendment is needed to move it forward
 - After the amendment is voted on then voting can occur on the original motion

Findings of Fact

- Findings of fact are what a court evaluates to determine whether the decision was legal and rational or arbitrary and capricious
- Decisions should be made on facts presented at the meeting, including at a public hearing
- In approving or denying a request the Planning Commission should identify how it complies or fails to comply with ordinance standards
- Staff will commonly suggest findings or reference parts of the ordinance which should be evaluated

Public Hearings/Input

Findings of Fact

1. Required in all “quasi judicial” decision making and in acting on specific rezoning requests
2. Difficult to prepare. (*Especially need when you are going to say no.*)
3. Don’t write them on the spot. Direct that findings be prepared by someone at the meeting consistent with your decision.
4. Don’t act on items until you have them. They should be approved with your vote.
5. To be substantiated, must have both factual and legal basis.
 1. Decisions should be made on facts presented at the meeting, including at the public hearing
 2. In approving or denying a request the PC should identify how it complies or fails to comply with ordinance standards
6. Hard work.

Evaluating Practical Difficulties

All three factors should be met:

- **Reasonableness** – seek to use property in a reasonable way but cannot do so under the rules of the zoning ordinance
 - Request minimum variance to alleviate practical difficulty
 - Variance should not confer special privileges denied to others of other lands in same district
- **Uniqueness** – circumstances are unique to the property not caused by landowner – physical characteristics of property (like slope, wetlands, etc).
- **Essential Character** – not alter essential character of locality – is what is proposed out of scale, out of place or otherwise inconsistent with surrounding area

Economic considerations alone do not constitute a practical difficulty.

Neighborhood opinion not a valid basis for granting or denying variance request