



Planning Commission

Tuesday, June 25, 2024

6:30 PM

Elk River City Hall

Regular Meeting & Work Session Agenda

- Regular meeting in Council Chambers
 - Work Session meeting in Council Chambers immediately following regular meeting
-

1. CALL MEETING TO ORDER

2. CONSIDER AGENDA

3. CONSIDER MINUTES

3.1 Planning Commission Draft Minutes - May 28, 2024

4. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

4.1 Conditional Use Permit: Changeable Copy (Digital) Sign, 18823 Freeport St. NW - Holiday Gas Station

4.2 Zone Change: C-3 (Highway Commercial) to R-3 (Townhome/Multi-Family Residential), 75-00128-3101 - City of Elk River

5. GENERAL BUSINESS

Items in which the information is presented by city staff or consultants, then deliberation and action occur. General Business items are not opportunities to receive or provide public input. However, the presiding officer may, at its sole discretion, solicit public feedback.

6. COUNCIL LIAISON UPDATES

7. MOTION TO ADJOURN REGULAR MEETING

8. WORK SESSION – UPPER TOWN CONFERENCE ROOM

Work Sessions are less formal meetings to encourage dialog. Official action or votes are not typically taken. At the conclusion of a discussion, a simple consensus provides staff direction for execution of the item. This portion of the agenda is audio recorded but not video recorded or broadcast. Work Sessions are open to the public; however, visitors who wish to provide input must be invited by the presiding officer, assume a seat at the discussion table and provide their full name and address for the official record.

8.1 Discuss Bylaws for the Planning Commission and Board of Adjustments

9. MOTION TO ADJOURN



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, May 28, 2024**

Members Present: Chair Perry Beise, Commissioner Tony Mauren, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth

Members Absent: Councilmember Matt Westgaard, Commissioner Jill Larson-Vito

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Jennifer Green

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the Planning Commission agenda for May 28, 2024.

Motion carried 5-0.

4. CONSIDER MINUTES

4.1 Planning Commission - April 23, 2024

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the Planning Commission minutes from April 23, 2024.

Motion carried 5-0.

5. PUBLIC HEARINGS

5.1 Conditional Use Permit: Commercial Cannabis Cultivation (amendment), 10700 165th Ave NW - Vireo Health

Mr. Carlton presented the staff report.

Chair Beise opened the public hearing.

Rich Tuzio – Director of Facility Development at Vireo Health introduced himself and was present to answer any questions.

There being no one else to speak, Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

- 1. The facility must comply with all licensing and operating procedures required under Minnesota Statutes Chapter 342.**
- 2. The Conditional Use Permit may be issued prior to the applicant having received all necessary state permits and licenses, but the applicant shall submit proof of obtaining all state permits prior to beginning cultivation operations.**
- 3. Issuance of this CUP does not exempt the applicant from all standards outlined in state statute.**
- 4. The operation/building must connect to city sewer and water and pay the required SAC/WAC fees in accordance with city codes.**
- 5. Construction activities will require signed plans prepared by a qualified professional.**
- 6. All other uses of the property must cease prior to issuance of a certificate of occupancy.**

Motion carried 5-0.

5.2 Conditional Use Permit: Agricultural Animals on a Residential Lot, 20373 Vance St. NW - Katie Bedbury

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

John Peterson, 20355 Vance Street NW, stated he thought the applicant was only requesting one horse. He expressed concerns with dust, manure and horse smell, as his house is about 50' from the proposed fenced area to hold the horses. He had hoped for more details about where the shelter, food, and water would be placed and how far away it would be from his house. He also asked about fencing and if a survey was required to determine the property lines. The area where the applicant is proposing to fence is heavy with buckthorn.

There being no one else to speak, Chair Beise closed the public hearing.

Commissioner Booth asked if the Planning Commission should delay this request for a month to get more answers from the applicant before making a decision.

The commission discussed the shelter location and asked if the city could determine where the shelter is placed.

Mr. Leeseberg stated the city cannot dictate where an accessory structure is located other than to guide setbacks, which in the R1a district, the side yard setbacks are 20'. He also noted any structure

under 200 sq. ft. doesn't require a permit.

Chair Beise asked how wide the lot is. Mr. Leeseberg stated the lot is just under 150 feet wide.

Commissioner Johnson asked about the guidelines for the manure management plan and asked if the applicant had formulated a plan.

Mr. Leeseberg stated the manure management plan will have to reflect the Minnesota Pollution Control Agency guidelines. Staff will continue to work with the applicant to craft a manure management plan and have it available for the City Council meeting.

Commissioner Mauren asked if the odor would still fall under nuisance ordinances.

Mr. Leeseberg stated it would.

The Planning Commission discussed the distance the shelter should be placed to allow for the least amount of conflict from neighboring homes.

Moved by Commissioner Johnson and seconded by Commissioner Rydberg to recommend approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

- 1. A Manure Management Plan must be approved by the city.**
- 2. No more than two (2) agricultural animal units shall be allowed on the property.**
- 3. If the city finds that the manure and other waste materials create a nuisance by attracting flies, other insects, rodents, or by creating offensive odors, the city may order the manure and other waste materials be removed on a more frequent schedule.**
- 4. No on-site commercial activities such as breeding, boarding, or selling shall be permitted.**
- 5. The shelter structure and area for feeding and water shall be located no less than 200' from any existing neighboring residence.**

Motion carried 5-0.

Commissioner Rydberg asked about the fence concerns brought up by Mr. Peterson.

Mr. Leeseberg stated the city doesn't require a permit or survey to install a fence. The fence can be installed on the property line with a written agreement from both parties, or it could be set back 1-2 feet from the property line to maintain either side of the fence. If there is a property line dispute, the applicant and the neighbor would need to hire a surveyor or an attorney to resolve.

5.3 Interim Use Permit: Residential Occupation with Outdoor Storage, 10208 209th Ave NW - Jason Bye

Mr. Leeseberg presented the staff report.

Commissioner Booth asked if the applicant was using the building as part of the total storage amount.

Mr. Leeseberg stated the applicant is using 6700 sq. ft. of the building for storage and 20,000 sq. ft. of outdoor storage.

Commissioner Johnson clarified Condition number one that the accessory structure building would need to be brought up to commercial code, and if at any time the conditions of the IUP aren't met, the permit can be revoked.

Mr. Leeseberg stated that was correct, and if the conditions aren't met, the IUP can be revoked.

Commissioner Rydberg asked if the house located at the property is a residence or office space.

Mr. Leeseberg stated the homeowner/applicant lives in the home.

Chair Beise opened the public hearing.

Jason Bye - 10208 209th Avenue NW – the applicant, outlined the business activities of his wireless construction company. Most of the inventory is owned by cell service providers and the materials are not released to him until the job is to be completed, noting the materials need to be on site within 3 business days of being constructed. The items being stored on site are usually electrical wire, pvc conduit and wire, and deliveries are made by box truck or courier van. His outbuilding was not designed to be used for business, rather to store a small amount of his own personal items and equipment. He stated he is aware it will be required to be a commercial building and has no problem making that investment to bring it into compliance with the commercial building code. He stated he has no problem with the conditions as listed in the memo. He has installed privacy fencing along the west property line to alleviate concerns from neighboring properties. He stated employees don't work at the property and when employees are there, they drop off and leave. Many also take their work trucks home. He asked for the opportunity to be a good property and business owner.

Brian Rucks, 10296 209th Ave. NW – felt the applicant was working with city staff even prior to purchasing the property and thinks staff is trying to put this "under the rug." He expressed concerns with past practices/uses at the Bye property prior to the 2023 CUP application and would that behavior reoccur if an IUP was issued. He expressed concerns about the 2023 CUP conditions. He talked about traffic safety concerns on County Road 33. He felt the fence constructed by Mr. Bye was not placed properly. He stated he doesn't like the way the city is zoning things to allow this type of use.

Mr. Bye explained how he gathered information prior to purchasing the property. He explained a truck accidentally drove into the Wells property, but he didn't have any control over that. He stated he is trying not to create waves. He stated the fence he constructed was properly placed based upon city ordinance. He did have a survey done to ensure he was on his property.

Deann Wells – 10296 209th Ave NW – expressed her concerns with the details outlined in the 2023 CUP Planning Commission packet.

Chair Beise noted the application being reviewed this evening was not for the 2023 CUP request.

Ms. Wells stated she felt it important to note the documentation of the 2023 CUP and the code

enforcement visits where it shows that a trucking and construction company was being run, and felt Rothmeyer TEC stood for Trucking Exteriors Construction with multiple employees working at the property. She reviewed city ordinances which she felt were not being followed because she could witness them. She expressed the safety of County Road 33 and delivery trucks going to the wrong address. She asked if Sherburne County was notified to comment on the added traffic to the county road. She also noted a burn barrel violation currently on Mr. Bye's property.

Mr. Bye answered some of Ms. Well's comments, stating the employees working on the property were building the pole shed and working on the interior when Code Enforcement Officer Graham Schultz visited in 2023. He noted TEC stands for Tower Electrical Construction, and he was required to be a part of the US DOT to operate vehicles over 10,000 lbs. when being used for commercial use. He didn't know a burn barrel was illegal and hadn't used it in two years. He encouraged the Planning Commission to review the other businesses being operated on other properties in the area.

There being no one else to speak, Chair Beise closed the public hearing.

Commissioner Johnson stated the Planning Commission has looked at this a number of times and felt they have come up with something reasonable to allow residents of Elk River to operate a small business on their 13 acres. He felt Mr. Bye has done much to accommodate the city requirements to help with the neighbor's concerns. The IUP has a lot of very stringent conditions that need to be met, he didn't have a reason not to move forward with a recommendation of approval to the city council.

Commissioner Mauren agreed and while he wished the outdoor storage location was more than 50 feet, he didn't feel he could recommend denial and have the legal footing to do that. He questioned whether the 50-foot setback might need to be reviewed in the future.

Commissioner Booth stated he agreed with Commissioner Mauren's comments and felt the process didn't give the Planning Commission an opportunity to deny something if it's "close enough." He stated the conditions were stringent.

Commissioner Rydberg stated there were some protections that have been added to the IUP but he agreed with Commission Mauren and felt they were stuck with it. He stated he goes back to the original intent of a home occupation on residential property and didn't feel this was the original use of this land, stating once it's approved, it's there. He asked how to clean up the other possible violations in the area.

Chair Beise noted the City Council just reviewed the residential occupation ordinance in 2023.

Commissioner Johnson feels the conditions added protect the neighbors.

Commissioner Mauren asked for clarification regarding the business operating hours.

Mr. Leeseberg stated the City Council codified 6 days a week, 7 a.m. to 7 p.m.

Moved by Commissioner Johnson and seconded by Commissioner Rydberg to recommend approval of an Interim Use Permit with the following conditions to satisfy the standards set forth in Section 30-658 (c):

1. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, and/or mechanical permits before any interior commercial activities can occur.
2. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.
3. The fenced outdoor storage area shall be:
 - a. Limited to 20,000 square feet.
 - b. Fenced with a 6-foot tall 100% opaque fence with gates, to be closed when not in use.
4. The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
5. The following shall be located within the fence outdoor storage area:
 - a. All equipment, vehicles, and products related to the business.
 - b. Garbage and recycling dumpsters.
 - c. All business/employee parking.
 - d. Portable outhouses.
 - e. Deliveries.
6. Dumpsters with lightweight materials shall be covered when not in use.
7. Except for company vehicles, equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
8. The hours of operation shall be limited to 7:00 a.m.-7:00 p.m. Monday through Saturday.
9. Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
10. Dust control measures shall be used regularly in the fenced yard area.
11. A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
12. Outside routine maintenance/repair, completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.
13. Shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.
14. Access to the subject parcel, for business activities, shall occur only at the single driveway located on County Road 33.
15. The idling of a truck tractor or other business equipment in excess of 15 minutes from April 16 through October 31, and 30 minutes from November 1 through April 15, is prohibited.

Motion carried 5-0.

- 5.4 Conditional Use Permit: Motor Vehicle Specialty Service Station (retail tire service station), 17994 Zane Street - Les Schwab Tire Center

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

Ron Erickson representing Cushing Terrell, 411 East Main Street, Bozeman, MT, introduced himself and was available to answer any questions.

There being no one else to speak, Chair Beise closed the public hearing.

Moved by Commissioner Johnson and seconded by Commissioner Booth to Recommend approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

- 1. The parking lot/driveway setback variance (V 24-04) shall be approved.**
- 2. The use of hazardous materials such as oils, lubricants, chemicals, and solvents shall be handled in accordance with all state standards.**

Motion Carried 5-0.

6. GENERAL BUSINESS

6.1 Resolution: Sale of Public Property

Mr. Carlton presented the staff report.

Moved by Commissioner Johnson and seconded by Commissioner Booth to adopt Resolution 24-01 finding the sale of approximately 14 acres of city-owned property within Outlot A, Natures Edge Business Center Fourth Addition, to be consistent with the Elk River Comprehensive Plan.

Motion Carried 5-0.

7. COUNCIL LIAISON UPDATES

Councilmember Westgaard was not present to provide an update.

8. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Booth and seconded by Commissioner Johnson to adjourn the meeting.

The meeting adjourned at 8:21 p.m.

Minutes prepared by Jennifer Green.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Planning Commission

Item Number
4.1

Meeting Date
June 25, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Conditional Use Permit: Changeable Copy (Digital)
Sign, 18823 Freeport St. NW - Holiday Gas Station

Reviewed by
Zack Carlton

Action Requested

Recommend, by motion, approval of the Conditional Use Permit with the following conditions:

1. The changeable copy sign shall not exceed 132 square feet.
2. The applicant must apply for and receive approval for all required permits before any construction may begin.
3. The signs shall be compliant with the standards set forth in Sec. 30-864 (e) or any variances related to signage on this property.

Background/Discussion

The property is zoned Highway Commercial (C3) where changeable copy signs larger than 30 square feet require a Conditional Use Permit (CUP). The applicant is seeking a CUP to install a 132 square foot changeable copy signage (gas pricing). The site is located along Highway 169 and is immediately northwest of the new interchange with School Street. The previous sign was removed during construction and the applicant is looking to construct a new sign to continue advertising their business. The proposed changeable copy sign will advertise gas prices to passing motorists.

Applicable Regulations

The issuance of a Conditional Use Permit can be ordered only if the use at the proposed location:

1. Will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the city.

With the standards set forth in Sec. 30-864 (e), the use will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the city.

Staff do not see a need to impose specific conditions to satisfy this standard.

2. Will be consistent with the comprehensive plan.

The property is guided as Highway Business where commercial businesses with signage are expected. The proposal is consistent with the comprehensive plan.

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



Staff do not see a need to impose specific conditions to satisfy this standard.

3. Will not impede the normal and orderly development and improvement of surrounding vacant property.

As there is no surrounding vacant property, the use will not impede the normal and orderly development and improvement of surrounding vacant property.

Staff do not see a need to impose specific conditions to satisfy this standard.

4. Will be served adequately by and will not adversely affect essential public facilities and services, including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.

The use will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.

Staff do not see a need to impose specific conditions to satisfy this standard.

5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.

The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.

Staff do not see a need to impose specific conditions to satisfy this standard.

6. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff do not see a need to impose specific conditions to satisfy this standard.

7. Will fully comply with all other requirements of this Code, including any applicable requirements and Standards for the issuance of a license or permit to establish and operate the proposed use in the city.

The use shall fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.

Staff recommends the sign shall be compliant with the standards set forth in Sec. 30-864 (e).

If denial of such a permit should occur, it shall accompany recommendations or determinations by findings or a report stating how the proposed use does not comply with the standards set forth in Section 30-654.

In the review of the standards for CUP as outlined, it appears that the request is consistent with all of these standards.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

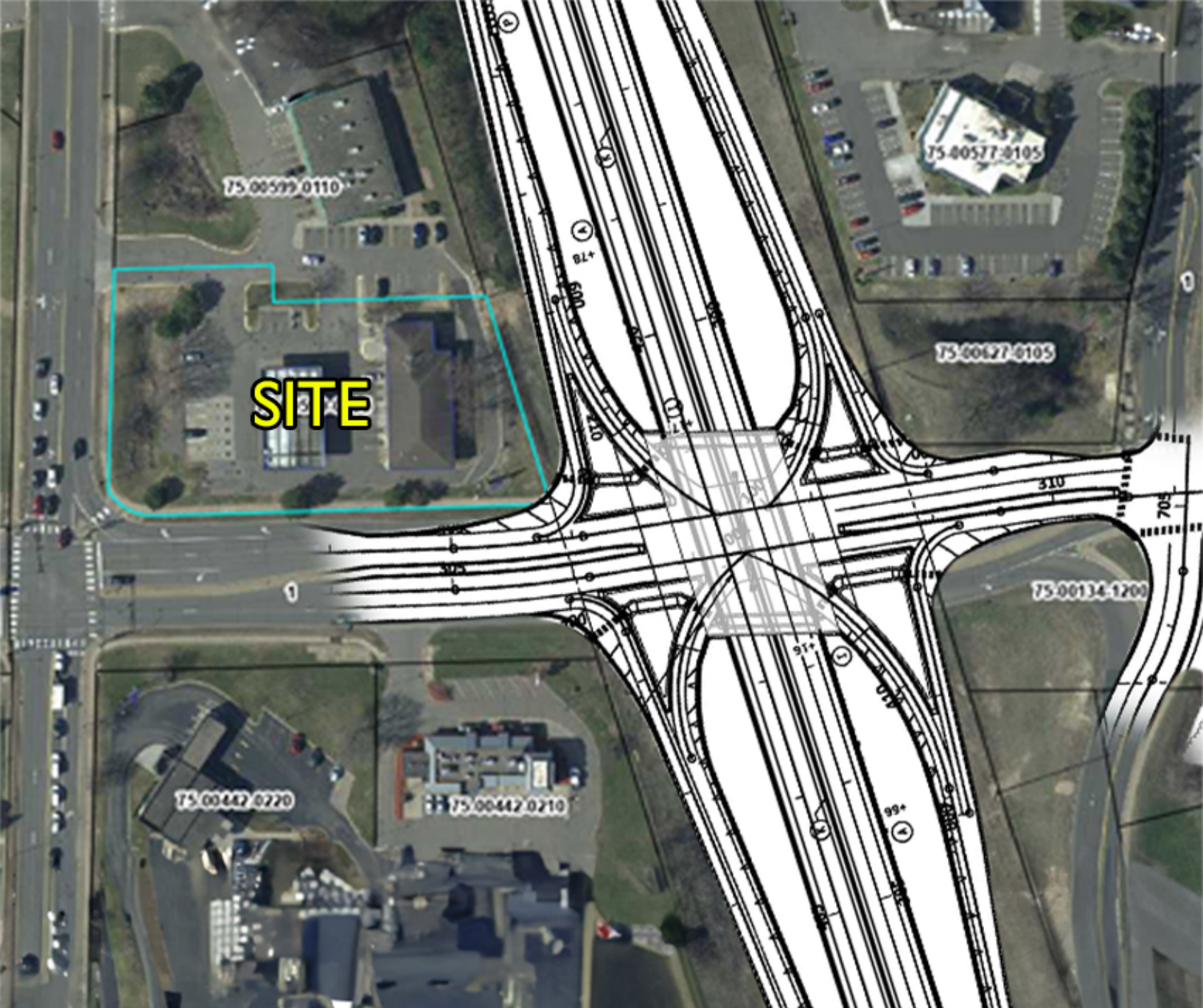
1. Narrative
2. Location Map
3. Sign Plans

We would like to install a 143 square foot changeable copy sign for the fuel pricing.

Following the removal of Holiday's former monument sign and the construction of the School St NW bridge over HWY 169, the southbound off ramp is encroaching onto Holiday's property. The only place left to install a new sign on Holiday's property with visibility from HWY 169 is at the southwest corner of their property. The combined height of the finished bridge including its railing is 24'-5" above the grade of HWY 169. Per sign code allowances, the top side of the sign cabinet can only be 5'-7" higher than the bridge and the offramp railing. The sign must be taller to make sure both the Holiday sign cabinet and their price signs are visible to both southbound and northbound commuters, prior to reaching their respective off ramps for School St NW.

The proposed high-rise sign includes 48"(H) price sign digits. This is the smallest standard sized price sign digit that will be visible to the average commuter, prior to them driving past their respective offramp medians. For this reason and branding standards, we are still proposing the high-rise sign with (2) cabinets with a combined sign area of 431 square feet.

Please review the attached case study. We executed a flag test on the morning of 5/20/24. The flag test included (3) different sign heights using full sized banners matching the proposed the size of sign faces.



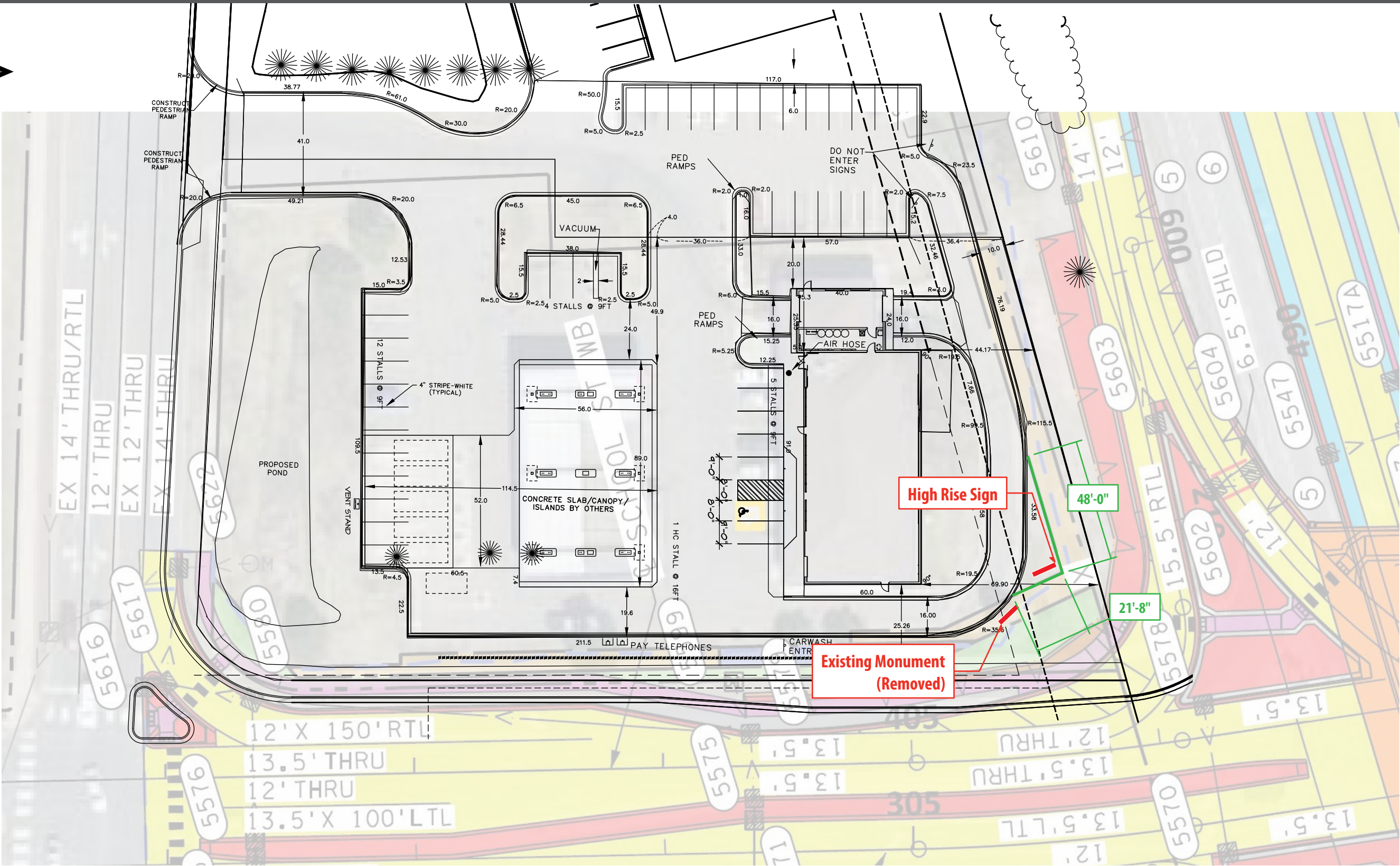
Project Location Map

Holiday Gas Station

Variance &
Conditional Use Permit

Case No: V 24-08 & CU 24-09





**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
HOLIDAY STORES

SITE NUMBER
0313

LOCATION
ELK RIVER, MN

ACCOUNT REP
BEN DEHAYES

DRAWN BY
MH

DATE
05/28/24

REVISION
04

SCALE
NTS

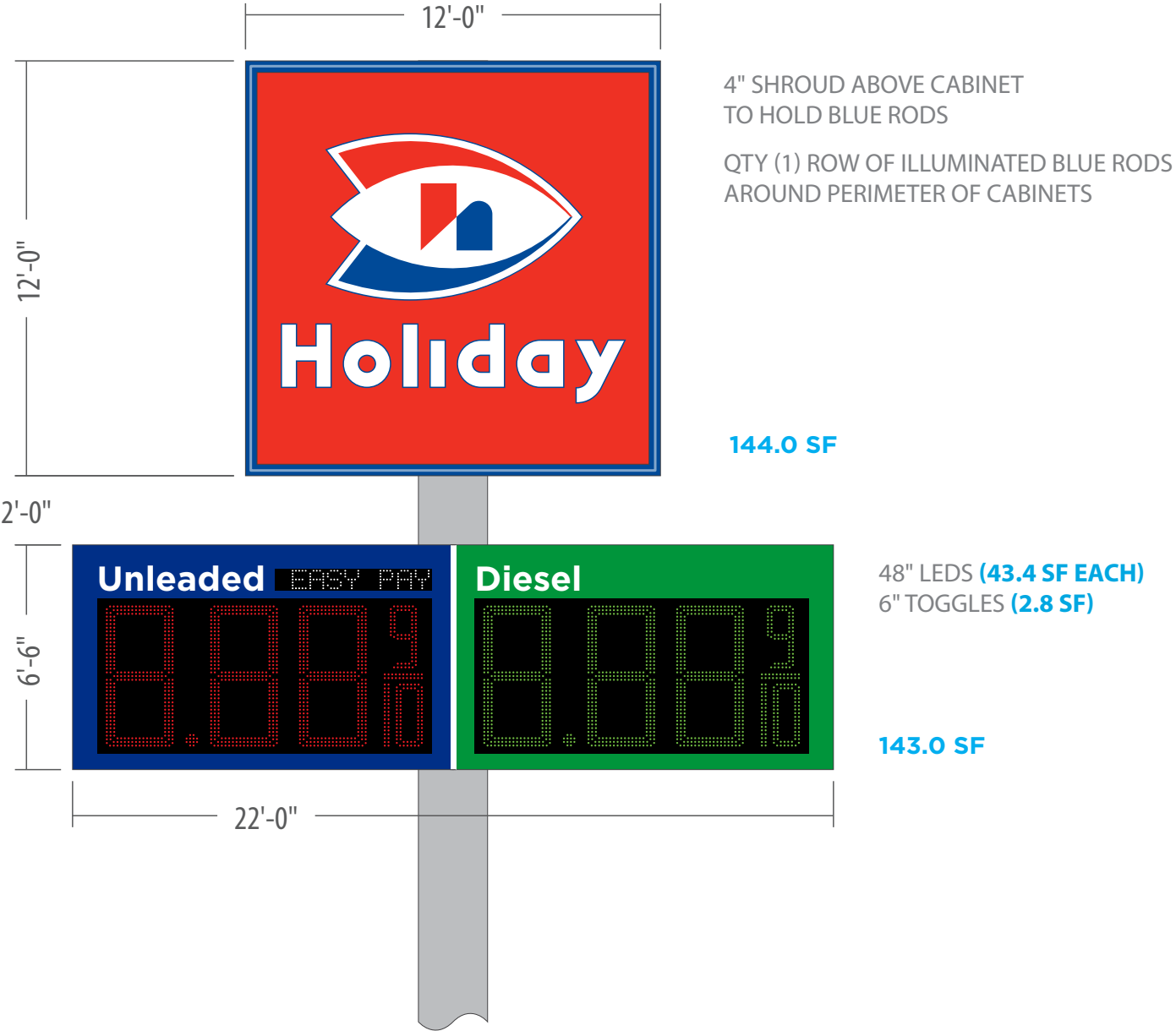
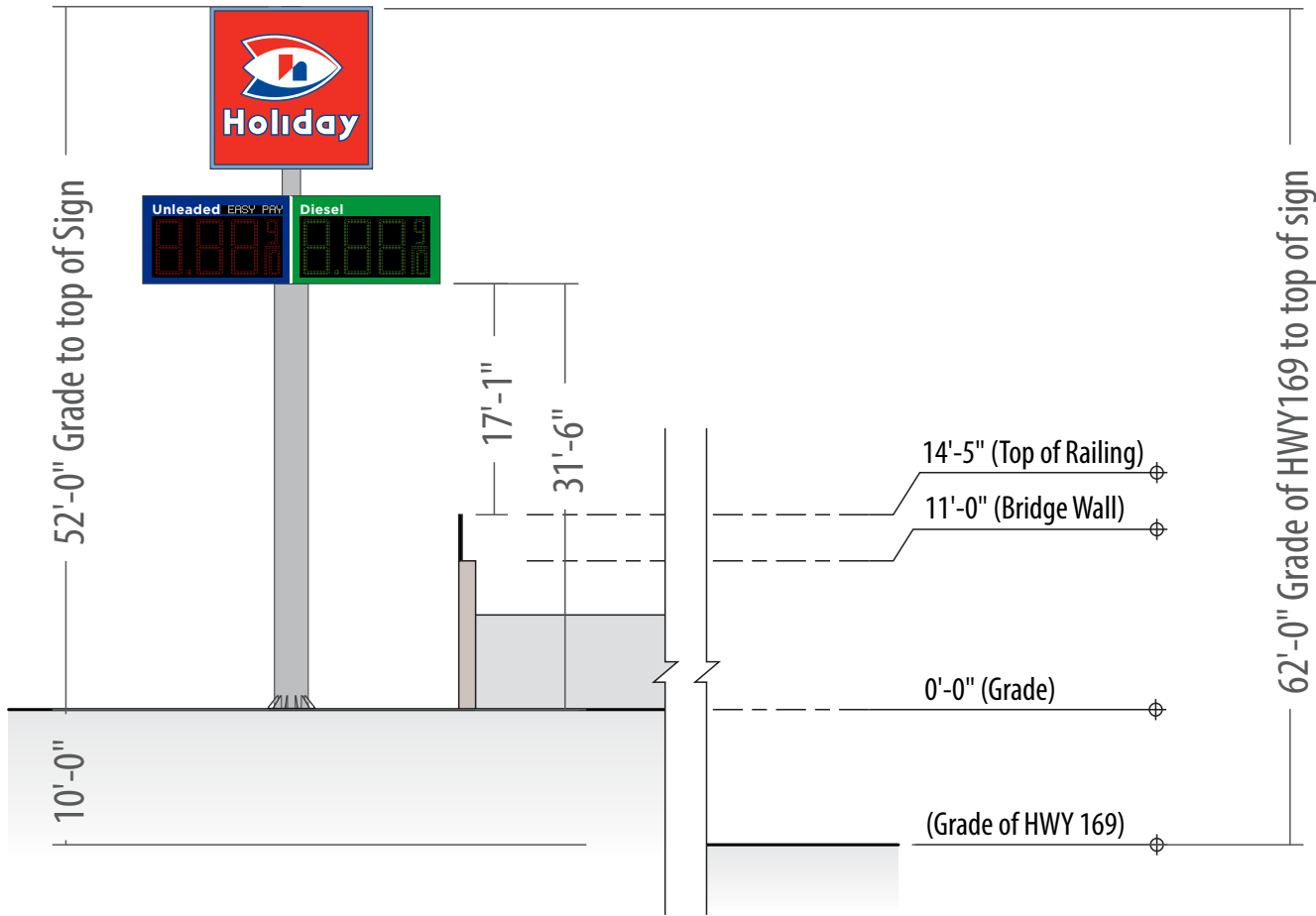
CORPORATE ID SOLUTIONS
5563 N ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC., CHICAGO, IL, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

SIGNATURE _____ **DATE** Page 14 of 28

DIESEL PRICER ALWAYS
TOWARDS ROAD →



PROPOSED HIGH RISE
287.0 SF



CORPORATE
IDENTIFICATION
SOLUTIONS

CUSTOMER
HOLIDAY STORES

SITE NUMBER
0313

LOCATION
ELK RIVER, MN

ACCOUNT REP
BEN DEHAYES

DRAWN BY
MH

DATE
05/28/24

REVISION
04

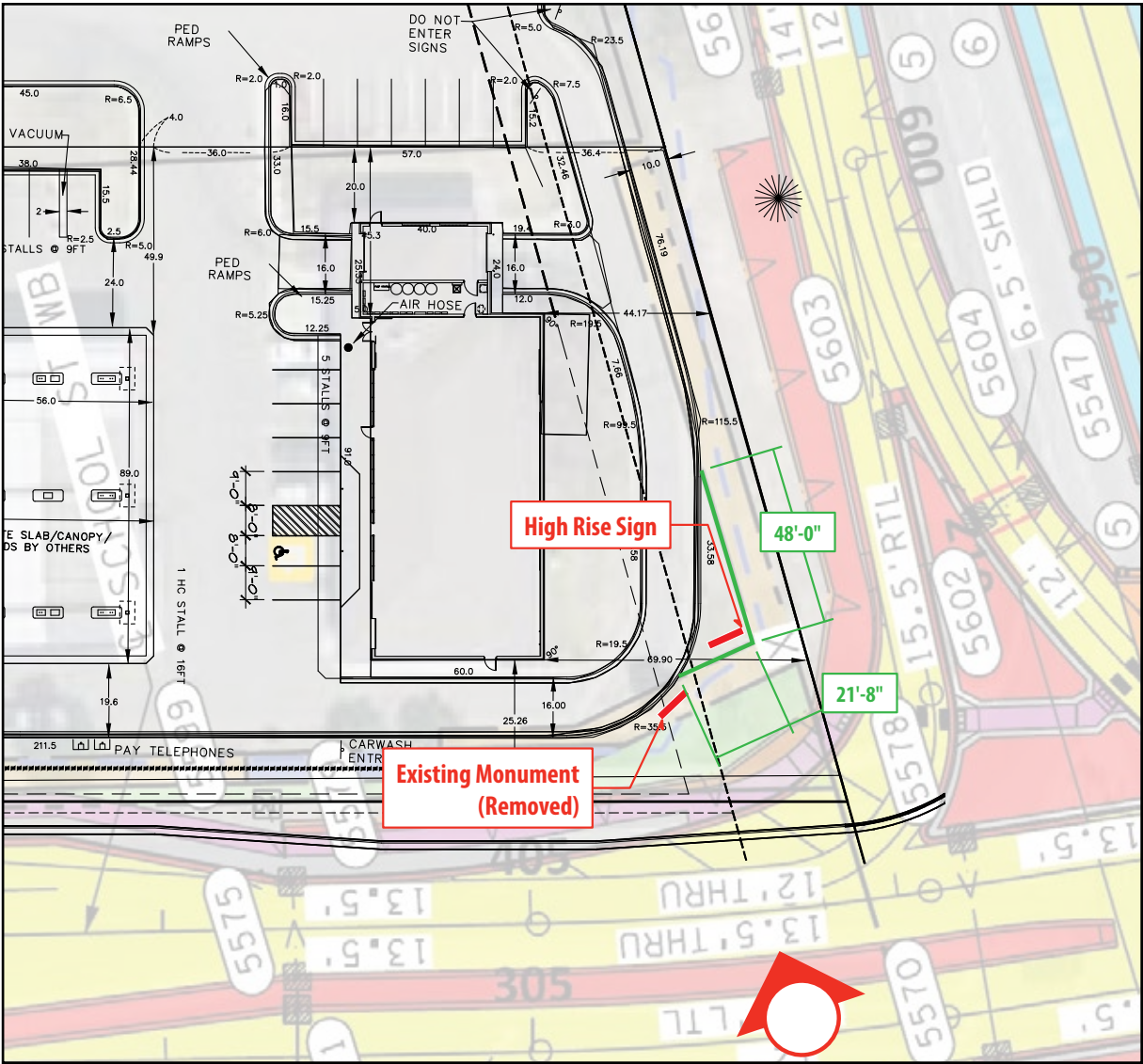
SCALE
NTS

CORPORATE ID SOLUTIONS
5563 N ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 | F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC., CHICAGO, IL, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

SIGNATURE _____ DATE _____



**CORPORATE
IDENTIFICATION
SOLUTIONS**

CUSTOMER
HOLIDAY STORES
SITE NUMBER
0313

LOCATION
ELK RIVER, MN
ACCOUNT REP
BEN DEHAYES

DRAWN BY
MH
DATE
05/28/24

REVISION
APPROVED FOR CONSTRUCTION
SCALE
NTS

CORPORATE ID SOLUTIONS
5563 N ELSTON AVE.
CHICAGO, IL 60630
P: 773-763-9600 F: 773-763-9606
CORPORATEIDSOLUTIONS.COM

CUSTOMER ACCEPTANCE
THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC., CHICAGO, IL, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.
SIGNATURE _____
DATE _____



Request for Action

To
Planning Commission

Item Number
4.2

Meeting Date
June 25, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Zone Change: C-3 (Highway Commercial) to R-3
(Townhome/Multi-Family Residential), 75-00128-
3101 - City of Elk River

Reviewed by
Zack Carlton

Action Requested

Recommend, by motion, approval of the proposed zone change from Highway Commercial (C3) to Townhouse/Multiple Family Residential (R3).

Background/Discussion

The Comprehensive Plan, adopted by the City Council in October 2021, includes an updated Land Use map, providing guidance for the long-term planning of the community. The subject property, currently zoned as Highway Commercial (C3), is guided for Mixed Residential by the land use plan. The mixed residential category consists of neighborhoods with multiple housing types, including single-family detached, townhomes, duplexes, and small-scale multifamily buildings.

To align the zoning with the approved land use, the property should be rezoned. The R3 district is the most suitable option due to the site's numerous wetlands, making it impractical for apartment development.

Staff recommends rezoning the parcel from Highway Commercial (C3) to Townhouse/Multiple Family Residential (R3).

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.
Meet changing needs - agile.

Attachments

1. Location Map
2. Existing-Proposed Zoning

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





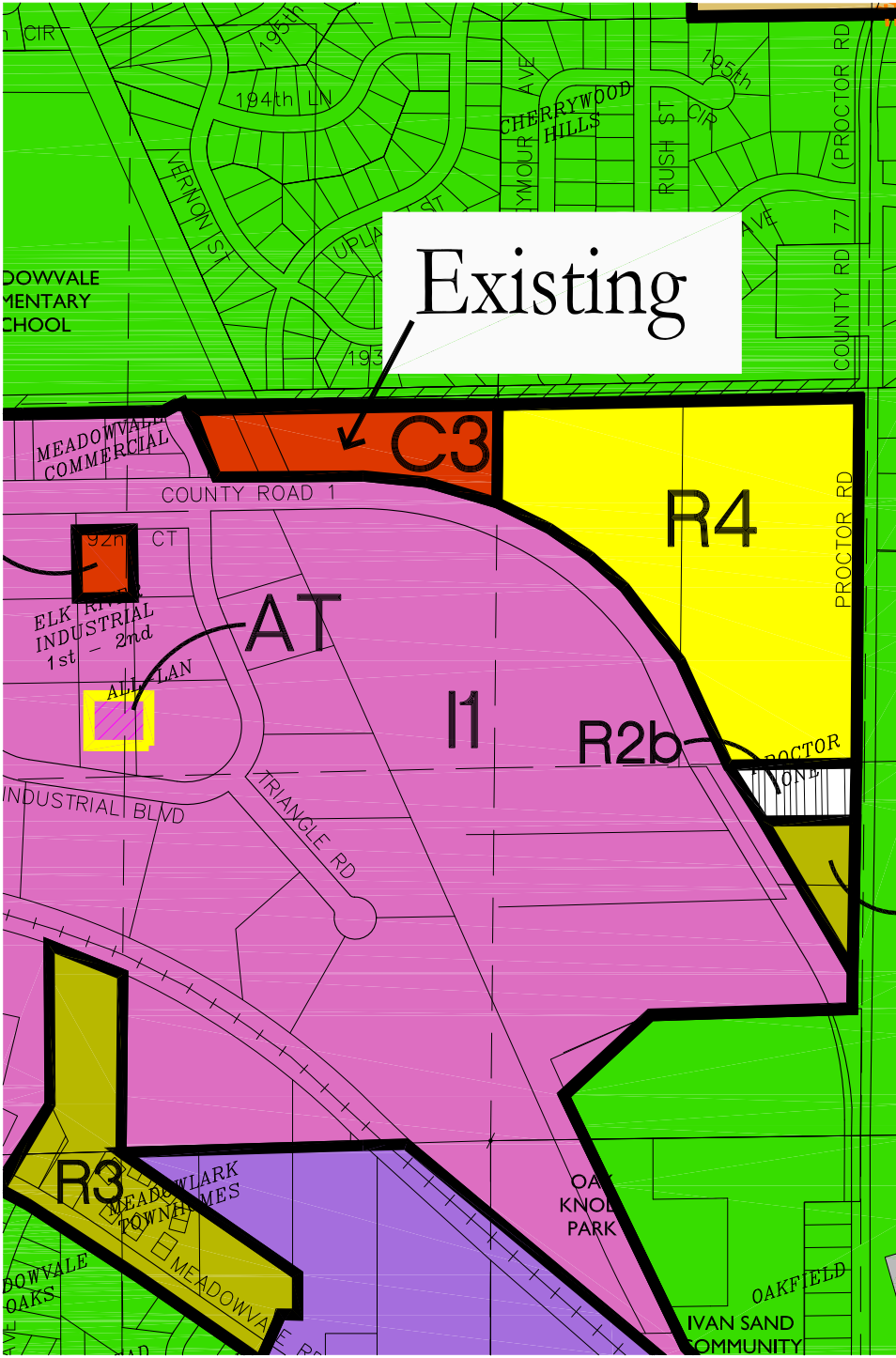
Project Location Map

City of Elk River

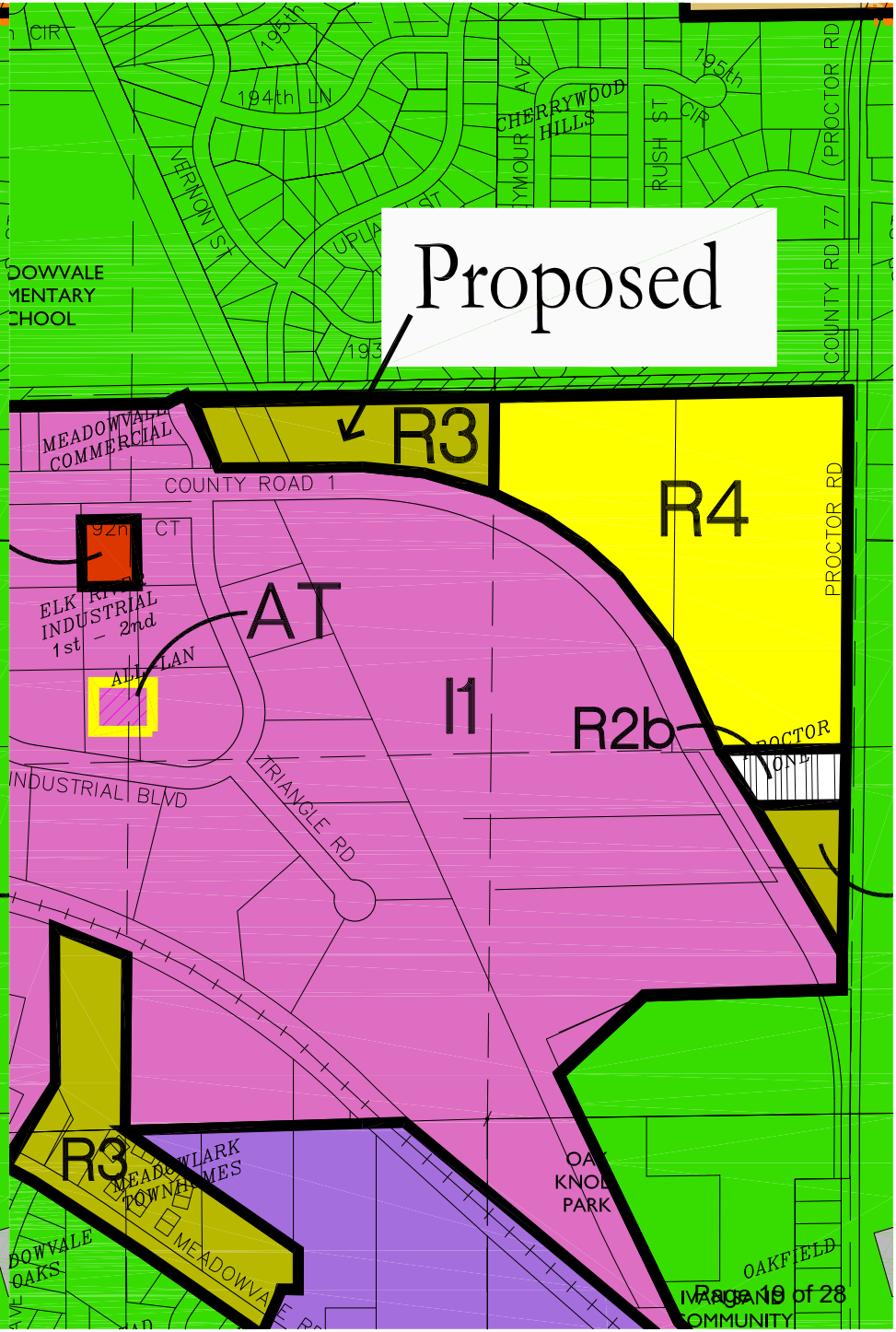
Zone Change

Case No: ZC 24-01





Existing



Proposed



Request for Action

To
Planning Commission

Item Number
8.1

Meeting Date
June 25, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Discuss Bylaws for the Planning Commission and Board of Adjustments

Reviewed by

Action Requested
Review the draft bylaws and provide staff with recommendations for changes and updates.

Background/Discussion
The City Council has asked all city commissions to draft bylaws outlining the duties and responsibilities of the commission. Staff prepared the attached bylaws by referencing city ordinances and state statutes. The ordinance sections regulating each body, the Planning Commission and the Board of Adjustments, are also attached.

Please review these documents for discussion during the work session. Staff will make the recommended changes and bring them back for adoption on July 23, 2024.

Financial Impact
None

Mission/Policy/Goal
Appropriately govern in an ever-changing environment.
Ethical, efficient, and responsible.

- Attachments**
1. Draft Planning Commission Bylaws
 2. Draft Board of Adjustments Bylaws
 3. City Ordinance Sections

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



City of Elk River

Bylaws of the Planning Commission

Article 1. Purpose

As outlined in city ordinance the purpose of the Planning Commission is:

The planning commission assists in implementing city plans by making recommendations to the City Council on long-range planning issues, such as land use and transportation, as well as current issues including subdivisions, site plans, conditional use permits, and variances.

Article 2. Responsibilities

As outlined in city ordinance, the responsibilities of the Planning Commission are:

- A. Prepare and recommend to the City Council for adoption a Comprehensive Plan and amendments as provided for by Minnesota Statutes Chapter 462. Such plan may be prepared in sections, each of which must relate to a major subject of the plan, as outlined in the Commission's work program. The comprehensive plan must include those official controls as defined by Minnesota Statutes Chapter 462 including, but not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps.
- B. Review the acquisition or disposal of real property by the city as provided for by Minnesota Statutes Chapter 462 for the purpose of considering this action for consistency with the city's Comprehensive Plan. Upon the completion of its review, the Planning Commission shall forward to the City Council the following: i) its findings as to compliance of the proposed acquisition or disposal by the City of real property with the comprehensive plan; and ii) if any modifications or amendments to the comprehensive plan are necessary.
- C. Review proposed amendments to the city's zoning and subdivision regulations and submit its recommendations to the City Council.
- D. Review all development proposals and hold public hearings according to the authority and procedures set forth in the City's zoning and subdivision regulations.
- E. Serve as the Board of Adjustment.

Article 3. Meetings

- A. Annual Organizational Meeting. The March meeting in each calendar year shall be the organizational meeting which includes the election of officers, a review of bylaws, and approval of the meeting calendar.
- B. Commission Schedule. The Planning Commission shall meet at least 12 times per year. Regular Meetings shall be held on the fourth Tuesday of the month at 6:30 p.m. in Council Chambers at City Hall. The meeting schedule shall be posted at the primary office/facility the commission meets and the Elk River City Hall.
- C. Special Meetings. This policy is set by the City Council. Special Meetings may be added by consensus of the commission at a scheduled Regular Meeting to complete unfinished or newly planned business. Special Meetings shall not replace scheduled Regular Meetings.

- D. Attendance Policy. This policy is set by the City Council. Members are expected to maintain a proper attendance record. Attendance is vital to community service and City Council expectations. Because attendance is important, the City Council has adopted the following attendance policy:

Members shall be automatically removed for lack of attendance. Lack of attendance is defined as:

- Regularly Scheduled Monthly Commissions: missing three (3) scheduled Regular Meetings during a calendar year without an excused absence; or missing 50% of Regular and Special Meetings with or without an excused absence during a calendar year.

An absence may be excused if the staff liaison or the Office of the City Clerk are notified no later than 12 p.m. (noon) on the day of the scheduled meeting.

Participation for less than three-fourths (3/4) of a meeting shall be considered an absence. Members removed pursuant to this paragraph shall not continue to serve on the board or commission. A member may appeal termination by requesting a hearing before the City Council within 10 days of notice of termination.

Staff liaisons shall use a standard commission attendance form to record attendance. The Office of the City Clerk shall forward the attendance record to the City Council each June and December for Council review.

Article 4. Officers, Elections, Duties

- A. As outlined in the city ordinance, a chair and vice chair must be selected. During the annual meeting, the members shall elect a chair and vice chair who shall hold the office for a period of one year. The city ordinance states a member must have one year of experience before being elected to serve as chair. If both the chair and vice chair are absent, the remaining quorum shall appoint one member to preside at that meeting.
- B. Each voting member has a right to make a nomination for an officer.
- C. A vacancy for an officer shall be filled by a vote at the next regularly scheduled meeting after the vacancy occurs.
- D. The chair shall preside at all meetings.
- E. The vice chair shall act for the chair in his/her absence.
- F. Any member of the commission may request to add items to the Regular Meeting agenda. Requests must be submitted to the staff liaison, in writing, no less than seven (7) days prior to the scheduled Regular Meeting.

Article 5. Staff Roles

The city shall provide the commission necessary technical and administrative assistance as follows:

- A. Preparation of and posting of public notices as required by law.
- B. Preparation of all meeting materials, such as agendas, reports, reference materials, and presentation materials.
- C. Preparation of meeting minutes.
- D. Retention of and public access to all commission records.

Article 6. Training

Members are expected to complete recommended training to meaningfully participate and make informed decisions on matters coming before them.

Article 7. Reporting

As outlined in city ordinance the commission shall provide reports, conclusions, and recommendations to the City Council throughout the year as needed.

Article 8. Public Records

- A. All commissions receive and create public records while conducting business. Members may also produce public records in their official capacity as a board member. All board-related communications are subject to public disclosure.
- B. Examples of public records include papers, notes, photographs, videos, maps, emails, voicemail messages, instant messages, and text messages. Email and text messages are public records when created by appointed officials and employees for the purpose of conducting official city business. Social media posts may also be considered a public record.

Article 9. Conflict of Interest/Ethics

- A. Members may not, in their private capacity, negotiate, bid for, or enter into a contract on behalf of or with the City of Elk River in which they have a direct or indirect financial interest or perceived financial interest.
- B. A member shall withdraw from commission discussion, deliberation, and vote on any matter in which the member, an immediate family member, or an organization with which the commission member is associated has a financial or perceived personal interest (see City Ordinance). The member shall also leave the meeting room during the ensuing discussion and vote.
- C. A member may not receive anything of value that could reasonably be expected to influence their vote or other official action (see Minnesota Gift Law).

Article 10. Amendments to Bylaws

All bylaw changes shall be reviewed and approved by the Planning Commission and must be filed with the Office of the City Clerk.

Adopted: July 23, 2024

Perry Beise
Planning Commission Chair

City of Elk River

Bylaws of the Board of Adjustments

Article 1. Purpose

As outlined in city ordinance the purpose of the Board of Adjustments is:

The board of adjustments hear matters of zoning variances, zoning appeals, and the establishment of legal nonconforming rights.

Article 2. Responsibilities

As outlined in city ordinance, the responsibilities of the Board of Adjustments are:

- A. *Administrative review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by staff in the enforcement of this chapter.
- B. *Variance.* To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal interpretation and enforcement of the provisions of this chapter would result in unnecessary hardship as provided in Chapter 30, Article VI.

Article 3. Meetings

- A. The board of adjustments shall adopt bylaws for the transaction of its business consistent with the provisions of Chapter 30, division 2, article VI of this code and Minn. Stats. §§462.351-462.364. Meetings of the board shall be held on the same evenings as the Planning Commission meetings. □
- B. Commission Schedule. As outlined in city ordinance, the Planning Commission shall meet at least 12 times per year. Regular Meetings shall be held on the fourth Tuesday at 6:30 p.m. in Council Chambers at City Hall. The meeting schedule shall be posted at the primary office/facility the commission meets and the Elk River City Hall.
- C. Special Meetings. This policy is set by the City Council. Special Meetings may be added by consensus of the commission at a scheduled Regular Meeting to complete unfinished or newly planned business of the scheduled Regular Meeting. Special Meetings shall not replace scheduled Regular Meetings.
- D. Attendance Policy. This policy is set by the City Council. Members are expected to maintain a proper attendance record. Attendance is vital to community service and City Council expectations. Because attendance is important, the City Council has adopted the following attendance policy:

Members shall be automatically removed for lack of attendance. Lack of attendance is defined as:

- Regularly Scheduled Monthly Commissions: missing three (3) scheduled Regular Meetings during a calendar year without an excused absence; or missing 50% of Regular and Special Meetings with or without an excused absence during a calendar year.
- All Other Commissions: missing two (2) scheduled Regular Meetings during a calendar year without an excused absence or missing 50% of Regular and

Special Meetings with or without an excused absence during a calendar year.

An absence may be excused if the staff liaison or the Office of the City Clerk are notified no later than 12 p.m. (noon) on the day of the scheduled meeting.

Participation for less than three-fourths (3/4) of a meeting shall be considered an absence. Members removed pursuant to this paragraph shall not continue to serve on the board or commission. A member may appeal termination by requesting a hearing before the City Council within 10 days of notice of termination.

Staff liaisons shall use a standard commission attendance form to record attendance. The Office of the City Clerk shall forward the attendance record to the City Council each June and December for Council review.

Article 4. Officers, Elections, Duties

Officers, the election process, and their duties shall be consistent with the procedures established by the Planning Commission bylaws. The officers shall be the same as appointed by the Planning Commission.

Article 5. Staff Roles

The city shall provide the commission necessary technical and administrative assistance as follows:

- A. Preparation of and posting of public notices as required by law.
- B. Preparation of all meeting materials, such as agendas, reports, reference materials, and presentation materials.
- C. Preparation of meeting minutes.
- D. Retention of and public access to all commission records.

Article 6. Training

Members are expected to complete recommended training to meaningfully participate and make informed decisions on matters coming before them.

Article 7. Reporting

As outlined in city ordinance the commission shall provide reports, conclusions, and recommendations to the City Council throughout the year as needed.

Article 8. Public Records

- A. All commissions receive and create public records while conducting business. Members may also produce public records in their official capacity as a board member. All board-related communications are subject to public disclosure.
- B. Examples of public records include papers, notes, photographs, videos, maps, emails, voicemail messages, instant messages, and text messages. Email and text messages are public records when created by appointed officials and employees for the purpose of conducting official city business. Social media posts may also be considered a public record.

Article 9. Conflict of Interest/Ethics

- A. Members may not, in their private capacity, negotiate, bid for, or enter into a contract on behalf of or with the City of Elk River in which they have a direct or indirect financial interest or perceived financial interest.
- B. A member shall withdraw from commission discussion, deliberation, and vote on any matter in

which the member, an immediate family member, or an organization with which the commission member is associated has a financial or perceived personal interest (see City Ordinance). The member shall also leave the meeting room during the ensuing discussion and vote.

- C. A member may not receive anything of value that could reasonably be expected to influence their vote or other official action (see Minnesota Gift Law).

Article 10. Amendments to Bylaws

All bylaw changes shall be reviewed and approved by the Planning Commission meeting as the Board of Adjustments and must be filed with the Office of the City Clerk.

Adopted: July 23, 2024

Perry Beise
Planning Commission Chair

DIVISION 6. PLANNING COMMISSION

Sec. 2-296. Established.

A city planning commission is hereby established. The commission shall be the city planning agency authorized by Minn. Stats. § 462.354, subd. 1(1).

(Code 1982, § 214.00)

State law reference(s)—Planning commission authorized, Minn. Stats. § 462.354, subd. 1(1).

Sec. 2-297. Membership.

The planning commission shall consist of seven members who are residents of the city and appointed by the city council for terms of three years. All terms shall end on the last day of February. A vacancy shall be filled by the city council for the remainder of the term. Officers of the commission shall consist of chair and vice-chair, as elected by the commission. The chair shall preside at all meetings of the commission if present, and perform other duties and functions assigned by the commission or the city council. The vice-chair shall perform these duties in the absence of the chair. If a vacancy occurs in the chair office, the vice-chair shall assume the chair's duties for the remainder of the year and a new vice-chair shall be elected by the commission at the next scheduled commission meeting.

(Code 1982, § 214.02; Ord. No. 14-03, § 1, 2-18-2014)

Sec. 2-298. Powers and duties.

The planning commission shall have and exercise the powers and duties conferred upon such commissions by Minn. Stats. §§ 462.351—462.364 and by ordinances, rules and regulations of the city. The commission shall also exercise the duties conferred upon it by this Code and by the council. After the commission has prepared and adopted a comprehensive plan, the commission shall periodically review the comprehensive plan, any ordinances and any capital improvement program the council has adopted to implement the plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, and recommend it to the council in accordance with law. Similarly, after such review, it shall recommend to the council any amendments it deems desirable to the capital improvement program and any ordinance implementing the plan.

(Code 1982, § 214.04)

Sec. 2-299. Meetings and rules of procedure.

The planning commission shall meet regularly on the fourth Tuesday of each month to take action on its official business, including planning-related items. Special meetings may be held at any time upon the call of the chair. Notice of the time and place of a special meeting shall be communicated to the members and publicly noticed at least three days prior to the meeting except in the event of an emergency. A majority of the commission members shall constitute a quorum. All commission meetings shall be open to the public. Except as provided in this article, the commission shall be governed by and operate pursuant to Robert's Rules of Order, Newly Revised (ninth edition).

(Code 1982, § 214.06; Ord. No. 05-25, § 1, 11-21-2005; Ord. No. 14-03, § 2, 2-18-2014; Ord. No. 17-28, § 1, 12-4-2017)

DIVISION 7. BOARD OF ADJUSTMENTS¹

Sec. 2-326. Membership.

Members of the planning commission shall serve as the board of adjustments required pursuant to Minn. Stats. § 462.354, subd. 2. Members shall serve until the expiration of their term as planning commission members. Board members shall serve without compensation but may be paid for necessary expenses. Each member of the commission shall be a resident of the city.

(Code 1982, § 900.40(1))

Sec. 2-327. Rules of procedure.

The board of adjustments may adopt rules of procedure for the transaction of its business consistent with the provisions of division 2 of article VI of chapter 30 and Minn. Stats. §§ 462.351—462.364. Four members of the board shall constitute a quorum. Regular meetings of the board shall be held on the second Tuesday of each month or at such other times as are specified in its rules. Special meetings shall be held at the call of the chair, who shall be the chair of the planning commission. Notice of special meetings shall be posted at the city hall and transmitted to members at least three days prior to the date of the meeting. There shall be a fixed place of meeting and all meetings shall be open to the public. A record shall be kept of the board's transactions, findings and determinations.

(Code 1982, § 900.40(2); Ord. No. 05-25, § 2, 11-21-2005)