



Planning Commission

Regular Meeting Agenda

Tuesday, July 28, 2026

6:30 PM

Elk River City Hall

- Regular meeting in Council Chambers

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSIDER MINUTES

4.1 DRAFT Minutes - June 23, 2026

5. 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.

5.1 Conditional Use Permit: Data Center, Michael Margulies - 19178 Industrial Blvd NW

5.2 Preliminary Plat and Conditional Use Permit: Cornerstone Kia Expansion, Mississippi Highlands LLC - 17094 Vance St NW

5.3 Interim Use Permit: Home Business (Salon), Stacey Cleveland — 10218 187th Ave NW

5.4 Conditional Use Permit: Industrial Expansion with Overhead Doors, CDI Curbs - 17560 Tyler St NW

5.5 Conditional Use Permit: Municipal Liquor Store, City of Elk River - 19417 Evans St NW

6. 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.

7. COUNCIL LIAISON UPDATES

8. MOTION TO ADJOURN



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, June 23, 2026**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Dennis Booth, Commissioner Dornan Bland, Commissioner Anthony Kaba, Commissioner James Lang, Councilmember Jennifer Wagner

Members Absent: Commissioner Robert Rydberg

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Recording Secretary Katie Porath

Others Present: City Attorney Sharda Enslin

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the agenda. Motion carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following consent items as outlined in their respective staff reports. Motion carried 6-0.

4.1 DRAFT Minutes - May 26, 2026

5. PUBLIC HEARINGS

5.1 Conditional Use Permit: Bluff Impacts within the Shoreland Management District, Randall Tesdahl - 16892 Yale St NW

The staff report was presented.

Chair Beise opened the public hearing.

Kari Ziebell, 16864 Yale St NW, asked if there were restrictions on hours of the day the path could

be used. She had concerns with neighbor privacy, trucks driving at night and shining headlights in her windows, damage that has already done to the bluff, the use of pesticides in the applicant's garden, and the applicant hunting in his backyard or shooting guns.

Mr. Leeseberg stated the request was for a pedestrian pathway and the intent was not for vehicles. He stated the path would need to be professionally designed as narrow as possible. Concerns about hunting or gun use should be directed to the Police department. The application does not address the use of garden pesticides. Mr. Leeseberg stated there is a cross-access easement for neighboring properties.

Ms. Ziebell added that there was not a cross-access easement and the applicant had lost that after suing the neighbors.

Commissioner Johnson asked if the trail could be limited in size or if there was a minimum width. Mr. Leeseberg stated the condition stated the trail should be as narrow as possible, and it was expected not to be wide enough for a truck. He stated the Commission could restrain the width of the trail but they could not limit hours of operation.

Ms. Ziebell added that the applicant shines vehicle headlights into their homes at night and that garbage from his property floats into their yards. Mr. Leeseberg suggested she contact the Code Enforcement Official with concerns about garbage.

Ms. Ziebell asked if there would be a soil and engineering report for neighbors concerned about erosion.

Commissioner Johnson stated the site would need to be professionally engineered. He recommended the city environmental department review any approved plans.

Commissioner Kaba asked if there was a percentage of vegetation the applicant was allowed to remove. Mr. Leeseberg stated that the amount has not been quantified. Commissioner Lang asked if it was up to the construction company to determine the width or how it could be determined. Mr. Leeseberg suggested a condition stating that the width should support an Americans with Disabilities Act (ADA) apparatus.

Randall Tesdahl, 16892 Yale St, applicant, stated he has lived at the property for 12 years. There is a pathway that starts two properties south of his and goes through the entire neighborhood with an easement. He stated he is not able to use this easement. He went to court to try to gain access to the easement but lost the case. He stated he has Parkinson's disease and will eventually have reduced mobility. He wants access to the lower part of the property.

Chair Beise asked Mr. Tesdahl how wide of a trail he was proposing. Mr. Tesdahl stated it would not be wide enough for a truck.

Chair Beise closed the public hearing.

The Commission felt it was a reasonable request with the modification of two conditions. Commissioner Johnson suggested that Condition 9 be modified to state that finalized plans need approval by the city environmental department as well as adding ADA requirements to Condition 2.

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

- 1. The pathway shall be professionally engineered and designed to ensure long-term slope stability and minimize erosion potential.**
- 2. The pathway width shall be limited to the minimum width necessary to accommodate safe access without encumbering ADA mobility requirements.**
- 3. The pathway shall be designed with the flattest practical grade to reduce erosion and improve accessibility.**
- 4. Existing vegetation shall be preserved to the greatest extent practicable, with only selective removal permitted as necessary for construction.**
- 5. Appropriate erosion and sediment control measures shall be installed and maintained during construction.**
- 6. A grading permit shall be obtained prior to commencement of any land-disturbing activities.**
- 7. Any retaining wall exceeding four (4) feet in height shall require a separate building permit and shall be designed by a Minnesota-licensed structural engineer.**
- 8. The applicant shall comply with all recommendations and requirements of the Minnesota Department of Natural Resources, if applicable.**
- 9. Any plans, once finalized, shall be reviewed and approved by the City Environmental Department.**
- 10. The Conditional Use Permit shall remain subject to all applicable City Code requirements and permit conditions.**

Motion carried 6-0.

5.2 Conditional Use Permit: Auto Repair, Uval Butuc - 18332 Joplin St NW

The staff report was presented.

Councilmember Wagner arrived at 6:52 p.m.

Commissioner Booth asked if the applicant was considering painting. Mr. Leeseberg stated the applicant has not asked for a paint booth at this time.

Chair Beise opened the public hearing.

Theresa Hoernemann, 18239 Kent St NW, stated that the back of her home faces the area. She has noticed an uptick in noise from the JonnyPops facility. She also noted there was a recent dumpster fire in the parking lot of the applicant's building and the area has looked junky in the past, although it looks clean at the moment. She asked about the hours of operation and stated some of the current tenants sometimes work on weekends.

Commissioner Johnson stated the application lists hours of operation as 9:00 a.m. to 5:00 p.m. Mr. Leeseberg stated there was not a condition addressing hours but a condition stating the garage door had to be closed could reduce the noise.

Mr. Leeseberg added that the city could review if the debris was on this property or on the JonnyPops facility property.

Lois George, 18276 Kent St NW, stated that when JonnyPops went in, the neighbors were told there would be no noise. However, there is noise well into the evening. She asked if painting would be done on the site and expressed concern about the smell, security of her property, and noise.

Chair Beise closed the public hearing.

Commissioner Johnson asked about the term "body work". Mr. Leeseberg stated the applicant had indicated they were performing "cosmetic work." Commissioner Johnson asked if excess noise, chemicals, and fumes would be addressed through the building permit process. Mr. Leeseberg stated noise would not be regulated through a building permit, but the site could be required to add sound "baffles" to reduce noise.

Commissioner Johnson suggested amending Condition 2 to state that the garage door should remain closed.

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 Conditional Use Permit shall authorize only vehicle body work and no mechanical repair work, including engine, transmission, drivetrain, exhaust, or similar vehicle repairs, shall be conducted on the property.**
- 2. All repair activities shall occur entirely within the enclosed building and all openings in the building envelope shall be closed when repair activities are occurring.**
- 3. The north side of back parking lot shall be screened, as shown on the staff exhibit, by a six-foot high 100 percent opaque fence constructed of factory finished metal or vinyl material.**
- 4. The outdoor storage of operable vehicles shall be allowed only in the screened in area.**
- 5. The outdoor storage of inoperable or abandoned vehicles, vehicle parts, equipment, materials, or repair-related items is prohibited.**
- 6. This approval does not authorize motor vehicle sales, vehicle display for sale, or any other use not specifically approved herein.**
- 7. The parking lots shall be striped.**
- 8. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, and/or mechanical permits before any associated activities can occur.**

Motion carried 6-0.

5.3 Ordinance Amendment and Conditional Use Permit: Data Center, Michael Margulies - 19178 Industrial Blvd NW

The staff report was presented.

Commissioner Booth clarified that annual noise monitoring would be paid for by the applicant. Mr. Carlton stated the applicant would pay for and provide the results to the city. If any issues were noted, they would need to be resolved within six months.

Commissioner Bland asked if there was any legal obligation to approve the Ordinance Amendment. Mr. Carlton stated there was not. If the Ordinance Amendment was denied, the related Conditional Use Permit would need to be denied as well. However, the Planning Commission would still need to act on it.

Commissioner Johnson asked if setbacks could be established for industrial or commercial properties. Mr. Carlton stated a certain amount of noise was expected in an industrial area and Minnesota Pollution Control Agency (MPCA) noise standards would need to be met. The Commission could choose to add setback requirements.

Commissioner Bland asked if there was any data to support the 500 and 750 foot setbacks. Mr. Carlton stated the amounts had been garnered from peer communities.

Commissioner Bland asked why the 35 MW limitation had been determined. Mr. Carlton stated that amount was determined based on capacity discussions with Elk River Municipal Utilities (ERMU).

Commissioner Bland clarified that the noise study had to be estimated and was theoretical. Mr. Carlton confirmed and stated there would also need to be a post construction noise evaluation with remediation as needed.

Commissioner Johnson asked about noise mitigation if noise thresholds were exceeded. Mr. Carlton stated some potential mitigation could include higher walls or acoustic paneling.

Commissioner Lang asked which type of glycol would be used and if there was a plan for chemical spills. He also asked about backup batteries for the generators and if the city was equipped to respond to a large-scale lithium fire. Mr. Carlton stated the applicant would need to follow industrial chemical use standards and the battery backup was not addressed in the proposed Ordinance Amendment.

Mr. Carlton explained that the applicant would still need to go through the building permit process if their Conditional Use Permit was approved. Part of the approval would be a review by the fire marshal.

Commissioner Lang asked if there was an option to create a Planned Unit Development (PUD) or other specialty zoning versus an Ordinance Amendment. Mr. Carlton stated a PUD could be an option.

Commissioner Bland confirmed that, if the ordinance is passed and a data center meets the requirements, the city is legally obligated to allow it. Mr. Carlton stated that was true. Mr. Carlton added that the city would have more discretion in approving a PUD rather than a CUP.

Ryan Skoug, ESI Engineering Noise Engineer, reviewed the noise study results. He reiterated that the city cannot be more restrictive than the MPCA guidelines on noise. He stated that measuring ambient noise helps to determine if noise from a developer is exceeding the noise standards or if it is

already existing. He stated the report measured the noise from one generator running at 100% capacity.

Mr. Skoug commented that the draft ordinance was unclear about measurements versus calculations. He added that C and Z weighted frequencies do not have MPCA standards yet.

Mr. Carlton stated that the ordinance asked for C and Z weighted measurements, but the City could not deny a request based on these standards because the MPCA does not provide criteria to meet. Any application denied has to be based on legal facts and standards.

Chair Beise asked if the state eventually regulates C and Z weighted standards; would that be covered by this ordinance? Would existing data centers need to update to the new requirements or would they be grandfathered in? Mr. Carlton would need to research if the city was allowed to retroactively request pre-existing applicants abide by new standards.

Commissioner Booth asked if the city could establish C and Z weighted standards since the MPCA does not have them. City Attorney Enslin stated that is not how the current draft ordinance is set up. The current draft ordinance is more vague.

Commissioner Bland asked what standards the Commission is allowed to set for limits on noise. City Attorney Enslin stated the city cannot be more restrictive than the state as to A-level frequencies. Mr. Carlton added that any business in Minnesota has to abide by the MPCA noise standards.

Commissioner Lang asked for more information on the purchase of power.

Mark Hansen, General Manager of Elk River Municipal Utilities (ERMU), explained that power was purchased through Minnesota Municipal Power Agency (MMPA) and requests are analyzed on a case-by-case basis. The amount of 33 MW was arrived at after the developer approached ERMU to verify that amount of power was available and ERMU determined the proposed site was in a relatively fully developed area.

Commissioner Lang asked if ERMU would have capacity for additional data centers. Mr. Hansen explained that future data center applicants would need to check with ERMU to see if there was available capacity. Mr. Carlton explained that, just as some development sites need soil testing to determine if they can support structure, in the same way, power needs would need to be evaluated per site rather than mandated.

Commissioners Lang and Bland commented that the ordinance seemed to be written for this specific data center based on the 35 MW limit being proposed in the Ordinance Amendment.

Commissioner Lang asked for more information on the estimated \$600,000-\$800,000 revenue transfer between ERMU and the City. Mr. Hansen explained that the current citywide load for electricity is approximately 60–65 MW. The applicant would be asking for 33 MW but would require fewer switches and fewer miles of feeder distribution system than the current 14,000 electrical customers. This could create a stabilizing effect on the rates.

Commissioner Bland felt it was hard to see the benefits without more precise facts. Mr. Hansen stated this one customer could provide millions of dollars of profits which may combat future rate increases,

avoid future bonding, and increase reserve funding.

Chair Beise opened the public hearing.

Tim Jones, owner of Aegir Brewing, 19050 Industrial Blvd NW, stated that the MPCA noise levels in an industrial area were at a level to cause hearing loss if exposed over an eight-hour period. He asked if the city could have a vote, whether official or not, to get citizen input. He also asked if the city would be held accountable for any harm a data center could cause to the community.

Jesse Lang, 19371 Upland St NW, questioned the backup power, the background noise of the noise study, and the setback amounts. He asked about a scenario where all 10 backup generators would be running with a power outage. He asked that the city consider a moratorium and the formation of a task force with broad representation to produce comprehensive guidance on how modern data centers affect communities.

Rebecca Reule, 19551 Vernon St NW, asked that the city put a moratorium in place. She was concerned about home values.

Ian Rolshouse, 12542 194th Ln NW, asked if the data center could be heard from his house.

Jessica Rolshouse, 12542 194th Ln NW, stated the MPCA guidelines were established in 1976 before data centers were a consideration. She stated that vibrations should not be felt for more than three minutes. She asked if low level frequencies violate the existing city code.

Rochelle Muellenberg, 13432 Meadowvale Rd NW, asked if land could be annexed into Elk River, rezoned as I-1 or I-2, and allowed to develop a larger data center. What prevents data centers from getting out of control?

Anna Wagner 12616 3rd Ave S, Zimmerman, stated her biggest concern was with "infrasound". She asked if the City was willing to exchange residents' health for money. She asked the City to "take a pause" on the issue.

Cynthia Remick, 18384 Xerxes St NW, asked how diesel is being stored on the property. Chair Beise stated the State regulates the storage of diesel. Ms. Remick stated that 500 feet is very close to residential homes and living close to diesel is hazardous. She urged the City to look into how many Minnesota cities have set a moratorium on data centers.

Chair Beise closed the public hearing.

Mr. Carlton addressed some of the questions and comments. Public vote on the issues is not allowed on the ballot but an informal poll could be conducted on social media. Mr. Carlton stated a moratorium was an option if the Commission was interested. Mr. Carlton stated that land annexation was a complex process but, theoretically, it could be turned into industrial land and used for a data center. He added that testing could be updated to require all generators and chillers be tested for noise running simultaneously.

Commissioner Lang was interested in more information on a moratorium. Mr. Carlton explained that, if a moratorium was passed, any active application still has to be processed. If the Commission was

interested in a PUD rather than an Ordinance Amendment, the current Ordinance Amendment would need to be denied.

Commissioner Bland stated he was not comfortable with a 500-750 foot setback and those numbers felt arbitrary. He added that the proposed limit of 35 MW was due to one specific application.

The Commission was in favor of a PUD and a six-month moratorium. They also suggested a public poll.

Moved by Commissioner Eric Johnson and seconded by Commissioner Dennis Booth to recommend denial of the requested ordinance amendment due to concerns with amending the entire I-1 and I-2 zoning districts. Motion carried 6-0.

Moved by Commissioner Eric Johnson and seconded by Commissioner Dennis Booth to continue the hearing for the Conditional Use Permit Application to July 28, 2026. Motion carried 6-0.

6. GENERAL BUSINESS

There was no general business.

7. COUNCIL LIAISON UPDATES

Councilmember Wagner asked if Mr. Carlton could explain what a PUD was for the meeting attendees. Mr. Carlton explained a Planned Unit Development process could give the Planning Commission and City Council more discretion in reviewing future data center applications.

Mr. Carlton explained that the Planning Commission was a recommending body and the City Council would have the final decision on the Ordinance Amendment for the data center.

Councilmember Wagner stated, at the June 15, 2026 meeting, the City Council added "recreation" use as an Interim Use Permit in the Business Park (BP) zone.

8. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 6-0.

Councilmember Wagner left at 9:15 p.m.

The regular meeting adjourned at 9:15 p.m. Chair Beise called the work session to order at 9:21 p.m.

9. WORK SESSION

9.1 Roles and Responsibilities of the Planning Commission

Mr. Carlton asked the Planning Commission if they wanted to continue with Item 9.1 or add it to a future meeting.

Moved by Commissioner Johnson and seconded by Commissioner Bland to continue Item 9.1 Roles and Responsibilities of the Planning Commission to a future meeting. Motion carried 6-0.

10. MOTION TO ADJOURN

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 6-0.

The meeting adjourned at 9:22 p.m.

Minutes prepared by Katie Porath.

Perry Beise, Chair

Justin Dunford, City Clerk



Request for Action

To
Planning Commission

Item Number
5.1

Meeting Date
July 28, 2026

Prepared By
Zack Carlton, Community Development Director

Item Description
Conditional Use Permit: Data Center, Michael
Margulies - 19178 Industrial Blvd NW

Reviewed by
Chris Leeseberg

Action Requested
The application has been withdrawn, and no action is required.

Background/Discussion
On July 10, 2026, the applicant formally withdrew their ordinance amendment and Conditional Use Permit applications. As the applicant has chosen to remove these items from consideration, no action, discussion, or public hearing with the Planning Commission is required.

The City Council is expected to review a moratorium regarding data centers on August 3, 2026.

Including this item on the agenda is a formality of the public hearing process.

Financial Impact
None.

Mission/Policy/Goal
Reflect the culture of citizens and what is important.

Attachments
I. Withdrawal Email 7-10-2026

The Elk River Vision

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

Re- Elk River Capital--Application for Ordinance Amendment and Conditional Use Permit

From Michael Margulies <michaelmargulies7@gmail.com>

Date Fri 7/10/2026 5:19 PM

To Zachary Carlton <zcarlton@ElkRiverMN.gov>

Cc Ned Abdul <ned@swervo.com>

Zach:

On April 27, 2026, Newton RES LLC, on behalf of Elk River Capital, LLC filed (a) an application for an Amendment to amend Elk River City Code Section 30-1293(d) to add data center use as a conditional use in the L-1 (Light Industrial) Zoning District and (b) an application for a conditional use permit to operate a data center at 19178 Industrial Blvd NW (collectively, the "Applications").

This is to advise you that, to the extent the Applications have not been denied by the City Council, the Applications are formally withdrawn as of the date hereof, and the Applicant intends to take no additional action in furtherance of the Applications.

Please confirm receipt of this notice of withdrawal and that it is sufficient to fully terminate the application process.

In the meantime, thank you very much for your hard work on this matter..

Michael S. Margulies, for
Newton RES LLC
(612) 205-0521



Request for Action

To
Planning Commission

Item Number
5.2

Meeting Date
July 28, 2026

Prepared By
Zack Carlton, Community Development Director

Item Description
Preliminary Plat and Conditional Use Permit:
Cornerstone Kia Expansion, Mississippi Highlands
LLC - 17094 Vance St NW

Reviewed by
Katie Porath

Action Requested

Recommend, by motion, approval of the preliminary plat for Sherburne Meadows, subject to the following conditions:

1. Wetland boundaries identified on the plat will need to be updated after receiving a Notice of Decision.
2. All existing utility easements must remain in place.
3. The watermain shown on the preliminary plat is inaccurately shown and must be updated.
4. If there are any proposed changes to the water service, they must be communicated to Elk River Municipal Utilities.
5. The developer is responsible for connecting Vance Street and 170th Ave.

Recommend, by motion, approval of the Conditional Use permit (CUP) authorizing expansion of the automobile sales operation at 17094 Vance St NW, subject to the following conditions:

1. Staff approval of all site, civil, landscaping, and utility plans.
2. An encroachment agreement for the parking lot improvements proposed to be constructed over the drainage and utility easements must be approved by the city council prior to the issuance of building permits.
3. All structures must remain outside of existing drainage and utility easements.
4. Parking lot islands in accordance with Sec. 30-935 must be included in the final plans.
5. Submit plans demonstrating compliance with the city's landscaping standards.

Background/Discussion

Steve Rohlf, representing Elk River Kia, has submitted two applications in support of expanding the existing Kia Dealership at 17094 Vance St NW. The first application is the preliminary plat of Jabez Second Addition and the second is the CUP approving the dealership expansion. All parcels included in the plat are within the C-3 (Highway Commercial) zoning district and are guided for Highway Business uses under the Comprehensive Plan.

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The plat includes the existing auto dealership along with the former Ebner's Bait properties. Lot 1 will house the dealership site and an expanded parking area along Highway 10, and lot 2 is reserved for future commercial uses. The plat also dedicates a right-of-way connection between Vance St, which provides access to Kia, and 170th Ave. The developer will construct the street extension as part of their project.

Site Plan

The proposed modifications to the Kia dealership include a 5,172 square foot addition on the south side of the building. This is the largest possible expansion currently under consideration, and the final plans may include a smaller change. The expansion accommodates additional parts storage and service bays.

The building addition will match the existing facility with precast concrete panels that are color matched to the building. The proposed expansion also requires the dumpster enclosure to be relocated. The enclosure will need to reflect the building materials and include a gate that screens the dumpsters from view.

The CUP also identifies a large parking lot expansion south of the current building and along Highway 10. The ordinance requires expansive parking areas to include raised and landscaped parking lot islands. The requirement under Sec. 30-935 is one island per 15 parking spaces.

Additionally, the parking lot addition extends across existing utility easements which cannot be vacated as they protect existing trunk services that cannot be moved. The applicant will need to work with the city on an encroachment agreement prior to the issuance of building permits.

Finally, with the extension of Vance Street to connect with 170th Ave, a third driveway access for the dealership is proposed.

Applicable Regulations

City ordinance, section 30-375, outlines the required findings for approval of a plat.

1. The proposed subdivision is consistent with the zoning regulations (article VI of this chapter) and conforms in all respects with all requirements of this Code, including the zoning regulations and this article.

The subdivision meets the design standards for the C-3 zoning district and provides access and frontage on a public street. The subdivision also improves access by eliminating two dead-end streets and facilitating their connection.

2. The proposed subdivision is consistent with all applicable general and specialized city, county, and regional plans, including, but not limited to, the city's comprehensive development plan.

The subdivision complies with all general and specialized plans and will not permit access to Highway 10.

3. The physical characteristics of the site, including but not limited to topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and drainage, are suitable for the type and density of development and uses contemplated.

The site had previously included a small commercial and residential operation with multiple buildings. These buildings have been removed or will be removed as part of this project. The subdivision allows the property to be dedicated to a new commercial use.

A wetland delineation for the existing wetlands on the south half of the property is currently underway. Once the delineation has been approved, the wetland boundaries will need to be updated to follow the identified boundary. The final plat will need to include a drainage and utility easement around the wetlands, consistent with city ordinances.

4. The proposed subdivision makes adequate provision for water supply, storm drainage, sewage transportation, erosion control and all other services, facilities, and improvements otherwise required in this article.

As noted above, the area within the proposed subdivision includes large trunk utilities that are protected by drainage and utility easements. These facilities will remain in place and must continue to be protected with the appropriate easements. Any encroachment within an easement will require an encroachment agreement, reviewed and agreed upon by the City Council and Elk River Municipal Utilities.

5. The proposed subdivision will not cause substantial environmental damage.

The subdivision includes current and former commercial operations. The proposal does not impact the wetlands on the south half of the subject site and will be protected with drainage and utility easements.

6. The proposed subdivision will not conflict with easements of record or with easements established by the judgment of a court.

The existing utilities within the subdivision will continue to be protected by drainage and utility easements.

7. The proposed subdivision will not have an undue and adverse impact on the reasonable development of neighboring land.

There are no developable parcels adjacent to this site, and the project will not have an adverse impact on developable land further out.

8. The proposed subdivision is not premature. A subdivision is premature if any of the following exists:

- a) Lack of adequate stormwater drainage.*
- b) Lack of adequate roads.*
- c) Lack of adequate sanitary sewer systems.*
- d) Lack of adequate off-site public improvements or support systems.*

The subdivision is not premature as the above conditions have been provided for.

Section 30-654 outlines the required findings for approval of a conditional use permit as follows:

1. The proposed 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.

The proposed use is an expansion of the existing automobile dealership that has existed for a number of years. The expanded uses is smaller in scale than other commercial uses in the area and will not detrimentally affect the use and enjoyment of properties in the general area.

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

2. The proposed use will be consistent with the Comprehensive Plan.

The Comprehensive Plan guides the property as Highway Business, which is intended to accommodate regional commercial uses serving both residents and visitors. The request is consistent with the goals and policies of the Comprehensive Plan.

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

3. The proposed use will not impede the normal and orderly development and improvement of surrounding vacant property.

The subject property expands an existing commercial use into an area that had previously been dedicated to commercial use. The project also connects two existing dead-end streets, improving access and circulation in the area. Finally, there are very few developable vacant properties in the vicinity of this site and the proposed use will not impede their development.

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

4. The proposed 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 create traffic congestion or interfere with traffic on adjacent and neighboring public thoroughfares.

The property is fully served by existing public infrastructure, including municipal water, sanitary sewer, stormwater facilities, streets, police, and fire protection. Access will be improved with the proposed street connection, benefiting surrounding properties. Existing trunk utilities located within the project area will continue to be protected with appropriate easements and any encroachment into these areas will need to be memorialized with an encroachment agreement.

Staff have included a condition requiring approval of an encroachment agreement prior to the issuance of a building permit.

5. The proposed use will not involve uses, activities, processes, materials, equipment, or 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 proposed includes a modest expansion of an existing commercial use which is operating within an established commercial area.

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

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

The new lot being created as part of this project, Lot 2, includes wetlands which are currently being reviewed in accordance with state standards. The conditions of approval for the plat include recognition of these natural features, but the use being reviewed as part of the CUP will not damage or impact the natural features in the area.

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

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

Staff's review identified the need to address specific code-related issues and have added conditions to ensure the final plans will comply with all requirements of the city code.

Staff have included conditions to satisfy this standard.

The analysis completed by city staff finds that with the recommended conditions, the project satisfies all standards required for approval of a CUP.

Financial Impact

None.

Mission/Policy/Goal

Meet changing needs — agile.

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Preliminary Plat of Jabez Fourth Addition
4. Site Plans
5. 5.2 Cornerstone Kia



Project Location Map

Scott Powell - David Jurek

Conditional Use Permit
Preliminary Plat

Case No: CU 26-09 & P 26-09

Legal Description of Property	
The narrative is your opportunity to describe, promote, and sell your proposal to the Planning Commission and/or City Council before the meeting(s). Please fill in the following information <i>explaining</i> your request in detail (<i>type N/A if not applicable</i>). Describe the scope of your project (what is being proposed)? <i>For example: we are proposing the construction of a new daycare facility or, to allow for a motor vehicle sales office with motor vehicle repairs in X-square feet of the existing building.</i>	
Mayor, City Council and Planning Commission, Elk River KIA needs to expand both its' parking and vehicle service areas. Land to the south is being added to expand parking. KIA plans to expand vehicle service in the next two as shown on the plans submitted. This is the maximum size of the expansion and may be reduce when architectural plans are submitted to city staff. The change to the parking and drives on the site are also shown on the plans submitted. The service expansion will be built using precast panels and painted in the same colors as the existing service area. The enclosed dumpster area will be relocated to a new enclosed area.	
Hours of Operation	Service Department Hours 7 AM - 7 PM (Monday-Thursday) 7 AM - 6 PM (Friday)
Number of Employees	7 Additional Service Employees - subject to change based on approvals.
Number of parking stalls required by ordinance: City Ordinance Section 30-903 outlines these requirements.	Subject to change based on approvals, see attached site plan
Number of existing and proposed parking stalls	Subject to change based on approvals, see attached site plan
If screening, not associated with outdoor storage, is being proposed, what will it consist of?	As part of the proposed building addition, an existing concrete wall trash enclosure will need to be relocated.

What are the proposed building materials? <i>The required building materials vary from zoning district to zoning district.</i>	No proposed plans yet, but building addition will be attaching to pre-cast concrete.
Is outdoor storage being proposed? If yes, detail what is being stored, how much/many, and what is the proposed screening? City Ordinance Section 30-807 outlines these requirements.	No

Preliminary Plat of JABEZ FOURTH ADDITION

CITY OF ELK RIVER
SHERBURNE COUNTY, MN

Boundaries are based on the recorded plat of JABEZ SECOND ADDITION. For the purposes of this plat, the North line of Lot 1, Block 1, JABEZ SECOND ADDITION bears S89°55'46"W

- Denotes found iron monument
- Denotes 8 inch by 14 inch iron monument with a plastic plug stamped R.L.S. 64154 to be set within one year of platting date
- Denotes found cast iron monument
- Denotes found metal disk

REFERENCE BENCHMARK:
TNT West of Ford dealership, 26' East of Hwy. 10, 739' North of Twin Lakes Road
Elevation = 889.26 feet (NGVD 29)

PLAT BENCHMARK:
TNT near the SW corner of Lot 1, Block 1, JABEZ SECOND ADDITION
Elevation = 884.84 feet (NGVD 29)

OWNER/DEVELOPER:
Mississippi Highlands LLC
17219 Hwy 10 NW
Elk River, MN 55330

SURVEYORS & ENGINEERS:
WIDSETH
13076 First Street
Becker, MN 55308-9322
763-262-8622

TOTAL AREA: 11.332 Acres

EXISTING ZONING: FAST "H"

PROPOSED ZONING: FAST "H"

The Hinge

MINIMUMS:
150' Width
1 Acre lot size

DENOTES BUILDING SETBACKS:
25' Front
20' Side
20' Rear

Drainage and Utility Easements are shown thus:

N.T.S.
Being 10 feet in width and adjoining right-of-way lines, also being 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on plat.

DATE: 6/22/26
FIELD DATE: 6/8/26
BK/PG: 1/4
DRAWN BY: CA
CHECKED BY: DJJ
DWG FILE: 2026-10658 Prelim
FILE NO: 2026-10658

REVISIONS:

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

Signed: David J. Jurek
Date: 6/26/26 Lic. No. 64154

WIDSETH
Professional Land Surveyors & Engineers

PRELIMINARY PLAT
for
Cornerstone Elk River LLC
JABEZ FOURTH ADDITION
City of Elk River
Sherburne County, MN

SHEET 1 OF 2 SHEETS

- LEGEND:**
- Denotes catch basin
 - Denotes beehive catchbasin
 - Denotes electrical cabinet
 - Denotes septic cleanout
 - Denotes manhole
 - Denotes water valve
 - Denotes sign
 - Denotes power pole
 - Denotes guy wire
 - Denotes telephone pedestal
 - Denotes electric meter
 - Denotes hydrant
 - Denotes light pole
 - Denotes well
 - Denotes air conditioning
 - Denotes building
 - Denotes flared and section
 - Denotes wet land interior
 - Denotes Rock Blom, LS
 - Denotes Frank Kriz, LS
 - Denotes Brian Praske, LS
 - Denotes Craig Westmann, LS
 - Denotes Charles Christopher, LS
 - Denotes bituminous surface
 - Denotes concrete surface
 - Denotes gravel surface
 - Denotes overhead electric
 - Denotes easement
 - Denotes right of way
 - Denotes existing adjoiners
 - Denotes wet land edge
 - Denotes waters edge
 - Denotes easement per JABEZ SECOND ADDITION
 - Denotes limited access
 - Denotes limited access per JABEZ SECOND ADDITION
 - Denotes building setback line
 - Denotes soil type boundary
 - Denotes soil classification type

SCHEDULE OF DRY-BUILDABLE AREAS FOR LOTS

Block	Lot	Total Lot Area (Ac)	Buildable Area (Ac)
1	1	3.67	3.24
1	2	7.33	3.52

Note: For the purpose of this plat, dry buildable area is defined by contiguous acreage containing non-hydric soils and void of wetlands, hydric vegetation, floodways, bluffs, right of way and restrictive easements.

Survey Notes:

- This survey was performed without the benefit of a title report. No search for restrictions or easements was made by the surveyor. We reserve the right to update this survey upon receipt of title documentation.
- Access control may exist for U.S. Highway No. 10. No documentation was provided to us.
- Some parcel descriptions are laid out as measured along the east line of the SW 1/4 of the NW 1/4, while others appear to use offsets from the North line thereof. For the purposes of this survey, the intent of the descriptions was interpreted to not create gaps or overlaps internal to the subject parcels. Review with a real estate attorney.
- Wet lands are shown per the wetland delineation conducted by Sierra Cotton of WIDSETH LLC, No. 1456. Actual approval of the wet land boundaries are subject to change.
- Features shown hereon are a combination of field located from 2024, 2025 and updated from recent field visit from 6/8/2026. The north half of Lot 1, Block 1, JABEZ SECOND ADDITION is shown per the proposed civil plans by Rogert, Pedersen and Associates, Inc. File No. 13-0154-00.
- Contours were created using MNDNR MN/Topo LIDAR and RTK GPS methods (NGVD 29).
- Subject property is not part of the shoreland district or within a flood plain district as mapped by FEMA.

SOILS CHART

Map symbol & soil name	Hydrologic Group	Water table depth (in)
1286: Selsyville-Markey complex, ponded, 0 to 1 percent slopes	A/D	0
261: Lean sandy loam, depression, 0 to 1 percent slopes	A/D	0
667B: Hubbard loamy sand, 1 to 6 percent slopes	A	>80

• Data from USDA Web Soil Survey

Proposed Plat Description

Lot 1, Block 1, JABEZ SECOND ADDITION, according to the recorded plat thereof, Sherburne County, Minnesota.

AND

PARCEL 1:

That part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section Eleven (11), Township Thirty-two (32), Range Twenty-six (26), Sherburne County, Minnesota, described as follows: Beginning at a point on the eastern line of said SW 1/4 of NW 1/4 499.7 feet south of the northeast corner thereof; thence southerly along said east line a distance of Eighty (80) feet; thence westerly parallel with the north line of said SW 1/4 of NW 1/4 a distance of 254.12 feet to the eastern right-of-way line of U.S. Highway No. 10; thence northerly along said right-of-way line a distance of 80.78 feet; thence easterly parallel with the north line of said SW 1/4 of NW 1/4 a distance of 267.18 feet to the point of beginning, containing 0.47 acres.

And The South 131.66 feet of the North 499.7 feet of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), lying East of U.S. Highway No. 10, Section Eleven (11), Township Thirty-two (32), Range Twenty-six (26), Sherburne County, Minnesota.

PARCEL 2:

That part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section Eleven (11), Township Thirty-two (32), Range Twenty-six (26), Sherburne County, Minnesota, described as follows: Beginning at a point on the east line of said SW 1/4 of NW 1/4 that is 914.24 feet South of the Northeast corner thereof; thence West parallel with the North line of said SW 1/4 of NW 1/4 a distance of 262.9 feet, more or less, to the Eastern right-of-way line of U.S. Highway No. 10; thence southerly along said Highway right-of-way to its intersection with the South line of said SW 1/4 of NW 1/4; thence East along said South line to its intersection with the East line of said SW 1/4 of NW 1/4; thence North along said East line to the point of beginning.

PARCEL 3:

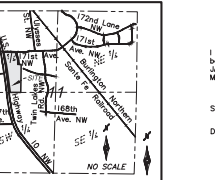
The South 334.54 feet of the North 914.24 feet of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), lying East of U.S. Highway No. 10, all in Section Eleven (11), Township Thirty-two (32), Range Twenty-six (26), Sherburne County, Minnesota.

PARCEL 4:

That part of the West 200.00 feet of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 11, Township 32, Range 26, Sherburne County, Minnesota, lying South of the North 420.00 feet of said Southwest Quarter of the Northwest Quarter (SE 1/4 of NW 1/4).

VICINITY MAP

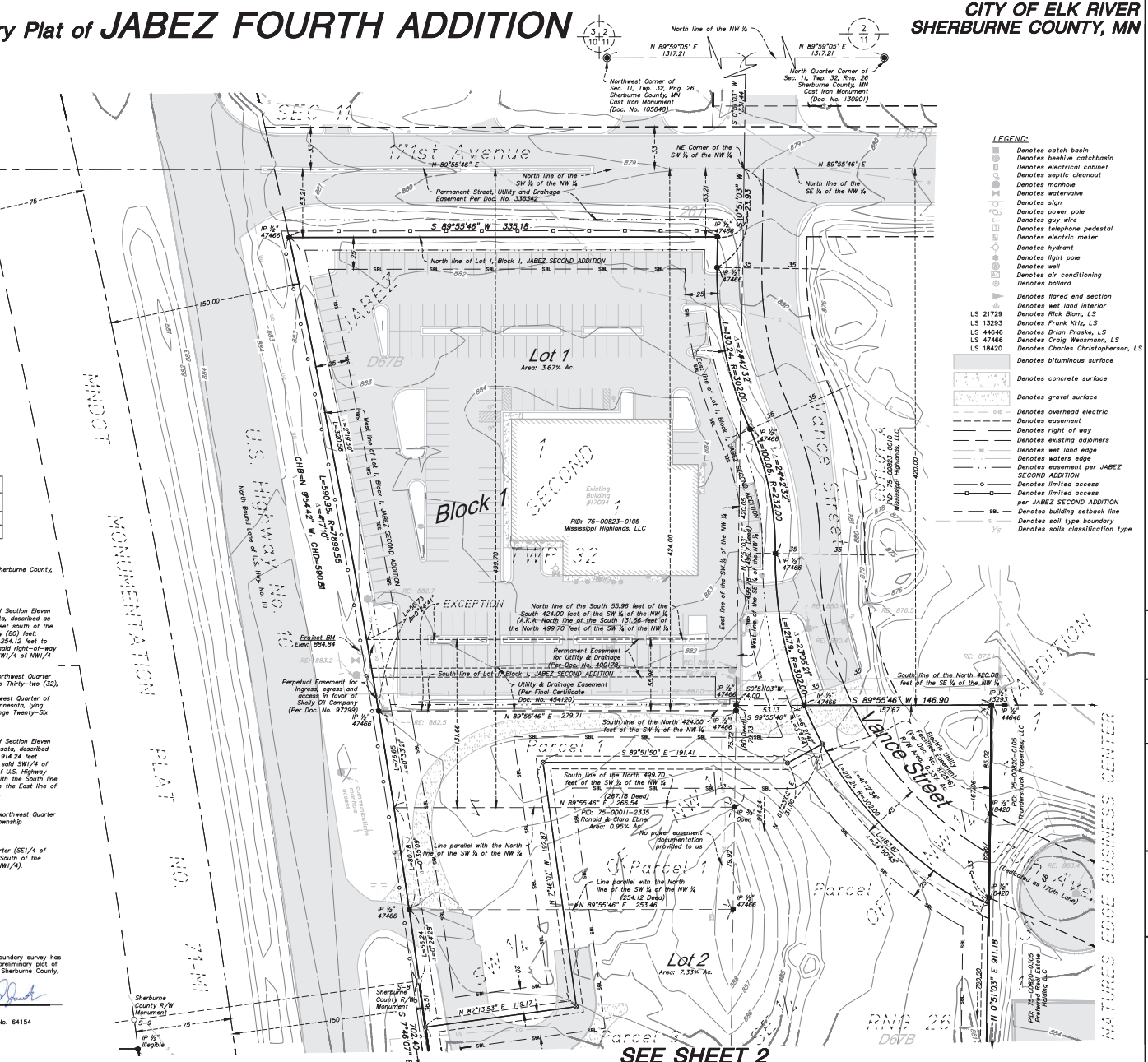
Sec. 11, Twp. 32, Rng. 26
Sherburne County, MN



I hereby certify that a boundary survey has been completed for the preliminary plat of JABEZ FOURTH ADDITION, Sherburne County, Minnesota.

Signed: David J. Jurek

Date: 6/26/26 Lic. No. 64154



SEE SHEET 2

Preliminary Plat of JABEZ FOURTH ADDITION

CITY OF ELK RIVER
SHERBURNE COUNTY, MN

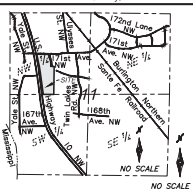
SEE SHEET 1

LEGEND:

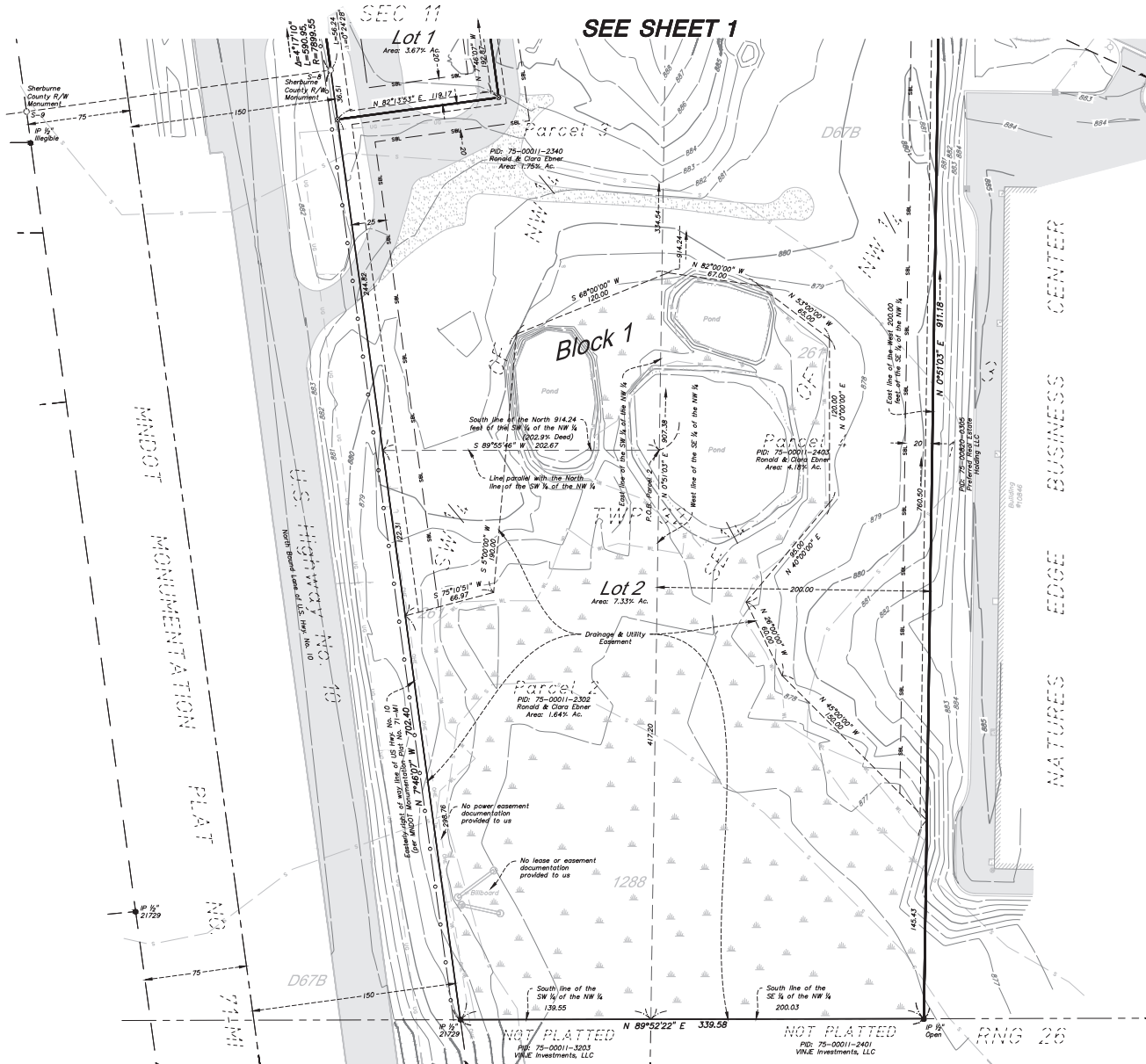
- Denotes catch basin
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- Denotes sign
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- Denotes flared end section
- Denotes wet land interior
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- LS 13293 Denotes Brian Prasse, LS
- LS 44640 Denotes Craig Wensmann, LS
- LS 47466 Denotes Charles Christopherson, LS
- LS 18420 Denotes bituminous surface
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- Denotes building setback line
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- Denotes scale classification type

VICINITY MAP

Sec. 11, Twp. 32, Rng. 26
Sherburne County, MN



NO SCALE



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- Denotes found cast iron monument
- Denotes found metal disk

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PLAT BENCHMARK:
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Mississippi Highlands LLC
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Elk River, MN 55330
AND
Eber Trust
17015 Hwy 10 NW
Elk River, MN 55330

SURVEYORS & ENGINEERS:
WIDSETH
13076 First Street
Becker, MN 55309-9322
763-262-8622

TOTAL AREA: 11.332 Acres

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PROPOSED ZONING: FAST "H"
The Hinge

MINIMUMS:
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1 Acre lot size

DENOTES BUILDING SETBACKS:
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20' Side
20' Rear

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Being 10 feet in width and adjoining right-of-way lines, also being 5 feet in width and adjoining lot lines, unless otherwise indicated, as shown on plat.

DATE: 6/22/26
FIELD DATE: 6/8/26
BK/PG: N/A
DRAWN BY: CK
CHECKED BY: DJJ
DWG FILE: 2026-10658 Prelim
FILE NO: 2026-10658

REVISIONS:

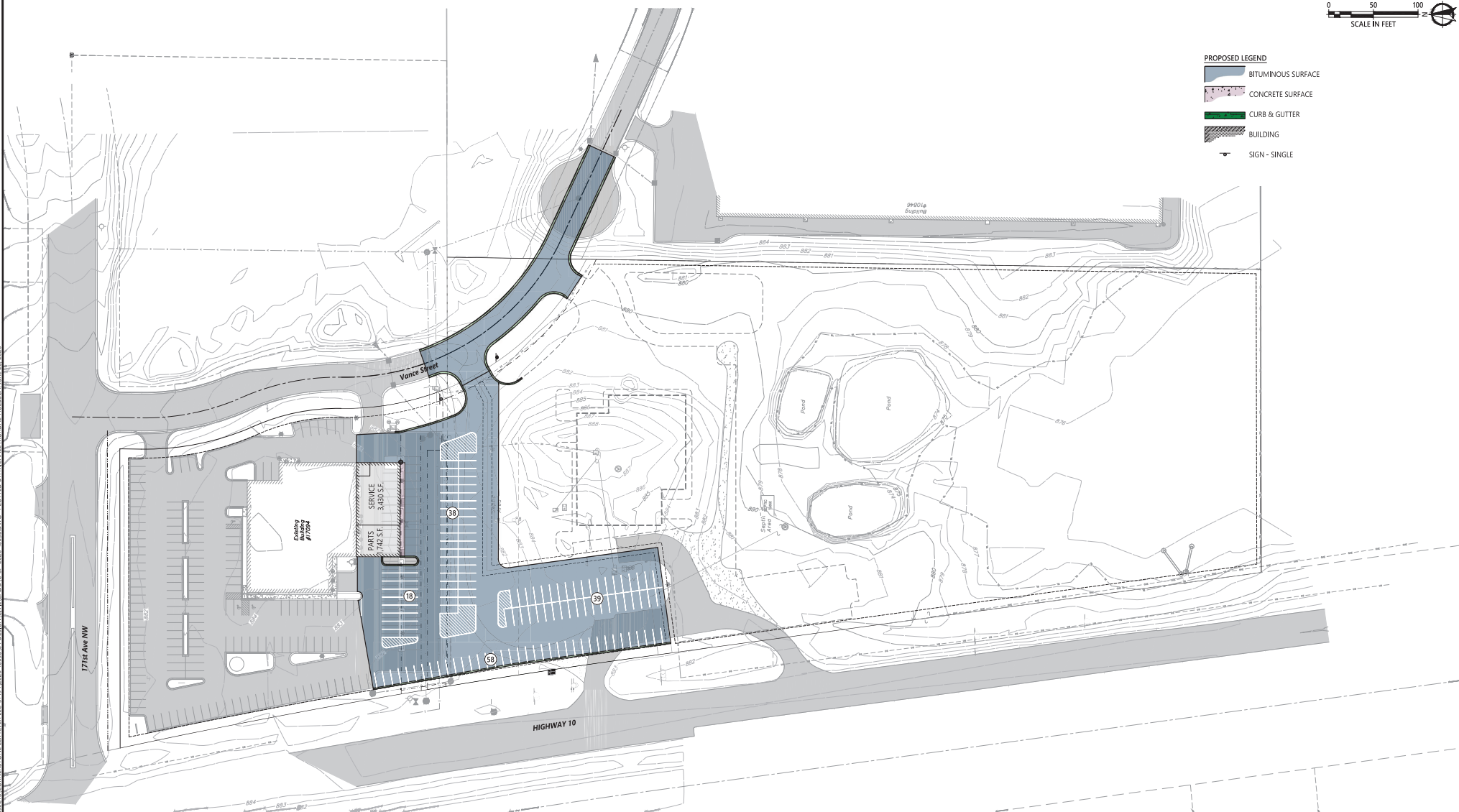
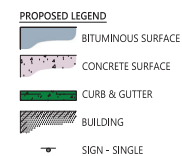
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: David J. Jurek
Date: 6/26/26 Lic. No. 64154

WIDSETH
SURVEYING & ENGINEERING

PRELIMINARY PLAT
for
Cornerstone Elk River LLC
JABEZ FOURTH ADDITION
City of Elk River
Sherburne County, MN

SHEET 2 OF 2 SHEETS



WIDETH
ARCHITECTS ENGINEERS INTERIORS

DRAWN BY:
MUM
CHECKED BY:
MUM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

	DATE	REV#	REVISIONS DESCRIPTION

ELK RIVER KIA SITE EXPANSION

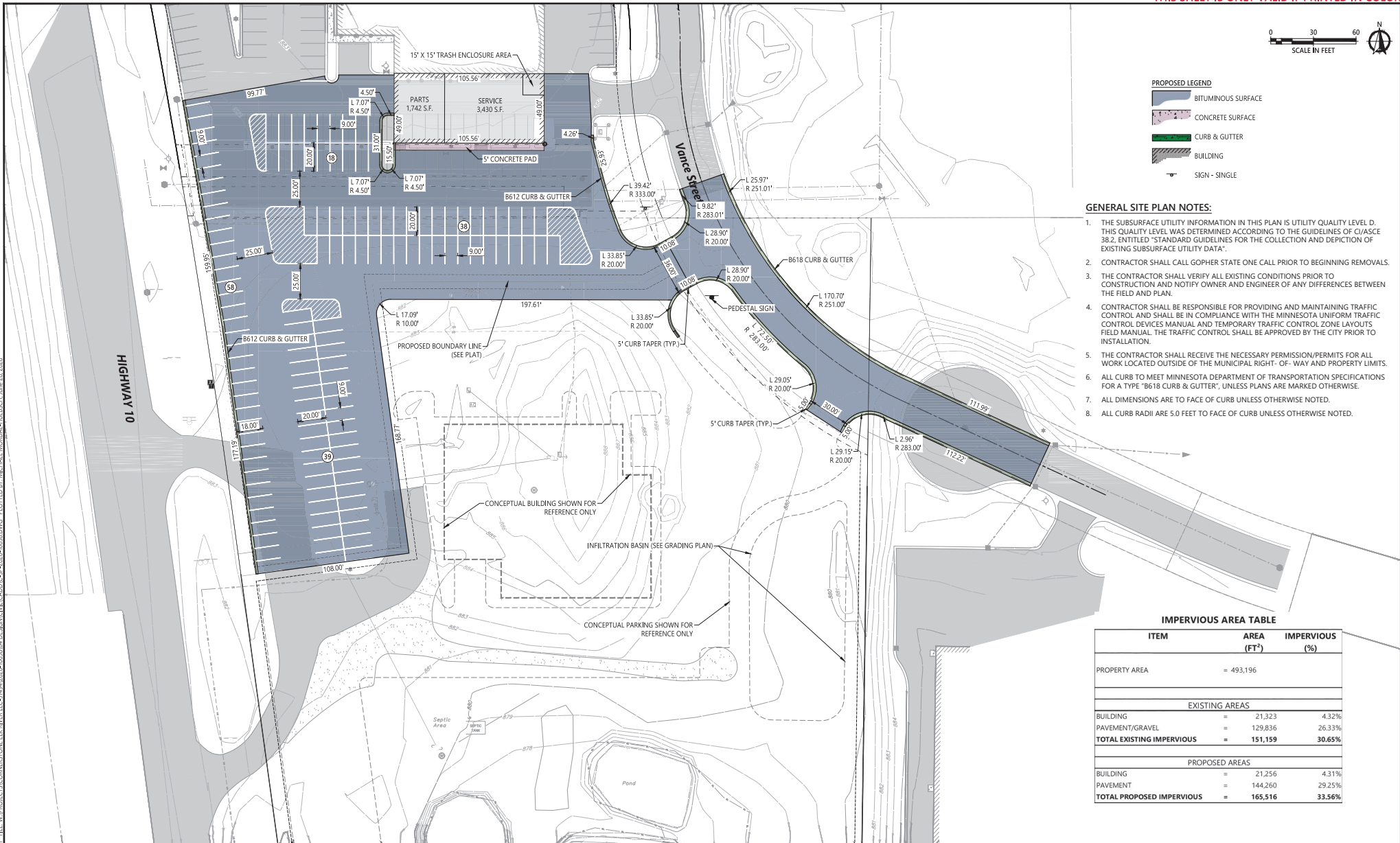
OVERALL SITE PLAN

C5.00

PROJECT #: 2026-10658

© 2026 WIDSETH FILE: W:\PROJECTS\CORNERSTONE ELK RIVER LLC-5149\4.2026-10658\04 DESIGN\CIVIL\CADD\C-S-P-2026-10658.DWG PLOTTED BY: MICHAEL MORDAL-HUEBSCH, June 26, 2026

© 2025 WIDSETH, P.E. W:\PROJECTS\CORNERSTONE ELK RIVER, LLC\51694-2025-10658.DWG. PLOTTED BY: MICHAEL MORDAL-HUEBERSCH, June 26, 2025



- PROPOSED LEGEND**
- BITUMINOUS SURFACE
 - CONCRETE SURFACE
 - CURB & GUTTER
 - BUILDING
 - SIGN - SINGLE

- GENERAL SITE PLAN NOTES:**
1. THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38.2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
 2. CONTRACTOR SHALL CALL GOPHER STATE ONE CALL PRIOR TO BEGINNING REMOVALS.
 3. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY OWNER AND ENGINEER OF ANY DIFFERENCES BETWEEN THE FIELD AND PLAN.
 4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL AND SHALL BE IN COMPLIANCE WITH THE MINNESOTA UNIFORM TRAFFIC CONTROL DEVICES MANUAL AND TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS FIELD MANUAL. THE TRAFFIC CONTROL SHALL BE APPROVED BY THE CITY PRIOR TO INSTALLATION.
 5. THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSION/PERMITS FOR ALL WORK LOCATED OUTSIDE OF THE MUNICIPAL RIGHT- OF- WAY AND PROPERTY LIMITS.
 6. ALL CURB TO MEET MINNESOTA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR A TYPE "B618 CURB & GUTTER", UNLESS PLANS ARE MARKED OTHERWISE.
 7. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 8. ALL CURB RADII ARE 5.0 FEET TO FACE OF CURB UNLESS OTHERWISE NOTED.

IMPERVIOUS AREA TABLE

ITEM	AREA (FT ²)	IMPERVIOUS (%)
PROPERTY AREA	= 493,196	
EXISTING AREAS		
BUILDING	= 21,323	4.32%
PAVEMENT/GRAVEL	= 129,836	26.33%
TOTAL EXISTING IMPERVIOUS	= 151,159	30.65%
PROPOSED AREAS		
BUILDING	= 21,256	4.31%
PAVEMENT	= 144,260	29.25%
TOTAL PROPOSED IMPERVIOUS	= 165,516	33.56%

DRAWN BY: MIM

CHECKED BY: MIM

PROJECT CERTIFY THAT THE PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

NOT FOR CONSTRUCTION

MICHAEL MORDAL-HUEBERSCH LIC. NO. 61148 DATE: ---

DATE	REV	DESCRIPTION

ELK RIVER KIA SITE EXPANSION

SITE & DIMENSION PLAN

C5.01

PROJECT #: 2025-10658



Cornerstone Kia

Plat and
Conditional Use Permit

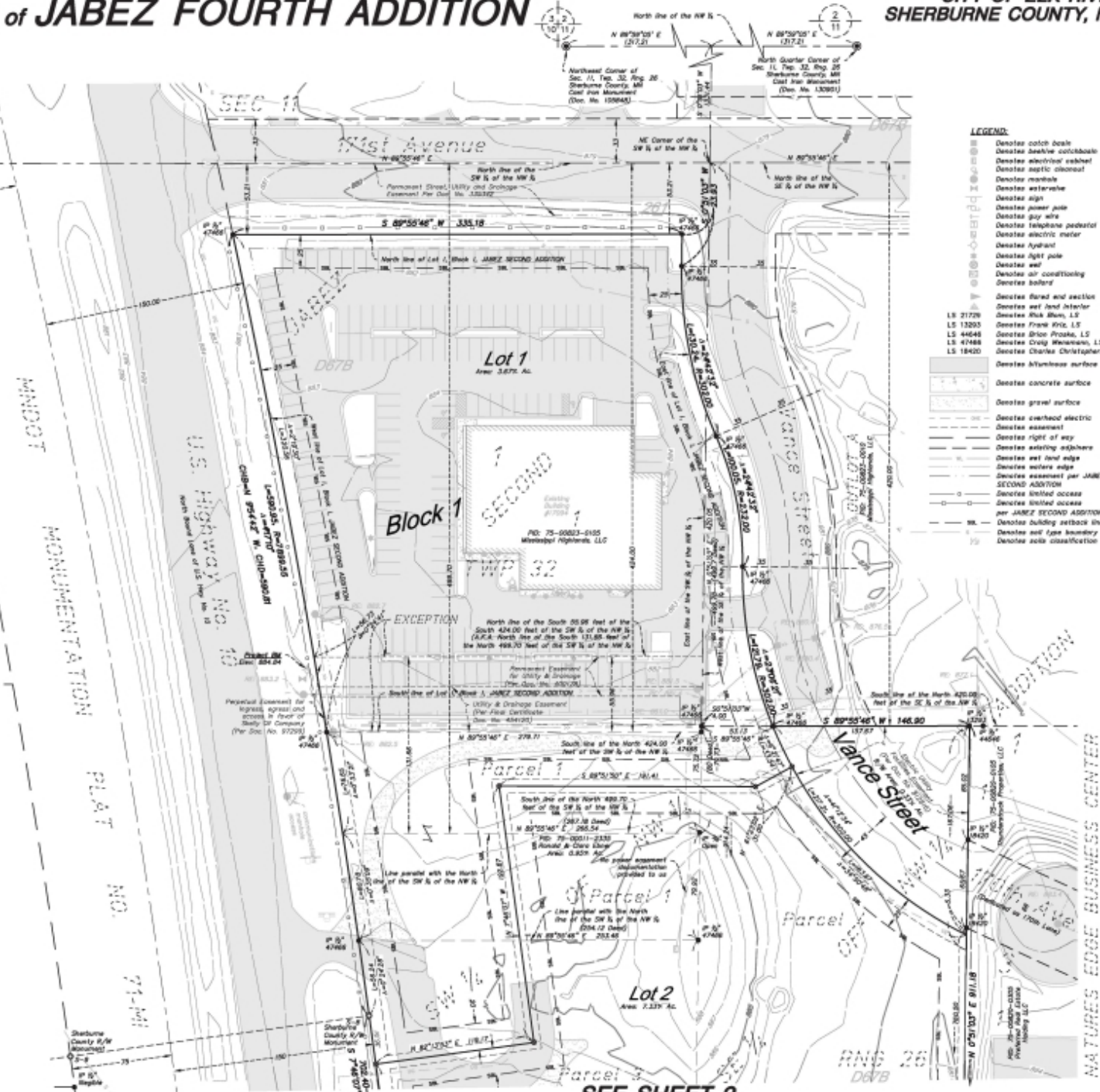




Background

- Cornerstone Kia is proposing an expansion into the former Ebner Bait location.
 - Requires a plat and a CUP for the use
- ~5,100 SF expansion for parts and service
- Additional parking for service and display.
- Plat expands existing site and facilitates extension of Vance Street.
 - Easements will remain in place

**CITY OF ELK RIVER
SHERBURNE COUNTY, MN**

City of Elk River Page 10

City of Elk River Page 10

City of Elk River Page 10





5-00679-0206

75-00011-2205

75-00786-0105

75-00823-0010

75-00666-0105

75-00011-2300

75-00947-0105

75-00820-0205

75-00820-0105

00494-0105

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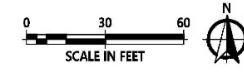
75-00820-0010

494-0120

75-00494-0205

75-00494-0210

75-00011-3206



PROPOSED LEGEND

- BITUMINOUS SURFACE
- CONCRETE SURFACE
- CURB & GUTTER
- BUILDING
- SIGN - SINGLE

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PROPOSED AREAS		
BUILDING	= 21,256	4.31%
PAVEMENT	= 144,260	29.25%

City Codes

- Ordinance requires the addition of parking lot islands and landscaping plans.
 - Added as conditions of approval

Applicable Regulations

- Staff's analysis of the application shows compliance with all the standards required for approval of the Preliminary plat CUP, subject to the recommended conditions.

Action Requested

- Recommend, by motion, approval of the preliminary plat for JABEZ FOURTH Addition, subject to the five conditions in the memo.
- Recommend, by motion, approval of the CUP approving expansion of the auto dealership, subject to the five conditions noted in the memo.

City Council Meeting

- If acted on, this item will go to the August 17, 2026, City Council meeting



Request for Action

To
Planning Commission

Item Number
5.3

Meeting Date
July 28, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Interim Use Permit: Home Business (Salon), Stacey
Cleveland — 10218 187th Ave NW

Reviewed by
Zack Carlton

Action Requested

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

1. The IUP will expire upon the sale of the property.
2. Customer parking is only allowed on the private driveway.
3. The building and business must meet Minnesota State Building Codes and the Minnesota Board of Cosmetology requirements.

Background/Discussion

The applicant is requesting approval of an Interim Use Permit (IUP) to operate an in-home hair salon as a residential occupation within an existing single-family residence located at 10218 187th Avenue. The subject property is approximately 0.2 acres in size and is zoned Planned Unit Development (PUD).

The proposed salon will be located in a dedicated room immediately adjacent to the home's front entry. Interior improvements include construction of a partition wall to separate the salon from the remainder of the residence, installation of a dedicated interior entrance door, plumbing for a shampoo sink, handwashing sink, and customer restroom, along with life safety improvements required by the Minnesota State Building Code and the Minnesota Board of Cosmetology. No additions or structural changes to the exterior of the home are proposed, and no commercial signage is planned.

The business will operate by appointment only, serving one client at a time. All customer parking will be accommodated on the existing driveway with no anticipated street parking.

Access to the site is provided from 187th Avenue via the existing residential driveway. Essential public services, including streets, police protection, and fire protection, are available to serve the property.

The Elk River Vision

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

The City's Comprehensive Plan designates the property as Mixed Residential, which supports a variety of residential housing types while allowing compatible, low impact uses that maintain neighborhood character. Staff find the proposed residential occupation to be consistent with this land use designation.

Pursuant to Section 30-801 of the City Code, the IUP shall terminate upon the sale of the property or expiration of a lease.

Applicable Regulations

Before approving an Interim Use Permit, the City Council must make the following findings:

1. The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.

The proposed use is a low-intensity residential occupation that is limited to appointment-only customers with one client on-site at a time. No exterior alterations or commercial signage are proposed, and all customer parking will occur on the existing driveway. Additionally, pursuant to Section 30-801 of the City Code, the IUP will terminate upon the sale of the property or expiration of a lease, ensuring the use does not continue indefinitely.

With the proposed conditions, this standard should be met.

2. There is adequate assurance that the property will be left in suitable condition after the use is terminated.

The proposed improvements are limited to interior modifications within the existing home. Upon termination of the IUP, the property can readily continue to function as a single-family residence without requiring significant site restoration.

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

3. The use is similar to uses allowed in the zoning district in which the property is located.

The proposed in-home hair salon is a residential occupation that is accessory to the principal residential use of the property. Residential occupations are compatible with residential neighborhoods when operated in a manner that minimizes impacts to surrounding properties.

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

4. The date or event that will terminate the use can be identified with certainty.

Section 30-801 of the City Code provides that the IUP shall terminate upon the sale of the property or expiration of a lease. This provides a clearly identifiable termination event.

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

5. Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

The proposed residential occupation utilizes an existing home and existing public infrastructure. No additional public improvements or services are required, and there do not appear to be additional costs imposed upon the City because of the request.

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

6. The applicant and user agree to all conditions that the City Council deems appropriate for authorization of the interim use.

Compliance with this criterion will be determined by the City Council upon consideration and acceptance of the conditions of approval included with the IUP.

7. *The applicant provides assurances deemed adequate by the City Council that the use will terminate as provided in the Interim Use Permit.*

The IUP will include provisions requiring the use to terminate upon the sale of the property or expiration of a lease in accordance with Section 30-801 of the City Code. The City Council may require additional assurances or security if deemed necessary.

With the proposed conditions, this standard should be met.

8. *Authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.*

The proposed salon will operate entirely within the existing residence with one client served at a time by appointment only. The applicant proposes interior improvements that include code-compliant plumbing, life safety features, smoke and carbon monoxide detection, and fire protection equipment. Existing access, parking, and public services are adequate to accommodate the proposed use.

With the proposed conditions, this standard should be met.

9. *The proposed interim use is consistent with the City of Elk River Comprehensive Plan and conforms to the City's zoning regulations.*

The Comprehensive Plan guides the property as Mixed Residential, which is intended to preserve residential neighborhoods while accommodating compatible, low-impact uses. The proposed residential occupation maintains the residential character of the property, requires no exterior commercial modifications, and is subordinate to the principal residential use. The request conforms to the intent of the Planned Unit Development zoning district and is consistent with the City's Comprehensive Plan.

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

With the proposed conditions, the proposed IUP appears to satisfy the required findings of Section 30-801 of the City Code. The proposed in-home hair salon is a low-impact residential occupation that is compatible with the surrounding neighborhood, utilizes existing public infrastructure, and is consistent with the City's Comprehensive Plan and zoning regulations.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Work with citizens to achieve goals.

Attachments

1. Location Map
2. Narrative
3. Site Plan
4. Submitted Floor Plan
5. Main Floor
6. House Image
7. Presentation



Project Location Map

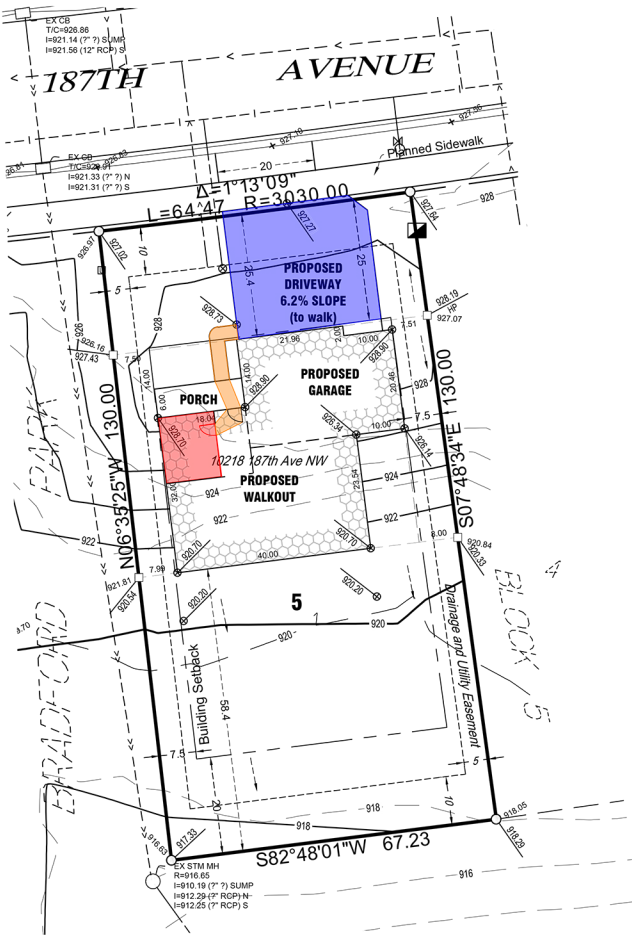
Stacey Cleveland

Interim Use Permit

Case No: IU 26-02



Legal Description of Property
Lennar Corporation - Bradford Park Lot 5, Block 5
A Written Narrative see Description of Project Narrative
In Home Salon: The business will occupy the dedicated room located immediately off the home's front entryway, with the layout and square footage shown on the attached Site Plan / Floor Plan. Construction Scope of Work: The proposed interior layout modifications will create a fully enclosed and contained business space. Construction details include- Framing & Partitioning: Building a interior partition wall to fully enclose and separate the salon room from the residential front entry and main entryway. Doors & Access: Installing a dedicated entry door to the salon room. Clients will enter the home through the existing front door and step directly through the new door into the salon entrance to the right. Plumbing Additions: Adding code-compliant plumbing lines to support three fixtures: Customer bathroom, one dedicated hair shampoo sink, and one separate handwashing sink as needed by the MN Board of Cosmetology. HVAC & Ventilation: Utilizing the existing mechanical ventilation infrastructure to ensure proper fresh air exchange and exhaust capabilities. Life Safety Compliance: The salon space will feature a fully updated life safety layout including: One dedicated, fully serviced ABC-rated fire extinguisher. Interconnected smoke detectors, carbon monoxide alarm positioned in compliance with the Minnesota State Building Code. A clear, unblocked emergency exit. Operational Details: The salon will operate on an appointment-only basis. No walk-in clients will be accepted. Traffic & Parking: Customer volumes are one client at a time. All client vehicle parking will be fully contained within the existing residential driveway; no street parking will be used. Exterior Impact: No structural changes, additions, or commercial signage will be added to the exterior of the residential structure.



GRADING QUANTITIES (CY)	
Calc Common Cut	-101
Calc Common Fill	219
Driveway*	-22
Basement Slab	-27
Contracted Amount	-50
Additional Amount	-0
Sand	-7
Swell 20%	44
Total Cut	-207
Total Fill	263
Total (+)	56

Note: Cut and fill quantities include building excavation, driveway, and lot grading.

CONSTRUCTION NOTES:

1. Install rock construction entrance.
2. Install silt fence as needed for erosion.
3. Sidewalks shall drain away from house a minimum of 1%.
4. Contractor must verify driveway design.
5. Contractor must verify service elevation prior to construction.
6. Add or remove foundation ledge as required.

GENERAL NOTES:

1. Associated permit plan by ISG, submitted on December 5, 2023 was used to determine proposed elevations shown hereon.
2. This survey does not purport to show improvements or encroachments, except as shown, as surveyed by ISG or under my direct supervision.
3. Proposed building dimensions shown are for horizontal location of structures on the lot only. Contact builder prior to construction for approved construction plans.
4. No specific soil investigation has been performed on this lot by the surveyor. The suitability of soils to support the specific house proposed is not the responsibility of the surveyor.
5. If building footprint exceeds the building pad, additional earthwork and testing will be required to meet the requirements as outlined within the geotechnical report.
6. This certificate does not purport to show easements other than those shown on the recorded plat.
7. Bearings shown are based on the Final Plat.
8. Site address is 10218 187th Avenue NW, Elk River, MN 55330
9. House/Basement type: Vanderbilt EK02 C3 - Left - Walkout.
10. Building dimensions shown are based on First Floor Plan.
11. Proposed Contours are shown hereon.
12. Site conditions did not allow for a topographic survey or house staking on April 8, 2025.

BENCHMARK:

Top nut fire hydrant located in the SW quadrant of Twin Lakes Parkway and 188th Avenue NW.
Elevation = 950.10 feet

AREA TABLE:

House/Garage Area = 1,792 sq. ft.
Porch Area = 108 sq. ft.
Driveway/Walk Area = 825 sq. ft.
Total Impervious Area = 2,725 sq. ft.

Lot Area = 8,552 sq. ft.

Impervious Coverage = 31.9%

HOUSE ELEVATIONS:

Proposed/As-Built

Garage Floor = 928.9
Top of Foundation = 929.2
Lowest Floor = 921.2
RGE = 920.7

ISG



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

MARK A. SCHWARTZ
Mark A. Schwartz
DATE 4/15/25 LIC. NO. 45817

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PROJECT

LENNAR CORPORATION
BRADFORD PARK
LOT 5, BLOCK 5

ELK RIVER MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

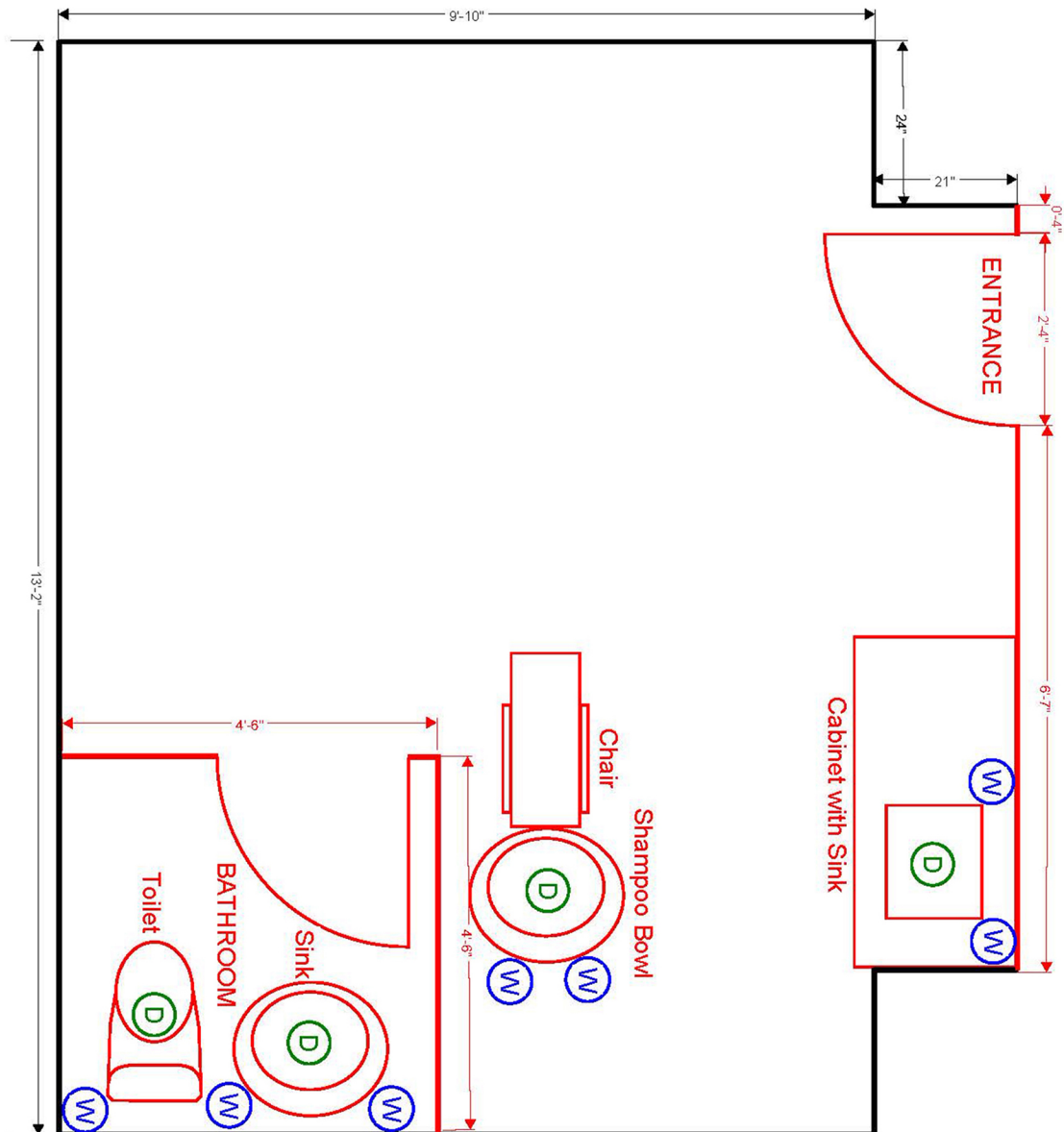
PROJECT NO. 23-28883
CAD FILE NAME 28883 LS.B5
DRAWN BY JAY
DESIGNED BY
REVIEWED BY MAS
ORIGINAL ISSUE DATE
CLIENT PROJECT NO. -

TITLE

CERTIFICATE OF SURVEY

SHEET

- (D) Drain Connection
- (W) Water Supply
- Permanent Structure

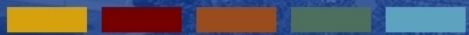






Stacey Cleveland

Home Business
Interim Use Permit



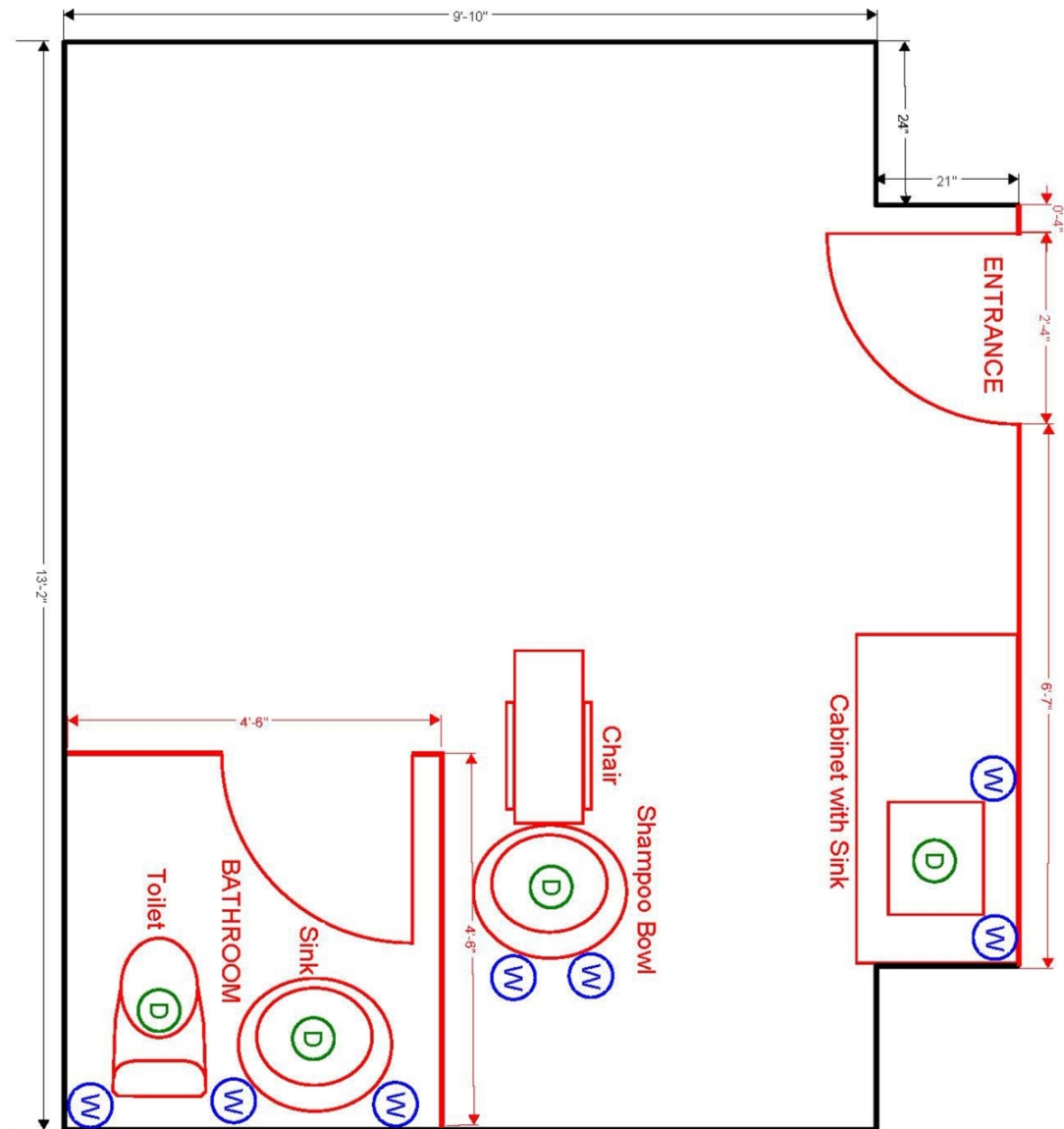


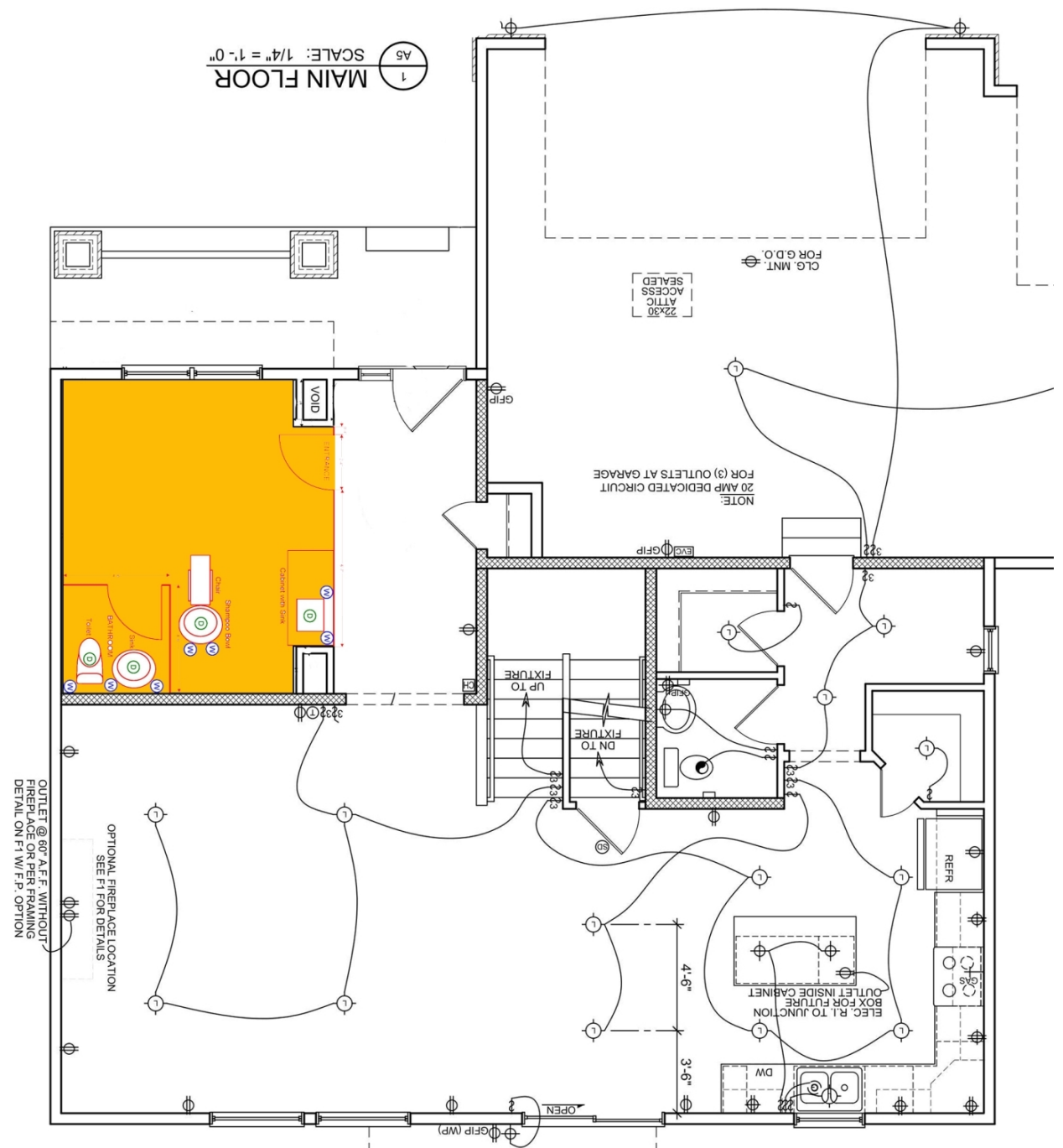
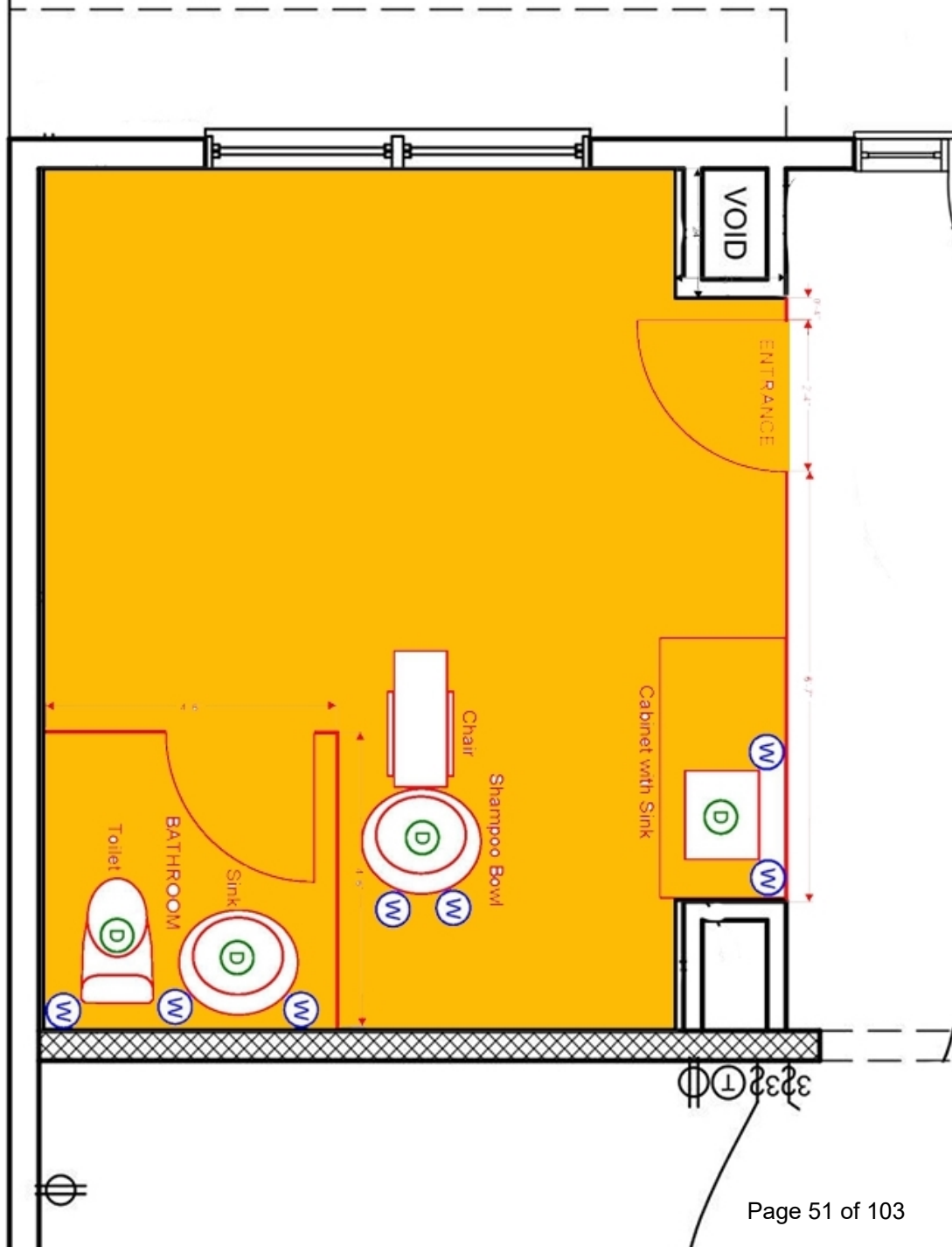
Background

- **IUP for Residential Occupation**
 - **In-home salon (~130 sqft)**
 - **Lot size 0.2 acres**
- **Room adjacent to the front entrance**
- **One client at a time**
 - **Appointment only**
 - **No walk ins**
- **Parking on driveway**



- (D) Drain Connection
- (W) Water Supply
- Permanent Structure





Applicable Regulations

- Should the city require the salon improvements to be removed prior to sale?
 - Secure an Escrow?

Applicable Regulations

- Staff's analysis of the application shows compliance with 7 of the 9 standards required for approval of the IUP
- With the recommended conditions, the other standards are satisfied

Action Requested

- Recommend, by motion, approval of an IUP with the three (3) conditions outlined in the memo

City Council Meeting

- If acted on, this item will go to the August 17, 2026, City Council meeting



Request for Action

To
Planning Commission

Item Number
5.4

Meeting Date
July 28, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Conditional Use Permit: Industrial Expansion with
Overhead Doors, CDI Curbs - 17560 Tyler St NW

Reviewed by
Zack Carlton

Action Requested

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

1. Additional year-round evergreen landscaping shall be planted along the north property line to screen the overhead doors and satisfy the screening standards set forth in Section 30-654.
2. The CUP will not be recorded until the property lines have been adjusted to accommodate the proposed building site.
3. Easements running along the existing property boundary must be vacated prior to building permit issuance.

Background/Discussion

The subject property is zoned Focused Area Study (FAST) Subzone C, which references the Business Park (BP) zoning district. The applicant is requesting a Conditional Use Permit (CUP) to allow overhead doors facing a major street on the north side of a proposed building addition. The addition will double the size of the existing business and is intended to accommodate the continued growth and operational needs of the business.

Comprehensive Plan

The city's Comprehensive Plan guides the property for Business Park land uses. The Business Park designation supports office and corporate campus development along major transportation corridors, utilizing natural amenities to create attractive employment centers while serving as a transition between higher intensity industrial uses and lower intensity residential neighborhoods. The proposed expansion represents the continued investment and growth of existing employment within the area and is consistent with the Comprehensive Plan.

Site Plan

The property has access from Tyler Street, and the submitted site plan includes a right-in/right-out access

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onto Twin Lakes Road NW. The Engineering Department does not have concerns with additional access as it relates to traffic operations or safety.

As part of the project, the applicant will acquire a portion of the city-owned property immediately north of the site through a lot line adjustment. The city will continue to own the remnant vacant parcel.

Building Design

The proposed building materials consist of precast concrete, glass, and metal, which are durable, high-quality materials that are compatible with surrounding commercial and industrial development.

The applicant explored alternative building layouts that would orient the loading docks away from the public street. However, the presence of an existing gas easement significantly limits site design options. One proposal oriented the loading docks toward the west, away from Twin Lakes Road NW, by incorporating a large truck and trailer loading notch into the building footprint. This design ultimately proved impractical as it reduced the efficiency of production and shipping operations. Due to the unique constraints of the corner lot and the existing utility easement, complete avoidance of overhead doors facing a street was not feasible.

Although the overhead doors face Twin Lakes Road NW, they are approximately 200 feet from the roadway. The distance provides opportunity for effective screening. The applicant proposes landscaping to screen the loading area from public view. To complement the proposed screening, staff recommend requiring year-round evergreen landscaping along the north side of the property to further minimize views of the overhead doors throughout the year. See Staff Landscape Exhibit.

Parking

Based on the proposed office and industrial floor areas, 163 parking spaces are required, including six ADA-accessible spaces.

- Office: $8,550 \text{ square feet} \div 300 = 29 \text{ spaces}$
- Industrial: $63,950 \text{ square feet} \div 500 = 128 \text{ spaces} + 6 \text{ additional spaces} = 134 \text{ spaces}$
- Total Required: 163 spaces (including six ADA spaces)

The site plan includes 157 standard parking spaces and six ADA-accessible spaces, for a total of 163 parking spaces. City parking requirements are satisfied.

Applicable Regulations

The issuance of a Conditional Use Permit can be ordered only if the use satisfies the following standards:

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.

The proposed building addition is an expansion of an existing business within the Business Park and is compatible with surrounding commercial and industrial development. While the overhead doors will face Twin Lakes Road NW, the unique site constraints created by the existing gas easement limit alternative building orientations. The overhead doors are located a considerable distance from the roadway and will be screened through landscaping and staff have recommended additional year-round evergreen plantings to maintain the visual barrier. With these measures, the proposal will not adversely affect neighboring properties or the public welfare.

2. Will be consistent with the Comprehensive Plan.

The Comprehensive Plan guides the property for Business Park uses. The proposed expansion supports continued employment growth within an established business park located along major transportation corridors and is consistent with the Comprehensive Plan's vision for this area.

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.

The project will not impede future development of surrounding property. The applicant's acquisition of a portion of the adjacent city-owned parcel through a lot line adjustment will leave one vacant parcel which will continue to be owned by the city.

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.

Essential public facilities and services, including streets, police, fire protection, sanitary sewer, water, drainage, and utilities are available to serve the site. The Engineering Department has reviewed the proposed right-in/right-out access on Twin Lakes Road NW and determined that it is acceptable. The development is not anticipated to create traffic congestion or adversely impact adjacent roadways.

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 proposal is an expansion of an existing industrial operation within an area planned and zoned for Business Park uses. No evidence has been presented indicating the expansion will create detrimental impacts beyond those typically associated with permitted industrial activities. Screening improvements will further reduce visual impacts associated with loading operations.

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 proposed addition will not impact known natural, scenic, or historic resources 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 proposed development complies with applicable zoning standards, including parking requirements. The site provides the required 163 parking spaces, including 6 ADA-accessible spaces. The proposed building materials are consistent with the city's architectural material standards, but the elevations need to be adjusted to comply with the depth change requirements, but does not affect the CUP review. Subject to approval of the associated lot line adjustment and the recommended conditions of approval, the project complies with all applicable provisions of the City Code.

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

The CUP application satisfies the required findings for approval. Although the orientation of the overhead doors toward Twin Lakes Road NW is not ideal, the applicant has demonstrated that site constraints created by the existing gas easement and the corner lot configuration significantly limit alternative building layouts. The proposed screening plan, together with the staff-recommended conditions requiring additional year-round evergreen landscaping along the north property line, will substantially mitigate views of the loading area and overhead doors. The proposal is consistent with the Comprehensive Plan, meets all applicable zoning requirements, provides adequate parking and public services, and is not expected to adversely impact surrounding properties.

Financial Impact

None

Mission/Policy/Goal

Meet changing needs - agile.

Opportunity to live, work, and play.

Support the growth and development of the community.

Attachments

1. CU 26-10 Location Map
2. Narrative
3. Site Plan
4. Staff Site Plan
5. Landscape Plan
6. Building Plans
7. Landscape Plan Staff
8. Presentation



Project Location Map

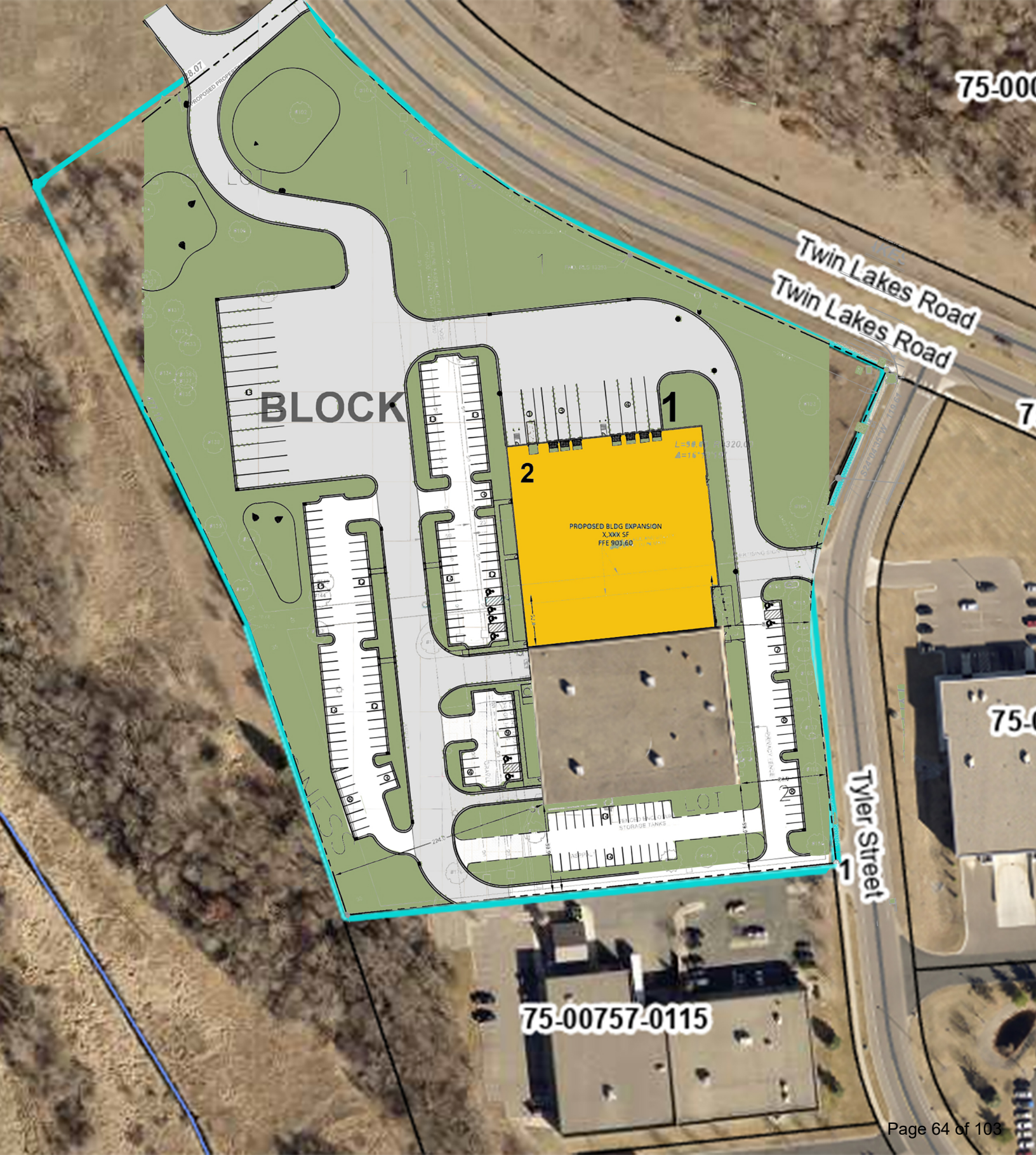
CDI

Conditional Use Permit

Case No: CU 26-10

Legal Description of Property	
The narrative is your opportunity to describe, promote, and sell your proposal to the Planning Commission and/or City Council before the meeting(s). Please fill in the following information <i>explaining</i> your request in detail (<i>type N/A if not applicable</i>). Describe the scope of your project (what is being proposed)? <i>For example: we are proposing the construction of a new daycare facility or, to allow for a motor vehicle sales office with motor vehicle repairs in X-square feet of the existing building.</i>	
The proposed addition is attempting to work around an existing gas easement. In order to face docks toward the west (away from Twin Lakes Road NW) instead of the north, a large (truck and trailer sized) loading area had to be notched out of the footprint of the addition in order to accommodate that easement. A design was attempted but proved to inhibit the flow and efficiency of production and shipping. Due to nature of the corner lot, orientation towards a street is difficult to avoid - however given the distance from the road (between roughly 150'-300') there is room for, and the tenant is planning to install screening comprised of fencing, berms and plantings.	
Hours of Operation	3 shifts - 24 hrs, but business hours are 7:30-5:00
Number of Employees	128 current employees
Number of parking stalls required by ordinance: City Ordinance Section 30-903 outlines these requirements.	Ratio: Office 1:300 Industrial 1:500 + 6 spaces Required: Office $8,550 / 300 = 29$ Industrial $63,950 / 500 = 128 + 6 = 134$ Total = 163 (6 ADA req'd) Provided: $157 + 6 \text{ ADA} = 163 \text{ total}$
Number of existing and proposed parking stalls	62 existing 163 proposed
If screening, not associated with outdoor storage, is being proposed, what will it consist of?	N/A

What are the proposed building materials? <i>The required building materials vary from zoning district to zoning district.</i>	Precast Concrete, Glass, Metal
Is outdoor storage being proposed? If yes, detail what is being stored, how much/many, and what is the proposed screening? City Ordinance Section 30-807 outlines these requirements.	No.



75-000

Twin Lakes Road
Twin Lakes Road

BLOCK

2

1

PROPOSED BLDG EXPANSION
X,XXX SF
PFE 903.60

Tyler Street

75-0

75-00757-0115



GENERAL PROJECT NOTES

1. OWNER FURNISHED EQUIPMENT SUPPLIERS ARE TO COORDINATE FINAL LOCATION OF EQUIPMENT AND INSTALLATION WITH THE OWNER.
2. ELECTRICAL CONTRACTOR & CABLE CONTRACTOR ARE RESPONSIBLE FOR REPAIRING ANY DAMAGE CAUSED TO WALLS, FINISHES, CEILING ETC. IN THE COURSE OF THEIR CONSTRUCTION. IF CONTRACTORS BEGIN WORK IN AN AREA WITH EXISTING DAMAGE THEY ARE TO IMMEDIATELY NOTIFY THE OWNER OR ASSUME RESPONSIBILITY OF SUCH DAMAGE.



1000 Twelve Oaks Center Drive
Suite 200, Wayzata, MN 55391
T: 952-426-7400
F: 952-426-7440

MohagenHansen.com

NOT FOR
CONSTRUCTION

THE ARCHITECT SHALL BE DEEMED THE AUTHORS AND OWNERS OF THEIR RESPECTIVE INSTRUMENTS OF SERVICE AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHTS OF THE ATTACHED DOCUMENTS.

CDI EXPANSION AND RENOVATION

CDI CUSTOM CURB
ADAPTERS
17560 TYLER ST NW
ELK RIVER, MN 55330

NO.	DESCRIPTION	DATE

PROJECT NUMBER: 23302

DRAWN BY: Author

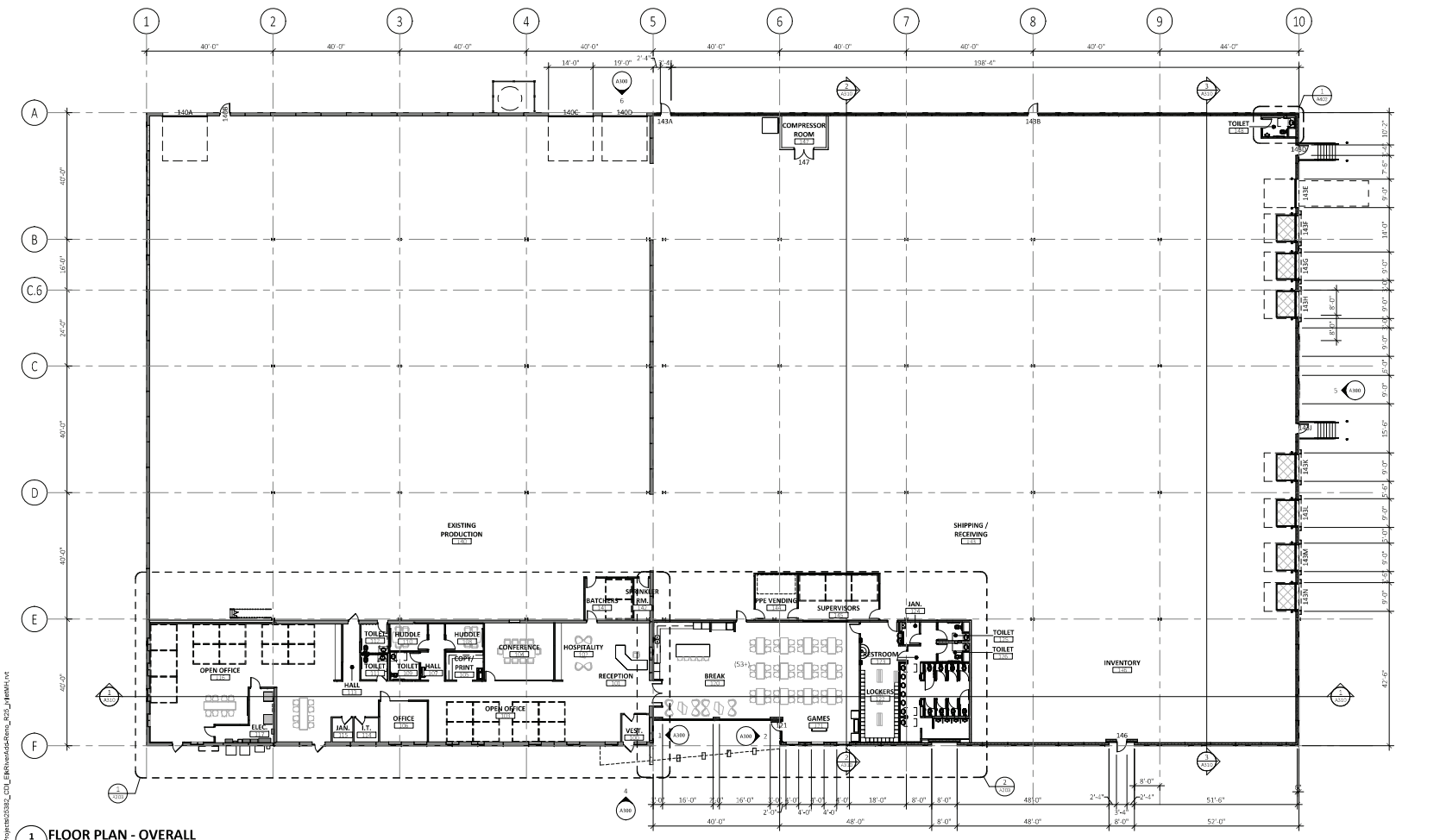
CHECKED BY: Checker

DATE: ISSUE DATE

COMPUTER DIRECTORY: C:\CDI302_CD1_ElkRiver\cds\Rev

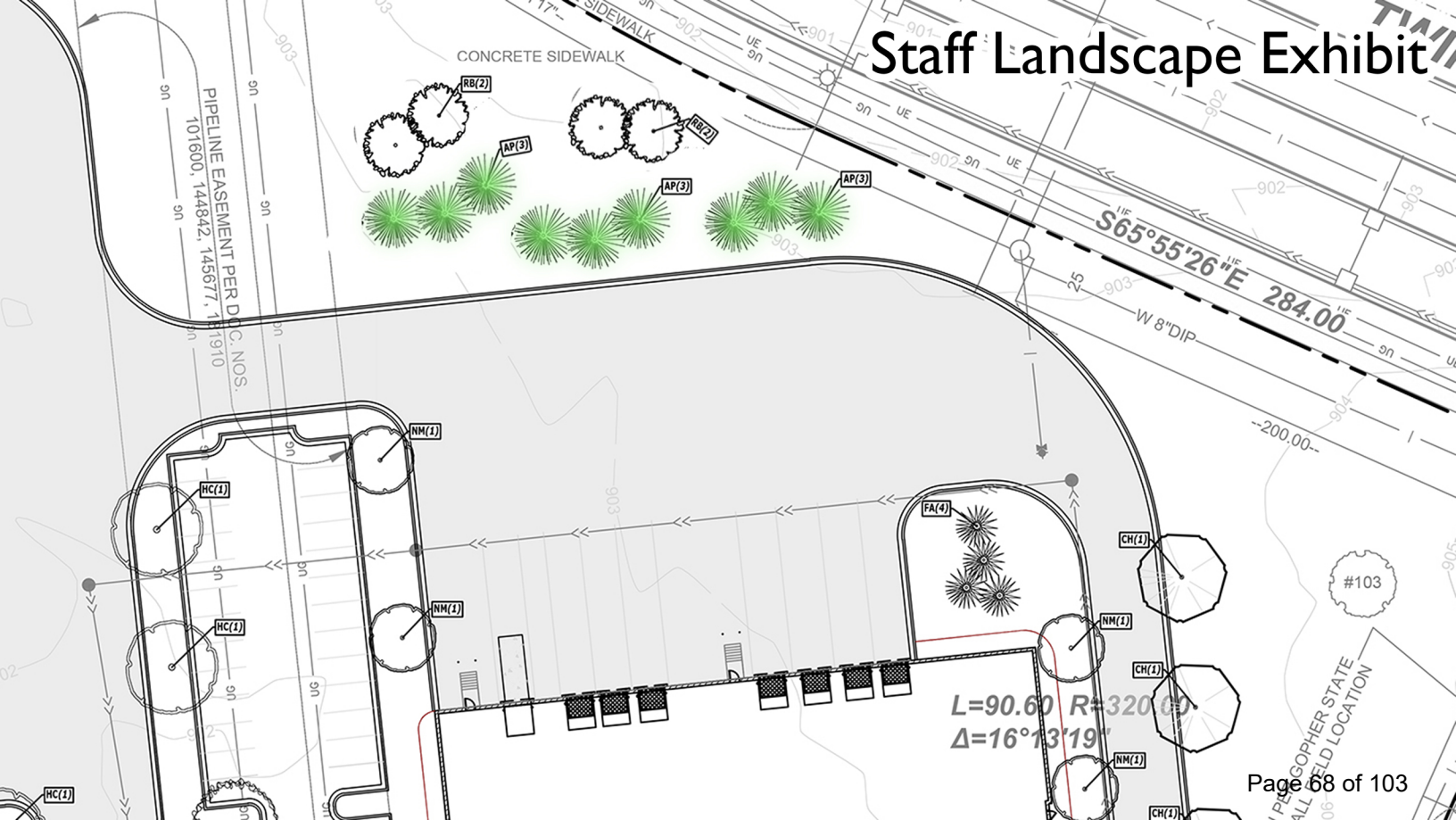
FLOOR PLAN - FIRST LEVEL

A201



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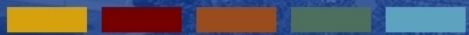
Staff Landscape Exhibit





Conditional Use Permit

Overhead Doors with Industrial Use -
CDI



Background

- **FAST Subzone C**
 - **Follows BP**
- **CDI expanding**
 - **Light manufacturing use doubles in size**
- **Lot line adjustment needed before permit release.**

Background

- Overhead doors facing major street = CUP
 - Not reviewing the use
- Site constraints
 - Existing gas easement
 - Corner lot configuration
- Limit alternative building layouts



75-00002-3101

75-00757-0105

Twin Lakes Road
Twin Lakes Road

75-00002-3102

75-00757-0010

75-00757-0205

Tyler Street

75-00757-0115

75-00757-0210



75-00757-0105

75-00002-3101

Twin Lakes Road
Twin Lakes Road

75-00002-3102

2

75-00757-0010

75-00757-0205

Tyler Street

75-00757-0115

75-00757-0210



75-00002-3101

Twin Lakes Road
Twin Lakes Road

75-00002-3102

75-00757-0010

75-00757-0205

Tyler Street

75-00757-0115

75-00757-0210



75-00002-3101

Twin Lakes Road
Twin Lakes Road

75-00002-3102

BLOCK

1

2

PROPOSED BLDG EXPANSION
X,XXX SF
FFE 903.60

75-00757-0010

75-00757-0205

Tyler Street

75-00757-0115

75-00757-0210

Landscaping

- **Overhead doors**
 - **Considerable distance from the roadway**
 - **Screened through proposed landscaping**
 - **More year-round evergreens – staff recommended**
- **With these measures, the proposal will not adversely affect neighboring properties or the public welfare**

Staff Landscape Exhibit



Applicable Regulations

- Staff's analysis of the application shows compliance with 6 of the 7 standards required for approval of the CUP
- With the recommended conditions, the other standard should be complied with

Action Requested

- Recommend, by motion, approval of the CUP with the condition that additional year-round evergreen landscaping be planted along the north property line to satisfy the standards set forth in Section 30-654.

City Council Meeting

- If acted on, this item will go to the August 17, 2026, City Council meeting



Request for Action

To
Planning Commission

Item Number
5.5

Meeting Date
July 28, 2026

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Conditional Use Permit: Municipal Liquor Store,
City of Elk River - 19417 Evans St NW

Reviewed by
Zack Carlton

Action Requested

Recommend, by motion, approval of the Conditional Use Permit as the standards set forth in Section 30-654 are satisfied.

Background/Discussion

The City of Elk River is requesting approval of a Conditional Use Permit (CUP) to amend the Hillside Crossing Planned Unit Development (PUD) to allow "Liquor establishments, off sale (municipally owned)" as a conditional use within the development. Concurrently, the city is requesting a CUP to construct a new 16,500-square-foot municipal liquor store on the subject property.

The subject property is one of only two remaining vacant parcels within the area, which includes a fully developed commercial center that includes a grocery store, home improvement retailer, restaurant, and numerous other commercial businesses. Established residential neighborhoods are located to the east of the development.

The city's existing municipal liquor store, located across Evans Street from the proposed site, was originally approved under the "Governmental, Business and Professional Offices" use classification. Since that time, the city's zoning ordinance has been amended to specifically identify "Liquor establishments, off-sale (municipally owned)" as a CUP within the Highway Commercial (C3) zoning district. Because the Hillside Crossing PUD predates this ordinance amendment, the requested PUD amendment is necessary to maintain consistency between the zoning ordinance and the approved PUD.

The proposed development includes a new 16,500-square-foot municipal liquor store with vehicular access provided from Evans Street through an existing shared access easement. The primary public entrance will be located on the north side of the building, while service functions, including the loading dock, dumpster enclosure, and screened refuse area, will be located on the east side of the building. The dumpster enclosure includes a masonry privacy wall with an opaque gate.

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

A total of 59 parking stalls are proposed, exceeding the minimum ordinance requirement of 51 stalls. The building will be constructed using a non-combustible steel frame with EIFS and Nichiha siding to provide a high-quality architectural appearance consistent with surrounding commercial development.

Applicable Regulations

1. The proposed 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.

The proposed municipal liquor store is compatible with the surrounding commercial development and represents a continuation of existing commercial land uses within the Hillside Crossing PUD. The site is surrounded by established commercial businesses, with the city's existing municipal liquor store located directly across Evans Street. The development has been designed with appropriate building placement, parking, access, loading facilities, and screening to minimize impacts on neighboring properties. The proposed use should not adversely affect surrounding properties or the general welfare of the area.

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

2. The proposed use will be consistent with the Comprehensive Plan.

The Comprehensive Plan guides the property as Highway Business, which is intended to accommodate regional commercial uses serving both residents and visitors. A municipal off-sale liquor establishment is consistent with this land use designation and complements the existing commercial uses within the PUD. The request is consistent with the goals and policies of the Comprehensive Plan.

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

3. The proposed use will not impede the normal and orderly development and improvement of surrounding vacant property.

The subject property is one of only two remaining undeveloped parcels within the area. Development of this site completes an intended commercial pad within the overall development and is consistent with the established pattern of commercial growth. The proposal will not hinder the future development of the remaining vacant parcel or surrounding properties.

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

4. The proposed 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 create traffic congestion or interfere with traffic on adjacent and neighboring public thoroughfares.

The property is fully served by existing public infrastructure, including municipal water, sanitary sewer, stormwater facilities, streets, police, and fire protection. Access is provided through an existing shared access easement from Evans Street, which has been designed to accommodate commercial traffic within the development. The site provides 59 parking spaces, exceeding the minimum parking requirement of 51 spaces. The existing public infrastructure has sufficient capacity to serve the proposed development and the project will not create undue traffic congestion or negatively impact adjacent roadways.

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

5. The proposed use will not involve uses, activities, processes, materials, equipment, or 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 proposed use is a retail commercial establishment operating within an established commercial center. Activities associated with the use are consistent with other retail businesses located within the PUD and are not expected to generate excessive traffic, noise, smoke, fumes, glare, odors, dust, or vibration beyond what

is typical for commercial development. Service activities have been located on the east side of the building and include screened loading and refuse facilities to minimize visual impacts.

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

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

The subject property is a vacant commercial lot within an existing PUD and does not contain any identified natural, scenic, or historic resources of major importance. Development of the site will not result in the destruction or loss of significant environmental or historic features.

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

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

Subject to approval of the requested PUD amendment and CUP, the proposed development will comply with all applicable provisions of the Elk River Zoning Ordinance, building code requirements, engineering standards, and all other applicable regulations. The proposed parking, access, building design, and site layout meet the applicable ordinance requirements, and any required permits and approvals will be obtained prior to construction.

The proposed amendment aligns the Hillside Crossing PUD with the current zoning ordinance, and the request satisfies the CUP standards contained in the City Code. The proposed municipal liquor store is compatible with the surrounding commercial development, consistent with the Comprehensive Plan, adequately served by public infrastructure, and not expected to create adverse impacts on neighboring properties or the public.

Financial Impact

None.

Mission/Policy/Goal

Meet changing needs - agile.

Responsibly grow.

Attachments

1. Location Map
2. Narrative
3. Site Plan
4. Staff Site Plan
5. Floor Plan
6. Rendering
7. Loading Area
8. 5.5 City of ER



Project Location Map

City of Elk River
Conditional Use Permit

Case No: CU 26-08

Legal Description of Property	
The narrative is your opportunity to describe, promote, and sell your proposal to the Planning Commission and/or City Council before the meeting(s). Please fill in the following information <i>explaining</i> your request in detail (<i>type N/A if not applicable</i>). Describe the scope of your project (what is being proposed)? <i>For example: we are proposing the construction of a new daycare facility or, to allow for a motor vehicle sales office with motor vehicle repairs in X-square feet of the existing building.</i>	
We are proposing the construction of a new municipal liquor store at an adjacent site to our existing store.	
Hours of Operation	Monday: 9 AM–10 PM Tuesday: 9 AM–10 PM Wednesday: 9 AM–10 PM Thursday: 9 AM–10 PM Friday: 8 AM–10 PM Saturday: 8 AM–10 PM Sunday: 11 AM–6 PM
Number of Employees	7 FT and 20 PT
Number of parking stalls required by ordinance: City Ordinance Section 30-903 outlines these requirements.	49 stalls and 2 handicap stalls w/ PUD parking easement agreement
Number of existing and proposed parking stalls	57 stalls and 2 handicap stalls
If screening, not associated with outdoor storage, is being proposed, what will it consist of?	Privacy block wall w/ gate screening trash enclosure
What are the proposed building materials? <i>The required building materials vary from zoning district to zoning district.</i>	Non-Combustable steel frame structure w/ EFIS and Nichiha siding.
Is outdoor storage being proposed? If yes, detail what is being stored, how much/many, and what is the proposed screening? City Ordinance Section 30-807 outlines these requirements.	N/A



75-00538-0110

75-00538-0112

75-00566-0230

75-00538-0114

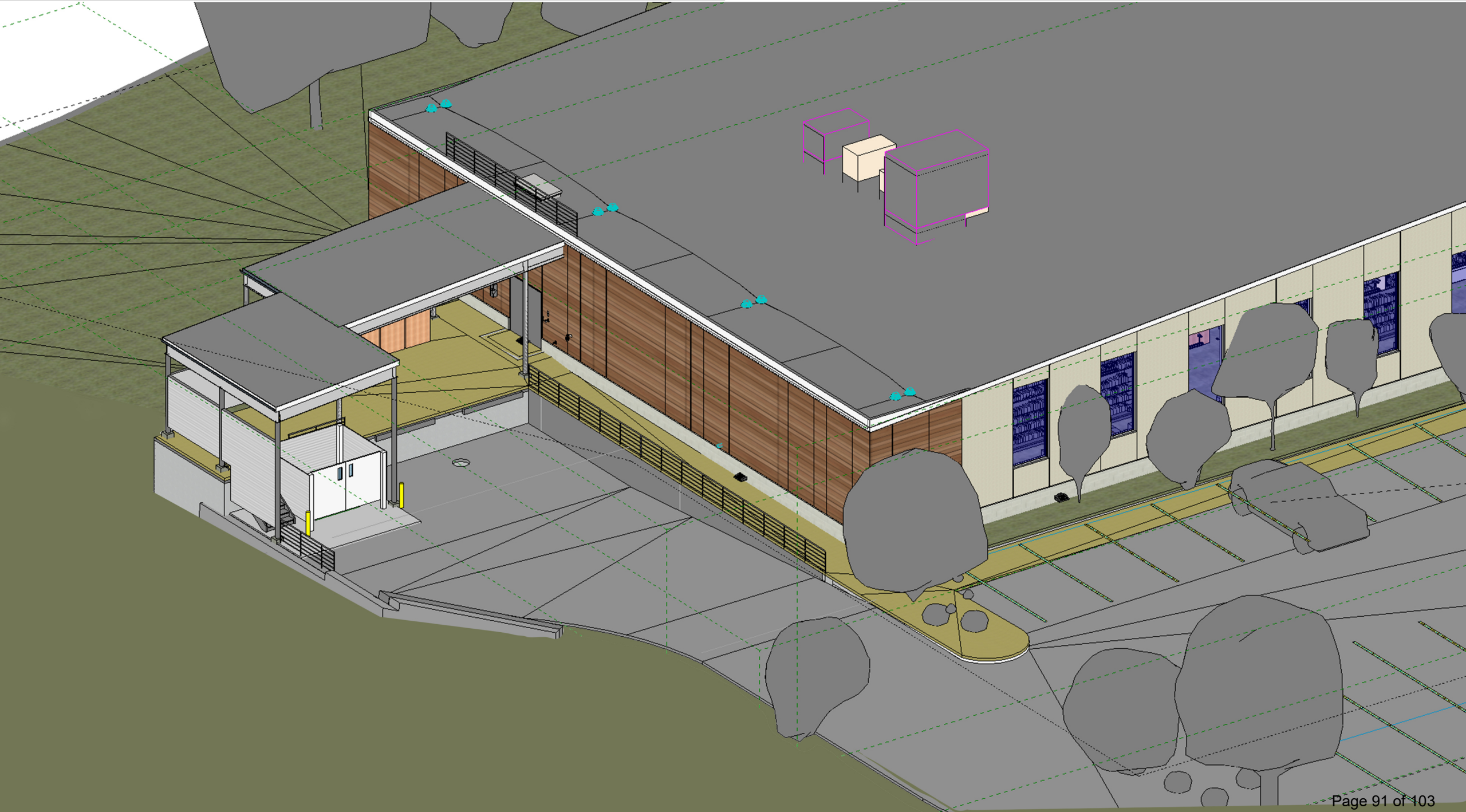
75-00538-0116

75-00566-0110

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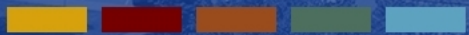






City of Elk River

PUD Amendment and Conditional Use
Permit





75-00566-0210

75-00538-0108

75-00538-0208

75-00538-0210

75-00538-0212

75-00538-0110

75-00538-0212

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75-00566-0230

75-00538-0114

75-00538-0216

75-00538-0218

75-00566-0110

75-00538-0116

75-00538-0218

75-00538-0120

75-00538-0118

193rd Avenue

75-00538-0302

75-00545-0205

75-00545-0105

75-00545-0210

75-00545-0110

75-00558-0105

Background

- Updating the PUD to reflect current language
- Governmental, Business and Professional Offices used for 1997 approval
- Commercial codes have been amended and now include *Liquor establishments, off-sale (municipally owned)*

Background

- New municipal liquor store
 - 16,500 sqft
- Access off Evans Street via shared access
- Main entrance on north side
- Loading dock on east side of building
- 51 parking stall required
 - 59 proposed





75-00566-0210

75-00538-0108

75-00538-0208

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75-00538-0302

193rd Avenue

75-00545-0105

75-00545-0205

75-00545-0210

75-00545-0110

75-00558-0105

Page 97 of 103



Applicable Regulations

- Staff's analysis of the application shows compliance with all the standards required for approval of the CUP

Action Requested

- Recommend, by motion, approval of the CUP as the standards set forth in Section 30-654 are satisfied

City Council Meeting

- If acted on, this item will go to the August 3, 2026, City Council meeting



75-00566-0210

75-00538-0102

75-00538-0104

75-00538-0106

75-00538-0108

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