



**Meeting of the Planning Commission  
Held at the Elk River City Hall  
Tuesday, June 25, 2024**

**Members Present:** Chair Perry Beise, Commissioner Tony Mauren, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Jill Larson-Vito, Commissioner Eric Johnson

**Members Absent:**

**Staff Present:** Community Development Director Zack Carlton and Sr. Administrative Assistant/Recording Secretary Jennifer Green

**1. CALL MEETING TO ORDER**

Pursuant to due call and notice thereof, the meeting was called to order at 6:50 p.m.

**2. CONSIDER AGENDA**

**Moved by Commissioner Jill Larson-Vito and seconded by Commissioner Robert Rydberg to approve the Planning Commission agenda as presented. Motion Carried 6-0.**

**3. CONSIDER MINUTES**

**Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following minutes. Motion Carried 6-0.**

3.1 Planning Commission Draft Minutes - May 28, 2024

**4. PUBLIC HEARINGS**

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

Mr. Carlton presented the staff report.

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

**Moved by Commissioner Johnson and seconded by Commissioner Rydberg to recommend approval of the request by Holiday Gas Station for a Conditional Use Permit for a changeable copy (digital) sign at 18823 Freeport Street NW with the following conditions:**

- 1. The changeable copy sign shall not exceed 132 square feet.**

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- 2. The applicant must apply for and receive approval for all required permits before any construction may begin.**
  - 3. The signs shall be compliant with the standards set forth in Sec. 30-864 (e) or any variances related to signage on this property.**

**Motion Carried 6-0.**

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

Mr. Carlton presented the staff report.

Commissioner Booth asked what the size of the buildable area would be.

Mr. Carlton stated the buildable area wasn't measured, but it was about the size of a single family lot, noting the wetland restrictions and 45' wetland buffer.

Commissioner Johnson asked about the public interest received about the property and what were the proposed uses.

Mr. Carlton indicated the calls were in reference to commercial uses of the property, such as a small commercial retail location or a contractor yard.

Commissioner Johnson asked if anyone asked about residential uses.

Mr. Carlton stated he did not receive any phone calls but Mr. Leeseberg may have had a phone call asking about residential uses.

Chair Beise opened the public hearing.

**Tony Weeks** - 19545 Vernon St. NW, stated he's lived in the area for 25 years and works as a safety Manager for Vision Bus Company. In May, at the request of the Sherburne County Sheriff, he wrote a letter in support of a grant application for a road safety study for County Road I due to all the problems along the road with heavy traffic, poor site lines, an increase in residents in the area, speeders, and poor lighting. He was opposed to anything constructed on this property and asked the city to build a park. He indicated the grant was approved for the safety study.

**Dawn Polston-Hork** - 19308 Rush Ct. NW - opposed anything being built on the parcel and expressed concerns about losing access to the trail and the affects on the oak trees and loons. She discussed the heavy traffic on County Road I and felt adding a home to this property would add to more traffic and affect the trail. She supported a park on the lot.

**Mary Spurling** - 12462 193rd Ln. NW - stated she does not want any change to the swampy area for the following reasons: the swampy area buffered the noises and lights from the bus garage and residential yards, the wildlife habitat would be disturbed, they would lose the pond, they wouldn't be able to pick raspberries and grapes, and felt traffic safety should be improved.

**Tony Sofio** - 19370 Upland St. NW - asked if this was a commercial or residential property. He expressed concerns about traffic and the walking path being removed. He asked that the Planning Commission take their time when considering rezoning this parcel.

**Ben Solheid** - 12448 193rd Ln. NW - was opposed to anything being built on the parcel and had concerns about the effects on wildlife, woodpeckers, and roadway safety.

**Lisa Follmer** - 19438 Upland St. NW - moved here 22 years ago and knows there are newer developments in the area but does not want this area to be "an island of misfit toys." She liked the walking path and pond. She was concerned the parcel would receive any benefits of the homeowner's association without having to pay for it. She asked if it would be part of it to reap the benefits but not have to follow the rules.

Mr. Carlton indicated that when properties are platted, that is when the homeowner's association is created, and this parcel would not become part of the HOA.

Ms. Follmer stated everything that she couldn't do to her property due to rules, this parcel could do. She stated the owner wouldn't have to pay for the esthetics of their development entrance. She stated if a multi-family home is allowed there, her taxes would go up and her belly would go down. She accused the city of being unethical, inefficient, and irresponsible if they were to approve this. She stated this is heartbreaking. She stated she puts her life into her own hands because of traffic using their road as a cut-through road.

**Rosanne Miske** - 19544 Vernon St. NW - expressed concerns about her property taxes being too high. She stated if multi-family homes are allowed, what will that do to her taxes? She asked if an apartment building would be allowed there and where on the parcel could they build.

The commission stated the highest use would be townhomes and the yellow box shown on the exhibit would be the only place for a building.

Ms. Miske stated building something on the parcel was worthless and asked what was the point.

Chair Beise stated the city doesn't own the property and was trying to rezone the parcel to from a commercial business locating there, as the current zoning allows it.

**Rebecca Reule** - 19551 Vernon St. NW - agreed with all the comments already expressed and asked for a motion for the property to be deemed un-buildable, as she felt it was too dangerous to put any kind of building on the parcel. She stated it's dangerous for parents and kids because of this use. She didn't want any affect on the wetlands and nature. She also felt her taxes have gone up while the value decreased.

Commissioner Johnson reiterated the lot size of this parcel is 5.5 acres and the buildable area is .5 acre for approximately 3 townhomes. The city is reviewing the zoning on the parcel because as it sits today, a commercial property such as a gas station or a daycare could be allowed here.

Commissioner Booth reiterated any access to the parcel would not be allowed off of County Road I.

The public expressed various comments from the audience.

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**Brian Hork** - 19308 Rush Ct. NW - stated he felt residential use would likely be better than a commercial use. He asked more questions about filling the wetlands and his concerns with water management with a drainage ditch on the north and south. He stated there are culverts underneath the property that connects to a pond on the south side. He wanted to make sure water management is considered with any project on that parcel.

**Don George** - 12421 193rd Ln. NW - asked what it would take to change the buildable area to enlarge.

Mr. Carlton stated wetlands are protected by the state's Wetland Conservation Act (WCA) and any impacts would require a wetland delineation, identified by a professional and approved by officials. Any impacts on wetlands would again have to go through the WCA and buy credits to offset that impact, which can be expensive. This approach wasn't impossible but unlikely for this parcel.

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

Commissioner Mauren asked if Mr. Carlton had any information about the County Road 1 safety study.

Mr. Carlton indicated the study would be completed by Sherburne County since it was regarding a county road. He can ask the city's public works director if he's received any information.

Commissioner Rydberg stated the city has not received a development plan for this parcel, but the city's goal is to reduce the density of whatever is being proposed for this piece of private property. He noted the owner would need to take into account all the concerns the public noted.

Commissioner Mauren asked about the trail having protection.

Mr. Carlton stated the trail is in an easement and the City Council would not likely vacate the trail, noting the owner can build near it but not on it.

Commissioner Larson-Vito agreed with Commissioner Rydberg's comments, and stated this parcel is disconnected from the Comprehensive Plan and the Zoning map.

Commissioner Johnson stated changing the zoning is the right thing to do to lessen the impact on the surrounding area.

**Moved by Commissioner Booth and seconded by Commissioner Johnson to recommend approval of the request by the City of Elk River for the proposed zone change from Highway Commercial (C3) to Townhouse/Multiple Family Residential (R3). Motion Carried 6-0.**

5. GENERAL BUSINESS

There was no general business discussed.

6. COUNCIL LIAISON UPDATES

Councilmember Westgaard provided an update on the recent city council meeting.

7. MOTION TO ADJOURN REGULAR MEETING

**Commissioner Larson-Vito motioned and Commissioner Johnson seconded to adjourn the regular meeting of the Planning Commission at 7:31 p.m. Motion carried 6-0.**

8. WORK SESSION – UPPER TOWN CONFERENCE ROOM

The Planning Commission Work Session opened at 7:31 p.m.

8.1 Discuss Bylaws for the Planning Commission and Board of Adjustments

Mr. Carlton presented the staff report and reviewed the proposed bylaws for both the Planning Commission and Board of Adjustments. The commission discussed the bylaw terminology, duties and responsibilities, and asked about the reason for special meetings needing to be called at a regular meeting. Mr. Carlton will find out the answer and update the commission at the next meeting. It was the consensus of the Planning Commission to consider adoption of the bylaws at the next Planning Commission meeting.

9. MOTION TO ADJOURN

**Moved by Commissioner Eric Johnson and seconded by Commissioner Dennis Booth to adjourn the meeting. Motion Carried 6-0.**

The meeting adjourned at 7:39 p.m.

Minutes prepared by Jennifer Green.



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Perry Beise, Chair



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Tina Allard, City Clerk