



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, August 27, 2024**

Members Present: Acting Chair Eric Johnson, Commissioners Dennis Booth, Anthony Kaba, James Zahler, Robert Rydberg, and Tony Mauren

Members Absent: Chair Perry Beise

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

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

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

4. CONSIDER MINUTES

Moved by Commissioner Rydberg and seconded by Commissioner Booth to approve the following consent item as outlined in its respective staff report. Motion carried 6-0.

4.1 Draft Planning Commission Minutes - July 23, 2024

5. PUBLIC HEARINGS

5.1 Conditional Use Permit: Senior Housing/Memory Care Facility, PID 75-00729-0010 - DigniSuites

Mr. Leeseberg presented the staff report. He distributed an updated site plan from the applicant received today, which shows a through-street from the north to the south, and eliminates the shared access in this location. The applicant is also proposing to add a landscape berm to mitigate headlights shining onto the units at Pullman Place. These site plan changes eliminate the need for Condition I and Mr. Leeseberg requested the removal of Condition I. Mr. Leeseberg stated they will also be reviewing the proposed parking as they have noticed some parking concerns with Beehive Homes, a similar use site.

Acting Chair Johnson asked that removing Condition I meant those concerns had been addressed by the applicant.

Mr. Leeseberg stated that was correct.

Acting Chair Johnson opened the public hearing.

Judy King, resident and president of the board at Pullman Place, and **Estelle Gunkel**, resident at Pullman Place, spoke regarding their concerns with the proposed project. Ms. Gunkel thanked staff for meeting to review their concerns and the applicant for making the reference changes. Ms. Gunkel stated the residents of Pullman Place still had concerns with this project's potential to increase traffic and effect flow, particularly from neighboring properties. She stated concerns with the proposed berm and the plantings that will take several years before they are large and established. She asked if a second story would ever be constructed for the facility. Ms. Gunkel also felt the proposed parking spots may be too few for not only visitors but care providers and building employees. She addressed concerns with the public hearing notice process as they felt they did not receive proper notice and was working with Sherburne County to address that. Lastly, she asked if the property owner is the applicant. She stated the proposed use was supported and felt it was a good fit for the area.

Bob Garen, a resident of Pullman Place, asked about their concerns with cut-through traffic on their private drive, which includes residents, delivery trucks, and individual cars. He asked how they can continue to keep their private drive private. He felt the no trespassing/private drive signage didn't seem to make much difference.

There being no one else present to speak, Acting Chair Johnson closed the public hearing.

The applicants, **Scott Clements**, 4901 W. 93rd Bloomington, owner of CBS Construction Services, Inc., and **Brian Wings**, DigniSuites, 3900 VanDyke Street, White Bear Lake, answered questions brought up in the public hearing.

Mr. Clements explained that the berm was just brought to their attention earlier in the day, so they will revise their plans and will work with both the city and the neighbors to develop an appropriate berm to ensure compliance. The berm would include landscaping and as their landscape plan was submitted as part of the application, they will work with the city to make any necessary updates and modifications.

Mr. Wings stated their company over-landscapes from the beginning, and being the owner/operators, they assured the residents of Pullman Place that they look forward to being a part of the community. He stated they would schedule a meeting with the Pullman Place residents to thoroughly answer their questions about staffing and operation, and address their concerns.

Commissioner Rydberg addressed Mr. Wings and Mr. Clements, and noted he felt there would be cut-through traffic on their proposed road, similar to traffic on Pullman Place's private drive, and he suggested a speed bump. He asked them to address if there was adequate staff parking on site.

Mr. Wings stated the parking numbers are the same that are used in other similar memory care facilities and has worked with their proposed use. They exceed the minimal parking requirements as outlined in the ordinance for an apartment building, and stated they can provide proof of parking for their other projects.

Mr. Leeseberg stated the ordinance doesn't outline parking numbers for assisted living buildings so they can work with the applicant to ensure parking is adequate, noting the city can use proof of parking to show adequate parking is available on the property. He stated they will look at a similar project in the community, Beehive Homes, and their parking requirements.

Commissioner Rydberg asked about whether a second story would ever be added in the future.

Mr. Wings stated a second story is not proposed for this building.

An audience member asked about a traffic study.

Acting Chair Johnson stated many of the issues heard during the public hearing seem to have already been addressed by the developer, and staff will receive an updated landscape plan prior to the City Council meeting. He stated the traffic study was done in 2009 as the proposed use at that time was for commercial use and the area still supported that use.

Commissioner Rydberg agreed with Acting Chair Johnson and noted 2009 was a long time ago, but the traffic study was done for retail use with more vehicles rather than a use such as DigniSuites. He felt the biggest concern regarding traffic was the use of private drives.

Commissioner Mauren asked about the 2009 CUP and the private drive requirement.

Mr. Leeseberg stated in 2009, the Depot Apartment project had a condition imposed by the City Council that they install a private drive for cut-through traffic. The road was constructed and remains in place. Mr. Leeseberg asked the city attorney if that cut-through needs to be maintained and he stated the city did not need to enforce the condition, noting it was unusual for a property to have a condition imposed on it when it wasn't the property with the CUP.

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

- 1. ~~A cross access easement shall be prepared and recorded outlining the use and maintenance obligations of the access onto Quincy Street.~~**
- 2. All comments on the Comment Letter dated August 21, 2024, shall be addressed.**
- 3. Staff approval of all site, civil, and development plans.**
- 4. The property shall be platted prior to issuance of any building permits.**

Motion Carried 6-0.

5.2 Conditional Use Permit: Religious Institution, 21695 Elk Lake Rd NW - River of Life Church

Mr. Leeseberg presented the staff report.

Acting Chair Johnson opened the public hearing.

Mary Gillette - representing her parents at 22017 Elk Lake Road - asked questions about the road improvements to 217th Avenue, who will bear the cost of the improvements and maintenance, and where the road improvements would take place.

Mr. Leeseberg stated the developer/church would take that expense of improvements and maintenance,

and the improvements would end just past the church's drive access, it would not include the entire roadway.

Mrs. Gillette asked if the road width would increase.

Mr. Leeseberg stated he wasn't sure how wide, but the road width would stay within the road right-of-way.

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

Moved by Commissioner Rydberg 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. Any addition, of any size, after Phase 2 will require the property to provide access onto 217th Avenue with an upgrade of the gravel street to city standards from Elk Lake Road to the second approved location of the second access.**
- 2. A 20-foot-wide fire department access road shall be installed along the east side of the building, connecting the northern and southwestern parking areas.**

Motion Carried 6-0.

5.3 Conditional Use Permit: Vehicle Sales and Service, 17094 Vance St NW - Cornerstone KIA Parking Lot Expansion

Mr. Carlton presented the staff report. He noted MnDOT is still reviewing the application and has not submitted comments.

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

Moved by Commissioner Booth and seconded by Commissioner Rydberg to recommend approval of the Conditional Use Permit authorizing expansion of an existing vehicles sales and service operation (Cornerstone Kia), with the following conditions:

- 1. The boundary line adjustment (Case No. P 24-08) must be approved and recorded.**
- 2. The platted exemption (Case No. P 24-09) must be approved by the Elk River City Council and recorded with Sherburne County.**
- 3. Staff approval of all construction plans.**
- 4. Approval of an encroachment agreement, authorizing the proposed parking lot expansion to cross existing drainage and utility easements.**
- 5. Address any comments provided by MnDOT.**

Motion Carried 6-0.

5.4 Land Use Amendment/Zone Change/Preliminary Plat: Meadowsweet Bend Residential Subdivision
- Twin Cities Land Development

Mr. Carlton presented the staff report.

Commissioner Booth asked Mr. Carlton to explain his comment that the east connection is still under review.

Mr. Carlton explained where the proposed development roadway connects with County Road 33. The western section aligns with the exit from Queen Street in Windsor Park Third; however, the eastern section does not align with the exit from Joplin Street. Since the road is a county road, it's being reviewed between the county and city engineers to make suggestions for proper alignment.

Commissioner Mauren asked why sewer service was not being included with water service in this proposed development.

Mr. Carlton stated the city has had some challenges with clustered septic systems in developments around the city. The developer made a request to connect to the sewer line since it is in this location and also brought the request to Elk River Municipal Utilities (ERMU) to review the lack of water connection. ERMU was comfortable with it even with some billing challenges. He stated the developer feels it will be a great amenity to have higher quality lots in this area that don't require land for a primary and secondary sewer connection, allowing more use of the property by the property owner.

Acting Chair Johnson opened the public hearing.

Jason Bailey, 13731 214th Court - lives in Windsor Park Three. He explained his experience with their own failed septic system and was happy to see this project was not a clustered septic system. He discussed the alignment with He asked what scope creep looked like. and asked if multi-family homes would be built.

Acting Chair Johnson stated the application before them did not include multi-family homes and if something were to change, there would be a similar public hearing process.

Ryan Alcott, 13261 Ranch Road, at the corner of CR 33 and CR 1, stated he has lived there for 15 years. He stated his concerns about proposed setbacks, asked about the location of the proposed trail and proposed sewer connections, and asked if his zoning would change. Lastly, he asked if there was an option to connect to city sewer services.

Mr. Carlton stated the concept plans for the trail show them on the inside loop, to bring people to the park on the trail. He noted any trail would take place within the 60' right-of-way. He stated the zone change only affected the project parcels, not Mr. Alcott's. He stated there could be an option to connect to city sewer, but those details have not been worked out yet. Mr. Carlton stated he could talk to the public works director about it.

Mary Gillette - representing Carl and Sally Thompson with land on the north and east side. She stated that when this area was annexed into the city, she was told anything north of County Road 33 would never be developed. She asked if that changed.

Acting Chair Johnson stated this area has been included in the Comprehensive Plan for development.

Mr. Carlton stated this application affects only the proposed 217 acres. He outlined the project boundaries and explained the updated sewer connections offered a smaller lot size opportunity, rather than a 2.5 acre. He stated this area is surrounded by wetlands.

Ms. Gillette asked if there would even be a connection to County Road 1 through her parent's property. She felt the wetlands would be affected by the proposed development, with each lot having their own well. She asked if a groundwater survey was taken and data available for how this will impact the surrounding landowners. She stated the land to the north contains unique plants that have been protected and studied, and feels those plant species and endangered species that will be affected by this development. Minnesota Land Trust is interested in preserving this area as an asset to the city. She asked about soil types, well depths, what proposed utilities will be included and what the setbacks will be.

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

Chris Dahn, an engineer with Bogart Pederson and Associates, discussed the process and methods when modeling the wetlands to approximate drainage from the subdivision to the wetlands, using an approximate number of impervious that could go onto each lot, run off amounts on each site, and the effect it has on the surrounding wetlands, all details are in the submitted stormwater report. He discussed the groundwater report details, and stating the proposed 100 homes would not have an impact on the groundwater. Mr. Dahn then discussed endangered species and wasn't aware of any. He stated the soil types and borings completed throughout the entire plat, required on the roadways and stormwater basins, and go down at least 3' below the groundwater location to prevent contamination.

Commissioner Booth asked a question about the runoff and where it's going.

Mr. Dahn explained there will be 18 different infiltration basins installed to manage the runoff from the impervious surface into the ditches, to the infiltration basins.

Commissioner Rydberg asked if the road alignment at the eastern connection could be adjusted.

Mr. Carlton stated that as it currently sits, the property line for the neighboring parcel is not included in the proposed subdivision, and therefore limits where the roadway connection can be placed.

Ben Schmidt – owner of Twin Cities Land Development – stated at this time, the roadway alignment across cannot be made. He said the wetland study did not identify any endangered species but does recognize this area to be an asset and one they wouldn't want to see disturbed. He said the large wetland will be in an outlot to protect the area with either the city or the HOA owning it.

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

Commissioner Rydberg asked about the differences between the R1a and R1b zoning.

Mr. Carlton stated the minimum lot size for a R1a lot is 2.5 acres, R1b for sewered lots, minimum lot size is 12,000 sq. ft.; Rb1 for non-sewered lots the minimum lot size is 1 acre.

Commissioner Rydberg wondered if they should be concerned with the potential for an increase in residents requesting variances, zone changes, or adjustments when there are larger lots, and will they

want a horse barn, a kennel, or a request for a mechanics' shop.

Mr. Carlton stated a lot of those requests for agricultural animals or other things rely on a R1a zoning, or parcels over 2.5/5 acres. He stated by keeping the zoning R1b, we remove a lot of those opportunities.

Commissioner Rydberg commented that an HOA can also restrict some of those requests.

Mr. Leeseberg commented the R1b zoning can't have larger accessory structures.

Moved by Commissioner Booth and seconded by Commissioner Mauren to recommend approval of a Comprehensive Plan land use amendment to change the guidance for certain parcels from Rural Residential to Traditional Single-Family Residential. Motion carried 6-0.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to recommend approval of a Zone Change that rezones the subject property from R-1a to R-1b subject to the condition that the Council approve the associated Comprehensive Plan amendment. Motion carried 6-0.

Moved by Commissioner Booth and seconded by Commissioner Rydberg to recommend approval of the preliminary plat of Meadowsweet Bend, subject to the following conditions:

- 1. Council approval of the Land Use Amendment (LU 24-03) and Zone Change (ZC 24-02) supporting the plat.**
- 2. All cul-de-sacs and streets must comply with MN State Fire Code Chapter 5 and Appendix D.**
- 3. Staff approval of all site, utility, engineering, and landscaping plans.**
- 4. State and local approval of all wetland permits related to the proposed wetland fill.**
- 5. The developer shall pay a per lot trunk utility fee, determined by the Public Works Director, at the time of platting.**
- 6. A Sewer Access Fee shall be paid for each lot at the time of building permit.**
- 7. All buildable lots shall include a drainage and utility easement for areas within the 45-foot wetland setback or within 45 feet of the OHW for wet stormwater ponds.**
- 8. A trail shall be constructed on one side of each residential street.**
- 9. Landscape plans shall be submitted for review and approval by city staff.**
- 10. Grading for all stormwater ponds must begin 10-feet behind the front property line.**
- 11. Address all comments from Sherburne County.**
- 12. A sign noting "future through street" shall be posted at all temporary dead-end streets.**
- 13. Wetland boundaries shall be signed at all property lines.**

Motion Carried 6-0.

5.5 Conditional Use Permit: Government Facility (Electrical Substation), PID 75-00915-0105 - Elk River Municipal Utilities

Mr. Carlton presented the staff report.

Acting Chair Johnson opened the public hearing. There being no one to speak, Acting Chair Johnson closed the public hearing.

Moved by Commissioner Booth and seconded by Commissioner Mauren to recommend approval of the proposed government facility conditioned upon staff's approval of all site and civil plans.

Motion Carried 6-0.

6. GENERAL BUSINESS

With Commissioner Mauren stepping down from the Planning Commission, Mr. Carlton thanked Commissioner Mauren for his service as commissioner. Commissioner Mauren stated he appreciated his time with the other commissioners and staff.

7. COUNCIL LIAISON UPDATES

Councilmember Westgaard provided an update on recent City Council actions.

8. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Booth and seconded by Commissioner Mauren to adjourn the meeting of the Planning Commission. Motion 6-0.

The meeting adjourned at 7:55 p.m.

Minutes prepared by Jennifer Green.



Perry Beise, Chair



Tina Allard, City Clerk