



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, March 25, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Dornan Bland, Commissioner Anthony Kaba

Members Absent: Commissioner James Zahler, Councilmember Jennifer Wagner

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 06:30 PM.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

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

4. CONSIDER MINUTES

Moved by Commissioner Rydberg and seconded by Commissioner Johnson to approve the following minutes as outlined. Motion carried 6-0.

4.1 Draft Minutes from February 25, 2025

5. ELECTION OF OFFICERS

5.1 Chair

Moved by Commissioner Rydberg and seconded by Commissioner Johnson to appoint Perry Beise as Planning Commission Chair effective April 2025 and ending March 2026. Motion carried 6-0.

5.2 Vice Chair

Moved by Commissioner Rydberg and seconded by Commissioner Booth to appoint Eric Johnson as Vice Chair of the Planning Commission effective April 2025 and ending March 2026. Motion carried 6-0.

6. PUBLIC HEARINGS

6.1 Preliminary Plat: Elk Hills Second Addition, 841 Line Avenue, All Day Companies on behalf of the applicant

Mr. Carlton presented the staff report.

Chair Beise opened the public hearing.

Deb Opificius, 802 Fawn Road, discussed her concerns about an increase in traffic if townhomes are being built on the southern portion. She stated Elk Hills Drive is very hilly and wouldn't support any additional traffic as traffic currently backs up.

Karen Geissler, 58 6 1/2 Street NW, discussed her concerns about displacement of the current wildlife and requested the city turn the area into a natural habitat instead of a development.

Phil Bergstrom, 18850 Twin Lake Rd., asked how many homes would be constructed and where would the water be drained.

Mr. Carlton stated the current zoning supports one home on each parcel and any new impervious surface cannot increase the amount of stormwater runoff leaving the site. He also noted any uses increasing the density or traffic will need additional reviews by the city council.

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

Commissioner Johnson asked about the east-west corridor connecting Elk Hills Drive to Twin Lakes Road.

Mr. Carlton stated he doesn't believe this is an overarching goal to add that connection.

Commissioner Rydberg stated that one person owns the parcel, and it's private property, and the city can't dictate the owner to turn it into a wildlife property.

Mr. Carlton stated that is correct.

Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the preliminary plat of Elk Hills Second Addition subject to the following conditions:

- 1. The wetland boundary is to be updated upon receiving formal approval of the delineated boundary.**
- 2. Any development of Lot 2 will require connection to city utilities.**

Motion carried 6-0.

6.2 Preliminary Plat: Ridgewood Hills Second Addition, 10038 215th Avenue, Greg Petersen

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

Neil Thomas, 9998 215th Ave. NW, lives directly south of the property in question, and stated he had requested a stop sign in the area about a year ago due to the traffic coming from the group home. He opposed the construction of another group home due to the all-day traffic generated. He asked how to prevent another 'business' group home from being constructed.

Karla Severson, 21591 Edison Circle, asked how the original group home got approved. She mentioned the amount of litter on the streets generated from the traffic and was opposed to another group home from being constructed. She also stated another home in the neighborhood is running a business.

Diane Moos, 10246 221st Ave. NW, is opposed to this project. She provided details and opinions about her relationship with the applicant. She questioned his operating a residential treatment facility and would like to know how he has this license and if he intends to construct another residential treatment facility, asking for time to look into his licensure. She asked if any of her land will be taken when the conditions requiring the city street to be extended is completed. She stated she has numerous police reports about the group home activities and Mr. Petersen's behavior to herself and others.

Garrett Brunell, 21639 Edison Circle, explained traffic issues that have occurred on Edison and wondered what additional traffic would be generated, and also asked if the group home is allowed in their neighborhood.

Chair Beise asked if Mr. Brunell was asking about compliance with HOA rules.

Mr. Brunell stated he was.

Chair Beise stated the city cannot enforce HOA covenants.

Mr. Brunell stated that it causes an issue for him if the city approves a group home in their HOA.

Commissioner Rydberg stated group homes are mandated to be allowed by the state and the city cannot deny their use even with HOA covenants in place.

Mr. Brunell stated the issue happening in his neighborhood should be the concern of the Planning Commission to help citizens live in harmony with each other. He stated Mr. Petersen should also understand and comply by the HOA covenants. He was opposed to this project.

Thad Landis, 10011 215th Ave. NW, lives across from the group home and reiterated the high level of traffic. He was opposed to another group home being constructed by Mr. Petersen, stating he felt he was operating a business. He complained about Mr. Petersen's respect for other people's property especially with his snow plowing and driving stakes into his property. He complained about the high number of calls about the public safety presence at the group home.

Diane Moos was concerned about the safety of the residents and quality of care at the group home and them wandering onto her land and would she be sued for someone being hurt. She requested a fence

be put up.

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

Chair Beise asked staff if the city could regulate group homes.

Mr. Leeseberg stated no.

Commissioner Johnson asked if the group home is a home occupation.

Mr. Leeseberg stated it is not and because the state regulates group homes, the city is required to allow them in residential neighborhoods.

Commissioner Rydberg stated that if there are concerns about the property and the activities on the property, the city could get involved with code enforcement and traffic and trespassing concerns could be managed by calling the police department.

Mr. Leeseberg stated group homes are licensed and approved by the state and the city doesn't review any applications for them.

Commissioner Bland asked for clarification about the city approving a group home.

Mr. Leeseberg stated the application in front of the Planning Commission tonight is to review a preliminary plat for a single family lot, not reviewing any use. The applicant, Greg Petersen, owns a home on the property and operates a group home through the state. Any HOA covenants cannot be changed or enforced by the city. Any street extension will be done so in the road right-of-way.

Mr. Carlton stated the Planning Commission heard many concerns about the operation of the group home on the applicant's property, and staff can work with the city attorney to evaluate the operation and ensure they are operating within all the parameters they should be operating in.

Commissioner Rydberg stated the state can hear any resident's concerns about the operation of the group home.

Moved by Commissioner Rydberg and seconded by Commissioner Booth to recommend approval of the preliminary plat of Ridgewood Hills Second Addition with the condition of extending the city street and cul-de-sac to the western boundary of the plat. Motion carried 6-0.

7. GENERAL BUSINESS

7.1 Land Use Amendment, Zone Change, and Ordinance Amendment: Specht Family Farm Residential Development (PUD), 16330 US Highway 10, Capstone Homes

Mr. Carlton presented the staff report and provided an updated lot-size exhibit. He summarized the conversations with the Parks and Recreation Commission and City Council. Mr. Carlton asked the Planning Commission to use their expertise to look at the land use, zoning guidance, and their analysis of the project and provide their recommendation to the City Council. He stated Capstone reviewed the recommended conditions, and they would like to discuss staff's proposed monotony code and

maximum driveway widths.

Commissioner Bland asked about the proposed trail and the monotony code.

Mr. Carlton explained the trail would be for public access and the area also includes stormwater basins, which would be platted as outlots and managed by the city. Mr. Carlton stated the monotony code is not part of the city code but rather provides the Planning Commission with the ability to ensure a level of variety in home style of both color and facade, and has also been proposed in other housing developments.

Matt Barker of Capstone Homes outlined the few changes since they met at the January Planning Commission meeting and concerns with a few conditions recommended for approval.

Commissioner Booth asked for clarification of Capstone's monotony code, and Mr. Carlton asked Mr. Barker what Capstone's required difference was in the monotony code for four homes. Can you repeat the facade and the color has to be different?

Mr. Barker stated every other house could be the same, the facade could be the same but the color would have to be different.

Commissioner Johnson stated they could increase the monotony code to 8 to ensure that there was no duplicating of facade or color. Mr. Barker stated that could be very complex.

Mr. Carlton stated staff track these homes internally when building permits are pulled.

Commissioner Bland asked what the driver was for the 50' lot other than market demand. Commissioner Bland stated townhomes are supported in the zoning, but to clarify, they aren't building townhomes.

Mr. Barker stated that the Liberty home is a very affordable, 30-foot home. He stated they work to make this be the best value home for the current market and is a better product than a townhome in the current market. Mr. Barker confirmed no townhomes were being built, and the Liberty homes are denser than a townhome.

Commissioner Johnson asked if the Liberty homes offer a 3-car garage or only 2, and asked which other developments have 40' lots.

Mr. Barker stated only a 2-car garage, but they do meet the city's size code at 22x20 feet in size. Mr. Barker stated Otsego has 45' villa lots, and St. Michael has both 40' and 50' products.

Commissioner Rydberg asked about the future frontage road, highway access, and how many of these homes will be built before MnDOT gets the highway changed, as he is concerned with public safety and traffic.

Mr. Barker stated he was going to the state capitol with city engineer Justin Femrite the following week to address access improvements and project timeline. He stated this development will be an 8-year project, and MnDOT cannot confirm a timeline for road improvements. MnDOT has provided some parameters that Capstone can use to receive a temporary permit to begin construction.

Mr. Carlton stated when every plat comes through, staff and local agencies review the existing infrastructure. The first phase of construction may be issued, but with the city and MnDOT determining the best solution to support the increase in traffic, and as the development continues, access improvements to Highway 10 would have to be completed to finalize the development.

Mr. Carlton then discussed the tour of the Kelley Farm property boundary and the proposed development to ensure staff are addressing their concerns about trespassing. The city may need to tweak these conditions, but the Kelley Farm would make the necessary improvements to the fence, clean up the boundary, and work with the developer to put up signs on property lines, specifically where the residential lots abut the property line.

Commissioner Johnson stated that overall, he supports the concept presented by Capstone and likes the 34' road width. He wasn't supportive of the 50' wide lots, and would like to see an increase in the 75' wide lots and decrease the 65' wide lots. He also recommended the 6-lot monotony code versus the 4-lot to ensure variation.

Commissioner Bland agreed with Commissioner Johnson's comments, stating he felt the driver for the 50' wide lot exception was volume, not structure.

Chair Beise stated he is ok with 50' wide lots as he prefers homes over townhomes. Commissioner Rydberg agreed. Commissioner Booth would like to see at least 52' wide lots.

Commissioner Johnson stated he was gravitating towards the benefit of the detached townhomes and was not in favor of the volume.

Commissioner Bland stated something to consider is what this community will look like in 5-20 years with that kind of density.

Commissioner Johnson stated he's driven all of Capstone's developments in the past month, and he stated there is some benefit to a Villa-style home if it is association maintained because it's a different product that offers diversity. He wasn't supportive of small lots that are not association maintained.

Mr. Baker thanked the Planning Commission for their comments, noting their designs are not a volume-based design at 2.3 units per acre. If they were volume-focused, they would want at least 3 units per acre. He noted the market can't afford a new home right now, so working to create a product for a market that can't get into a house, and not having an HOA is an important factor.

Commissioner Johnson opposed the density and the houses being close together, and gave the example of two tires on the grass because the driveway width is so small. He stated he has no problem with the homes themselves but was concerned about monotony.

Commissioner Rydberg asked about a hail storm and could that change the design standards.

Mr. Barker stated an overarching HOA would manage the standards, staying in line with city code, if a homeowner has damage and needs new siding.

Mr. Barker noted they have not run a scenario with 52' wide lots.

After further discussion, the consensus of the Planning Commission was as follows:

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- Where to measure driveway width - the commission agreed to recommend 20' at the curb
 - Tree placement: trees are proposed in the 'boulevard' area nearer to the curb, trees placed between the curb and house.
 - 50' lot widths: the commission recommends 52' width lots
 - Monotony code: neighboring homes and the 3 closest homes across the street must vary in facade design and color. No two homes in this group of six shall match.

Moved by Commissioner Johnson and seconded by Commissioner Kaba to recommend approval of a Land Use Amendment updating the city's comprehensive plan to align with the proposed residential and commercial areas, subject to the condition that the associated Zone Change (ZC 24-06) and Ordinance Amendment (OA 24-05) are approved by the City Council.

Moved by Commissioner Johnson and seconded by Commissioner Bland to recommend approval of a zone change amending the city's zoning map to designate parcels for Highway Commercial and Planned Unit Development (PUD) uses consistent with the development proposal, and subject to the condition that the associated Land Use Amendment (LU 24-05) and Ordinance Amendment (OA 24-05) are approved by the City Council.

Moved by Commissioner Johnson and seconded by Commissioner Kaba to recommend approval of a residential Planned Unit Development ordinance, subject to the following conditions:

1. **The City Council must approve the associated Land Use Amendment (LU 24-05) and Zone Change (ZC 24-06).**
2. **An Environmental Assessment Worksheet (EAW) must be reviewed in accordance with all state and local policies and receive a negative finding for an Environmental Impact Statement (EIS).**
3. **MnDOT and the city shall approve an access location and configuration that supports the traffic needs of the proposed development.**
4. **The MnDNR must provide written approval of the work proposed within the Wild and Scenic River District.**
5. **Provide additional vegetative screening along the non-wooded boundary line with the Oliver Kelley Farm vegetative screening and a private property sign every 500 feet along the non-wooded boundary, and one private property sign for each residential parcel.**
6. **The developer must work with the Kelley Farm to resolve any encroachment concerns resulting from the existing fence.**
7. **The cost of sewer and water trunk extensions to the development shall be financed by the developer. If oversizing of water pipes is required, Elk River Municipal Utilities (ERMU) will reimburse the developer for the cost to oversize the infrastructure.**
8. **All proposed streets, trails, and sidewalks shall follow the city's engineering design standards.**
9. **Lots 65-feet and wider must include two trees in the front yard. One tree must be an overstory variety, the second tree can be ornamental, evergreen, or deciduous.**
10. **Lots which are 50-feet wide must plant one overstory tree in the front yard.**

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11. **All homes must have a minimum garage size of 440 square feet, (20' x 22').**
 12. **All homes will require a minimum side-yard setback of 7.5 feet.**
 13. **The front-yard setback for 75- and 100-foot-wide lots will be 30 feet.**
 14. **The front-yard setback for 50- and 65-foot-wide lots will be 25 feet.**
 15. **The maximum driveway widths are as follows: 52-foot lots – 18-foot wide, 65-foot lots – 20-foot wide, and 75 to 100-foot lots – 30-foot wide.**
 16. **The development must incorporate an internal monotony code to ensure the home facades vary throughout the subdivision. Neighboring homes and the 3 closest homes across the street must vary in façade design and color. No two homes in this group of six shall match.**
 17. **The developer shall complete the design and installation of all 10-foot-wide trails above the bluff that runs along the Mississippi River.**
 18. **The developer will design and engineer a 10-foot-wide trail, beginning with the termination of the upland trail. They should be provided to the city to support a future construction project.**
 19. **The developer will provide a 2+ acre bluff top park, and must provide documentation that there is at least 1-acre of buildable, upland area, in the park.**
 20. **The developer shall dedicate the floodway land, below the bluff, to the city for park purposes. An outlot will be reserved for future use by the HOA.**
 21. **The remainder of the park dedication requirements will be satisfied with a cash dedication of \$536,000. This will be pro-rated on a per lot basis and payable with the final plat.**
 22. **Civil plans submitted with the preliminary plat must identify parallel, off-street, parking areas near the bluff top park.**
 23. **All 50-foot lots shall be amended to a minimum width of 52-feet and increase the max driveway width from 16-feet to 18-feet. No lots currently designated for parcels larger than 50-feet shall be converted to a smaller lot.**

Motion Carried 6-0.

7.2 Review Bylaws - Planning Commission and Board of Adjustments

Mr. Carlton presented the staff report.

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the bylaws for the Planning Commission and the Board of Adjustments as presented.

Motion carried 6-0.

8. COUNCIL LIAISON UPDATES

There were no council updates to provide as Councilmember Wagner was absent.

9. MOTION TO ADJOURN REGULAR MEETING

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

The meeting adjourned at 8:33 P.M.

Minutes prepared by Jennifer Green.



Perry Beise, Chair



Tina Allard, City Clerk