



**Meeting of the Planning Commission  
Held at the Elk River City Hall  
Tuesday, May 27, 2025**

**Members Present:** Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Anthony Kaba

**Members Absent:** Commissioner Dornan Bland

**Also Present:** Councilmember Jennifer Wager

**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 6:51 P.M.

**2. CONSIDER AGENDA**

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

**3. 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.**

3.1 Draft Minutes - April 22, 2025

**4. PUBLIC HEARINGS**

4.1 Interim Use Permit: Residential Occupation, MJ and Carl Johnson, 19289 Upland Street NW

Mr. Leeseberg presented the staff report. He stated staff is recommending adding a fifth condition that the use of this request not begin until after the Certificate of Occupancy is issued and the Interim Use Permit is recorded.

Chair Beise opened the public hearing.

**MJ Johnson**, the applicant, shared a bit about her family and goals of operating this business out of her home. She was available to answer questions.

**Robin Geist**, 12478 193rd Lane NW, stated she lives directly behind the applicant's property and noted a few months ago, the city rezoned the property from commercial to residential, and now the property will be operating a commercial business out of it. She asked if other businesses could run out

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of this same home, stating the future outbuilding appears large enough to store landscaping business equipment. She asked if it is just going to be the health business or is there going to be another business being run out of the home.

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

Mr. Leeseberg stated it was a great question but staff is not aware of any additional businesses being run out of the pole building. He noted that when they receive a building permit, any submitted plans are stamped and noted that any other use in the building than personal requires additional permitting. He stated he doesn't know if two residential occupations can be operated on one property but this exact same public hearing process would be required.

Chair Beise asked if the parcel could legally support a pole building of that size.

Mr. Leeseberg indicated he reviewed the numbers and believed it could.

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

- 1. No more than two non-resident employees may be present during business hours.**
- 2. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.**
- 3. The applicant must maintain current professional licensure and liability insurance.**
- 4. The interim Use Permit will terminate when the home is sold.**
- 5. The Interim Use Permit must be recorded after a Certificate of Occupancy is issued, and the occupation shall not begin until the Interim Use Permit is recorded.**

**Motion Carried 6-0.**

4.2 Conditional Use Permit: Commercial Recreational Facility, Pickle Paradise, 550 Freeport Ave. NW

Mr. Leeseberg presented the staff report.

Chair Beise opened the public hearing.

**Matt and Julie Russo**, 29140 143rd Street, Zimmerman, introduced himself and his wife as the future owners, and made themselves available to answer any questions.

Chair Beise asked if there were any similar facilities in the area.

Mr. Russo stated the closest indoor courts would be in the Maple Grove/Brooklyn Park area.

Commissioner Booth asked if they had an estimated date of opening.

Mr. Russo stated they anticipate September, allowing for most of the summer for outdoor pickleball use.

**Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the Conditional Use Permit as the standards set forth in Section 30-654 have been met.**

**Motion Carried 6-0.**

4.3 Preliminary Plat and Ordinance Amendment (PUD): The Villas at Fillmore Third Addition, PID 75-00931-0030, Riverside Development

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 Booth to recommend approval of an ordinance amendment codifying and updating the PUD for The Villas at Fillmore. Motion carried 6-0.**

**Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the preliminary plat for The Villas at Fillmore Third Addition, with the following conditions:**

- 1. Council approval of the ordinance amendment approving the PUD changes.**
- 2. A Water Availability Charge for each lot must be paid before connection to the municipal water system.**
- 3. Compliance with the City of Elk River Engineering Design Standards is mandatory for all planning and construction activities.**
- 4. The development agreement must include a prorated cost share for the water main extension that was installed along Fillmore Street in 2022 and was paid for by Elk River Municipal Utilities (ERMU) in the amount of \$44,590.**
- 5. The sanitary sewer will be privately owned/maintained.**
- 6. The storm pipe will be privately owned/maintained as it captures only storm water from the private street.**
- 7. Electrical service for the lift station is considered commercial. The developer will need to provide a secondary electric service.**

**Motion Carried 6-0.**

4.4 Ordinance Amendment: PUD Amendment for Tall Pines P.U.D. Second Addition

Mr. Carlton presented the staff report.

Commissioner Johnson asked if there was an overflow for the pond to drain elsewhere if it overfills.

Mr. Carlton stated there was, and indicated engineering staff reviewed the plans to ensure it meets the standards of rate control.

Commissioner Zahler asked questions regarding the setbacks, and Mr. Carlton answered them, explaining the protection of the surrounding homes and minimizing runoff.

Commissioner Rydberg noted this was originally built as a dry pond, but now acts like a wet pond, and the goal is not trying to make it a dry pond again.

Chair Beise opened the public hearing.

**Mike Saxton**, representing the applicant and developer, Roger Derrick, was present for any questions.

Commissioner Rydberg asked Mr. Saxton if he was confident he could get the pond to drain out properly without causing problems elsewhere.

Mr. Saxton explained the outfall was constructed with criteria established by Sherburne County because the storm drain is located in the road and there was no other means of getting water out of the pond. It was designed to be a dry pond but soil borings did not detect the full soil makeup. Mr. Saxton stated they have attempted numerous solutions over the years and this is the compromise.

**Domonic Gemelli**, 11105 183rd Lane NW, stated he lives next to the pond, and distributed some photos. He explained his home is higher than the others homes in the development and stated if the pond drains, it will ruin the esthetics of his property. He stated water has never hit the outlet.

**Elizabeth Gemelli**, 11105 183rd Lane NW, and on the sales team for Evergreen Development. She stated one of the nicer selling features of the area is the walking path around the pond, it's used very heavily by the public, and her fear is if it becomes a dry pond, it will become a garbage dump. She stated it's beautiful and people would be disappointed if the pond were gone.

**Mary Richardson**, 11091 184th Circle NW, has lived in the development since the beginning and the pond does drain. She stated she and her husband like the pond and the builder told them it would be a wet basin. She stated the development is 55+, there are no children in the development, and is in support of the pond being a wet basin.

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

**Moved by Commissioner Johnson and seconded by Commissioner Kaba to recommend approval of an ordinance amending the PUD agreement for Tall Pines, subject to the following conditions:**

- 1. Staff approval of all civil plans identifying infrastructure improvements required to meet post-construction stormwater requirements.**
- 2. All improvements must be completed by July 31, 2025.**
- 3. The ordinance amending the PUD will not be recorded until the improvements have been completed, and the city has verified that the pond meets post-construction stormwater requirements.**

**Motion Carried 6-0.**

4.5 Modification of Legal Nonconforming Advertising Signs (Billboards)

Mr. Carlton presented the staff report. He distributed a handout from Erwin Specht, one of the property owners involved in this application. Mr. Specht asked in the handout (which was an email from Mr. Carlton) about the timing of the removal of billboards and Mr. Carlton indicated in the handout that the removal will be timed with the Oakwater Ridge subdivision being constructed.

Commissioner Rydberg asked what the allowed size of the billboards was, and if staff were comfortable setting a precedent with the entire stretch of Highway 10 to Ramsey, including clusters of billboards 350' apart.

Mr. Carlton stated the faces of billboards are allowed by ordinance to be 20x40. He stated the proposed billboard spacing of 350 feet, which is well below the ordinance requirement of a 1,200-foot but an improvement from the current ~220 feet separation, was a unique situation and would not create a precedent that would bind the city in the future.

Chair Beise opened the public hearing.

**Jacob Steen**, Larkin Hoffman Law Firm - 8300 Norman Center Drive, stated he was representing Security Bank and Trust, as trustee owning these properties. He stated it is a unique situation and, in order to accommodate the development of Oakwater Ridge, they requested to remove all 21 existing structures and replace them with 4 uniform billboards. In doing so, it would clean up and provide uniformity. Dan Franklin of Franklin Outdoor Advertising was also present to answer questions.

Commissioner Rydberg asked about the optimal number of billboards.

**Dan Franklin**, Franklin Outdoor Advertising, 8065 Hunter Lake Drive, Clear Lake, explained details about the placement of the signs and when they received repairs. Their goal is to create conformity, following ordinance requirements, at 10.5' by 36'. There were no plans for electronic signage.

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

Councilmember Wagner asked for clarification on when the removal of the current signs would be.

Mr. Carlton stated there was no required or specific timeline, but it would occur when the land underneath them was platted, potentially phased over 6-7 years. He indicated the property owner and billboard company would work together to determine the removal and replacement timeline.

**Moved by Commissioner Booth and seconded by Commissioner Rydberg to recommend approval of the request to reduce, relocate, and modify legal nonconforming advertising signs (billboards) as outlined in the staff report, subject to the following conditions:**

- 1. The city does not require the demolition or relocation of a billboard until the land beneath the structure is included in a final plat.**
- 2. Billboards must be removed from land included in a final plat for Oakwater Ridge and slated for dedication as a frontage road prior to releasing the plat for recording.**
- 3. Billboards relocated and constructed on the north side of Highway 10 must be done in accordance with the even spacing exhibit to improve compliance under the current city codes.**
- 4. At no time shall there be an increase in the total number of billboard structures, faces,**

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**or sign area on the subject properties.**

**Motion carried 6-0.**

## 5. GENERAL BUSINESS

### 5.1 Downtown Master Plan

Mr. Carlton presented the staff report. He explained that the steering committee representing the council, multiple commissions, and the downtown business community has been working with Bolton and Menk to prepare a long-range vision for Elk River's downtown area. He noted that the plan identifies redevelopment opportunities on both public and privately-owned parcels and recommends a series of action steps to guide the city towards a shared vision. Plan highlights include development recommendations for key sites within the core downtown area - the King Avenue parking lot, the Elk River Lutheran Church site, and the block that includes Dare's Funeral Home. Redevelopment of these sites would largely be driven by property owners, and this plan is a tool the city has to guide the vision for the future of those properties.

Mr. Carlton then discussed the plan's suggested substantial changes to Main Street and Jackson Ave within the core downtown area, including transitioning to parallel parking on both sides of the street and widening the sidewalks to improve the pedestrian areas in downtown. Changes include wider sidewalks, larger planters with trees and vegetation, and benches. This will result in the loss of 19 on-street parking stalls, which has been a concern of the steering committee. However, the plan also recommends partnering with downtown businesses to enter into shared parking agreements for the use of those lots during off-peak hours and considering time limits for the street parking to facilitate increased turnover.

Mr. Carlton then reviewed the plan beyond the core downtown, identifying the area along Railroad Drive between Jackson and Gates Avenue as a larger redevelopment site referred to as Uptown. Much of this area is envisioned as a higher-density residential area with commercial uses to complement the additional growth.

Mr. Carlton outlined a summary of the comments received when the plan was released and comments received at a public open house on April 22, 2025. Comments and concerns about tax increases and parking considerations dominated, with many residents expressing concerns about affordability, specific to property taxes, the timing of the plan, implementation steps, and density of the uptown area. In response to these concerns, the plan has been updated to remove the three- to four-story apartment buildings along Gates Ave, and additional considerations for downtown parking, as noted earlier, have been included.

Mr. Carlton noted, with regard to costs and property tax implications, that nothing in this plan obligates the city to spend tax dollars purchasing and redeveloping private property. He stated the plan does provide a general vision for the city to evaluate proposed redevelopment opportunities as they are presented to the city. Most of these will be private developers who have already had conversations with landowners regarding the sale of their properties. The plans' recommendations for improvements to public assets, parking lots, and streets will be reviewed by the council in greater detail when those projects have been included in a city budget. Mr. Carlton asked the Planning Commission for their thoughts.

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Commissioner Rydberg expressed concerns about how short Jackson Avenue is, and it really concerns him about the cross traffic. He felt this plan should include removing the left and rights off of Highway 10, and thought it would help with traffic going through town.

Councilmember Wagner stated she had also shared this same concern about Jackson Avenue for years, and after completing the study proposing Jackson as a one-way, it wasn't proposed as such. She stated they did discuss the Highway 10 pedestrian crossing solution by using an underpass under the railroad bed as a good solution. In the meantime, when crossing Highway 10 as a pedestrian, the city can request MnDOT to time the walking person where only the person is walking and there is no traffic allowed in either direction.

Commissioner Zahler asked for more details about the city block and street improvements coming from public funding along with the cost.

Mr. Carlton explained how public funding (pavement management, state funding) will be used to provide street improvements with engineers determining the cost, and when the improvements will be scheduled.

Commissioner Rydberg comments on utility improvements needing to be coordinated with MnDOT plans, especially with roundabouts.

Commissioner Zahler asked about the city-owned block and whether it would be sold to a private developer.

Mr. Carlton explained how the property transaction could work, and the city would ensure holding rights to provide public parking with a mixture of funding and TIF or tax abatement.

Commissioner Booth stated he liked this as a vision to work toward.

Commissioner Johnson agreed, stating it's a concept, so if they have a plan or opportunity that comes forward, they have a framework.

Commissioner Rydberg noted this was a flexible idea and had no problem adopting a plan.

Commissioner Zahler asked questions about the properties along Railroad Drive, as well as Main Street, and a comment from the plan stating the land value was worth more than the improvements on them. He wondered why they hadn't developed them. He asked if the city should be concerned with not having an interest in private investment in the plan area.

Mr. Carlton wasn't able to speak to that piece. Mr. Carlton stated the Minneapolis/ St. Paul Business Journal article reached out to the city regarding potential interest in redevelopment.

Councilmember Wagner also had an apartment builder contact her.

**James Lang**- 378 Gates Avenue, asked questions/concerns regarding the traffic on Gates, stating traffic is already busy. He wondered how many people would be added. There is also no easement on Gates either, and so concerned with what this plan will look like. He also asked about when roads would be repaved on Jackson at Main Street.

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Mr. Carlton stated the work on Jackson and Main Street could be a 2026 or 2027 project, and the project is separate from this, but this plan will help show the design of what those improvements look like. He stated the work would not cross Highway 10 at this point.

Mr. Lang asked if the properties in the Uptown section are currently zoned commercial.

Mr. Carlton stated there is a mix of commercial and residential-zoned properties and sometimes the city will rezone prior to a developer proposing a plan or project.

Mr. Lang asked if there would be any rezoning to allow townhomes.

Mr. Carlton stated there has been no discussion about rezoning to any particular zone or use.

Mr. Lang asked about notification of future projects to residents and businesses.

Mr. Carlton explained how the downtown business members were members of the subcommittee, with information being shared in various groups such as DERBA and the Chamber, and there have been discussions regarding this plan on social media and in the Star News.

Mr. Lang suggested the city-owned parking lot behind The Depot be the location for a 2 or 3-story parking ramp.

**Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the Downtown Master Plan as outlined in the staff report.**

**Motion carried 6-0.**

6. COUNCIL LIAISON UPDATES

Councilmember Wagner provided an update to the Planning Commission of recent City Council items.

7. MOTION TO ADJOURN REGULAR MEETING

**Moved by Commissioner Johnson and seconded by Commissioner Kaba to adjourn the meeting.**

**Motion carried 6-0.**

The meeting adjourned at 8:10 P.M.

Minutes prepared by Jennifer Green.



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Perry Beise, Chair



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Tina Allard, City Clerk