



PLANNING COMMISSION

June 16, 2021 at 7:00 PM
Meeting to be held Virtually through Zoom

AGENDA

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Approve Minutes May 19, 2021
5. Public Comment
6. Public Hearings
 - a. Variance, Administrative Adjustment for 23008 Navajo St NW
7. Discussion by Planning Commissioners
8. Adjournment

Website Link to Agenda and Packets: <https://www.stfrancismn.org/meetings>

There may be a quorum of St. Francis Council Members present at this meeting.

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
May 19, 2021**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Madam Chair Fairbanks.
2. **Roll Call:** Present were Todd Gardner, Deborah Humann, Colleen Sievert, Liz Fairbanks and Dustin Pavel. Absent: Joe Kollodge and Tara Kelly.

Others in attendance: City Council, Beth Richmond – City Planner, Kate Thunstrom-Community Development Director, Kevin Robinson – City Councilman

3. **Adopt Agenda:** Motion by Pavek, second by Sievert to approve the agenda. Motion carried 5-0.
4. **Approve Minutes:** Motion by Fairbanks, second by Humann to approve the April 21, 2021 minutes. Motion carried 5-0.
5. **Public Comment:** None received
6. **Public Hearing:**

- a. Carpenters Landing: Preliminary and Final Plat
Richmond reviewed staff packet identifying proposed division is consistent with the Comprehensive Plan and Zoning. Anoka County reviewed the points of access for the new and existing structures making recommendations on ROW and driveways.

PC discussion included the extension of Drake Street and the future of the connections. It was identified that as this lot split does not require Drake to extent to 237th the if the lot to the east was to divide it would require the extension go through. The property that just built at the cul-de-sac of Drake was given access without a requirement to extend but placement of the house was set for the idea it would eventually connect.

Public Hearing Opened at 7:19 p.m.

Chris Cone at 6020 237th Ave requested information on the plan and if lots were going to be developed or sold.

Jethro Carpenter, applicant, identified that currently the existing home is a rental property and that he will be building a house for himself on the other lot.

Public Hearing Closed at 7:21 p.m.

Fairbanks moved to recommend approval of the preliminary plat to split the property at 1524 237th Ave NW into two lots with the conditions and findings of fact as recommended by Staff. Second by Sievert. Motion passed 5-0

b. SFLC LLC (James Anderson) Interim Use Permit

Richmond reviewed the staff report and explained the general use of Interim Use Permits (IUP). It is recommended that this IUP expire after two years or when the property title is transferred, whichever is first. This property is guided for and Zoned B2 for commercial use. Property access is off of Cree Street. There are existing stormwater ponds that will remain untouched and must have a 25' buffer to prevent erosion.

Commission clarified the intent that the property will be used as farmland until it is purchased for development. Would like to ensure there are protections in place for those that will be leasing the land for the agricultural purpose. There is a concern for the wetlands and ensuring that those area are protected. Looking for clarification if there will be any storage of equipment.

Jim Anderson, applicant; Mr. Anderson clarified that the intent is to use farming as a means of taking care of the property. It will be used for normal types of crops to keep trees and growth under control. Any lease will include a provision to the user that the area may be sold and how it will be addressed being that the property is for sale. The ponds will be staked and there is not any planned storage of equipment on the site. The user will enter and exit the property with necessary equipment and will not leave it onsite.

Richmond identified that items such as protection of the stormwater ponds is outlined in the conditions of the IUP and that if those conditions are not met or maintained it will cause the IUP to be suspended or revoked.

It was noted by the Commission that this is a prime commercial lot and to make it attractive is important but question if farmland is the way to go.

Mr. Anderson identified that this is how he handled land in Otsego and has had very little interest in this property and that calls about development there are slow.

Public Hearing Open: 7:37 p.m. – no comments received/no property owners on Zoom

Public Hearing Closed 7:37 p.m.

Garner moved to recommend approval of the Interim Use Permit to allow an agricultural use on the property with conditions and finding of fact as recommended by Staff. Second by Humann. Motion passed 5-0

7. **Planning Commission Discussion** –none

8. **Adjournment:** Motion by Gardner, second by Fairbanks to adjourn. Motion carried 5-0.

Website Link to Packets and Minutes for the Planning Commission:

<https://www.stfrancismn.org/meetings>

Recorded by: Kate Thunstrom

DATE APPROVED:

PLANNING REPORT

TO: City of St. Francis Planning Commission
FROM: Beth Richmond, Consulting Planner
DATE: June 9, 2021
SUBJECT: Variance, Administrative Adjustment
APPLICANT: Julianna Dickenson
LOCATION: 23008 Navajo Street NW (PIDs 31-34-24-33-0003 and 31-34-24-33-0002)
MEETING DATE: June 16, 2021
COMP PLAN: Agriculture and Medium Density Residential
ZONING: A-2 Rural Estate Agriculture

OVERVIEW

Julie Dickenson has submitted applications for an administrative adjustment and related variance for the property located at 23008 Navajo St NW. The site contains two properties, both of which are split by Seelye Brook. As shown in the aerial below, Seelye Brook and its associated wet areas make up roughly 16 acres of the 40-acre site. An existing home and accessory structures are located across both properties near the eastern property line.

The applicant is proposing to adjust the existing lot lines to create a single lot north of Seelye Brook and second lot south of Seelye Brook. The applicant has indicated that the location of the creek reduces the property owner's ability to use the southern portion of the property. By adjusting the lot lines, the property owner would be able to sell the southern lot to a neighboring property owner. The lot line adjustment would also ensure that all existing structures are located on a single lot. The review of this lot line adjustment can be done administratively.

The variance requested relates to lot frontage requirements for the proposed Parcel B. The Planning Commission is requested to hold a public hearing, review the variance, and provide a recommendation to the City Council.



REVIEW PROCEDURE

60-Day Subdivision Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. The deadline for the variance request is July 16, 2021.

Public Hearing

City Code Section 10-31-03 requires that a public hearing for review of the variance request be held by the Planning Commission. The public hearing notice was published in the Anoka County Union Herald and mailed to all affected property owners located within 350 feet of the subject property.

VARIANCE REVIEW

Comprehensive Plan

The site is guided for Agriculture and Medium Density Residential use by the Comprehensive Plan. The Agriculture designation is located on the land south of Seelye Brook while the Medium Density Residential designation is located north of Seelye Brook within the City's urban service area. The proposed lot line adjustment would realign the properties to roughly match with the location of these land use categories, with Parcel A being guided for Medium Density Residential and Parcel B being guided for Agriculture.

The existing structures on Parcel A are proposed to remain in use following the administrative adjustment. If Parcel A is subdivided in the future, it would be expected to meet the use and density

requirements of the Medium Density Residential designation and the urban service area. The Medium Density Residential land use category is intended for lower density attached and higher density detached residential uses with a density range between 3 and 7 units per acre.

The request to adjust the property lines which would more closely match with the land use boundaries in the Comprehensive Plan is consistent with the Plan's guidance.

Zoning

This property is zoned A-2 Rural Estate Agriculture. The A-2 district is intended to accommodate agriculture and large lot single unit residential homes on individual septic systems. Use of the property for single-family residential is permitted. Both proposed lots meet the dimensional standards for lots in the A-2 district as shown below:

	A-2 Requirement	Parcel A	Parcel B
Minimum Lot Area	10 acres	22.62 acres	18.69 acres
Minimum Lot Width	300 ft.	1100+ ft.	1300+ ft.

The existing home and accessory structures on Parcel A meet all required setbacks.

Frontage/Access

Lots are required to have frontage and access directly onto an abutting, improved, and City-accepted public street (Code Sections 10-41-03 and 11-42-02). Parcel A has existing driveway access onto Navajo St NW through a set of three vacant lots owned by the applicant. 230th Ct NW is also stubbed at this property. If the property were to subdivide in the future, 230th Ct NW would be extended to serve the new lots.

Parcel B does not have frontage directly onto an abutting public street. Therefore, the applicant is requesting a variance from the Code provisions listed above. The location of Seelye Brook east to west across the entire property makes access to and use of the land south of the brook challenging for the property owner. While Parcel B does not directly abut a public street, there is an existing 33-foot access easement located between Parcel B and Norris Lake Rd NW to the south. This easement allows driveway access to Norris Lake Rd NW from the southwest corner of Parcel B. Without this easement Parcel B becomes a parcel with no access and a non-buildable lot.

City Boundary

This parcel is located on the boundary between the cities of St. Francis, Oak Grove, and Nowthen. The existing access easement (dashed line below) runs from the subject property in the City of St. Francis through both Oak Grove and Nowthen. Because Parcel B is considered a buildable lot within the City, it is important to maintain its access to a public street. Because the access easement and associated public street is located outside of the borders of St. Francis, Staff is exploring mechanisms to ensure that the property's access is maintained in the long-term.



RECOMMENDATION

Staff supports the requested lot frontage variance. The Comprehensive Plan determined that Seelye Brook is a natural barrier for City services in this location, and it is reasonable to adjust the lot lines to split the property along the brook's boundary. The existing access easement provides an indirect and legal way for Parcel B to access a public street.

Staff recommends the following:

1. Staff recommends approval of the lot frontage variance for the property at 23008 Navajo St NW with conditions and findings of fact.

Proposed Conditions of Approval

1. Approval of this request is subject to concurrent approval of the administrative adjustment request for 23008 Navajo St NW.
2. The applicant shall provide legal proof of ownership of the property.
3. The applicant is aware that if the existing access easement to the south should ever be removed, Parcel B would be landlocked and have no legal building entitlements without further subdivision and access being provided via a public street connection or alternative driveway easement.
4. No building permit shall be issued for Parcel B without a driveway providing access to a public street and constructed to the standards as approved by the City Engineer.
5. The applicant is responsible for all fees related to the review of this application.
6. All fees and financial obligations shall be received by the City prior to the releasing of the subdivision documents for recording.

7. The applicant shall record the approval document(s) with the County Recorder in accordance with Section 10-31-03 of the City Code.
8. Other conditions identified during the review process by Staff, the Planning Commission, or the City Council.

Proposed Findings of Fact

1. The proposed variance is consistent with the City's Comprehensive Plan.
2. The proposed variance is consistent with the general purposes and intent of the City's Zoning ordinance.
3. Applicant has provided documentation demonstrating that both Parcel A and B are buildable lots.
4. The applicant has provided documentation for an existing access easement which can be used to provide access to Parcel B from Norris Lake Rd NW.
5. The applicant has demonstrated practical difficulties for the site. The location of Seelye Brook across the entirety of this property is a unique circumstance which severely limits the applicant's ability to access the southern portion of the site.

PLANNING COMMISSION ACTION

After the public hearing and discussion, the Planning Commission could take one of the following actions:

1. Recommend approval with the conditions and findings of fact as presented by Staff.
 - a. Proposed Motion:
Move to recommend approval of the lot frontage variance at 23008 Navajo St NW with conditions and findings of fact as recommended by Staff.
2. Recommend denial with Planning Commissioners' findings of fact.
3. Table the request to the next Planning Commission meeting and provide direction to Staff and the applicant as to the additional information needed.

ATTACHMENTS

- Applicant Submittals
- Access Easement

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UNIVERSITY PROPERTY DISPOSITION

[illegible]

Subject to potentially restrictive representations of record, if any.

[illegible]

and it is known to contribute to the development of the disease.

11) The dimensional weighted steps is shown per shape its provided by Global Report with Impact's Documentation

I hereby certify that the data, specifications, in reply given pursuant to you e-mail the
 stated information and that it is a true and correct copy submitted to the stated of
 the of America.

Paul Thomas (My Sign)
 Date: 10/15/2015

Signature: *[Handwritten Signature]* Date: 10/15/2015

COMPANY: 223 9th Ave. N. #1000 Minneapolis, MN 55401

PERFORMANCE DESIGN

QUESTIONNAIRE – COMPLETION REQUIRED

Please attach answers on separate sheet of paper.

The ordinance requires that the conditions below must be satisfied in order for the variance to potentially be approved. On a separate page, explain in detail how your request conforms to the each of these requirements. Be specific when addressing these items, the Commission must establish findings which support the application as it relates to each of the following:

Section A.

1. Existing use of the property
2. Description of the situation in which necessitates the request for the variance
3. Describe any physical or hydraulic impacts this project will have on water resources. Will the project involve the alteration of any surface water?
4. Provide an estimate of the acreage to be graded or excavated and the amount of soil to be moved. Describe any steep slopes or highly erodible soils and what measure will be used to minimize erosion.
5. Is this project in proximity to designated parks, trails, recreation areas, wildlife preserves or other unique resources?
6. Provide any additional information that would be helpful for the Planning Commission when reviewing this application.

Section B.

7. What is the effect of the proposed variance upon the health, safety and welfare or the community?
8. How is the request in harmony with the general purposes and intent of the Zoning Ordinance?
9. How is the request consistent with the Comprehensive Plan?
10. The applicant establishes that there are practical difficulties in complying with the Zoning Ordinance. Explain how:
 - a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
 - c. The variance, if granted, will not alter the essential character of the neighborhood in which the parcel of land is located.
 - d. Economic considerations alone do not constitute practical difficulties
 - e. Will the variance involve a use that is not allowed within the respective zoning district?
11. What are circumstances unique to the shape, topography, water conditions or other physical conditions of the property?
12. How is granting of the variance necessary for the preservation and enjoyment of a substantial property right?
13. Explain how granting of the variance will not impair light and air to the surrounding properties, unreasonable increase congestion, increase the danger of fire or endanger public safety.
14. Explain how granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty.

5-5-21

APPLICATION FOR VARIANCE

23008 Navajo Street Lot Line Adjustment

Answers to Questions

Section A.

1. Hunting and Nature Walks
2. Potential Sale of property south of creek to adjoining property owner.
3. Will not involve any alteration of surface water.
4. No soil will be moved.
5. No
6. This is a 36.13 Acre piece of land that is split in half by a creek. Property owner is selling everything south of waterway to adjoining land owner.

Section B

7. No effect on the community
8. Property will remain as is, woods and wetland
9. Property will remain as is, woods and wetland
10. Complying
 - A. Moving lot line
 - B. Landowner is not changing the property or its use
 - C. The variance will not alter the character of the neighborhood
 - D. No economic considerations
 - E. No, the use of the land will remain in harmony with nature
11. The unique circumstances are that the landowner surrounding the borders of this piece of land wants to buy it to expand his piece of property
12. The waterway splits the piece of land so southern half cannot be easily accessed by current owner but could easily be accessed by southern neighbor (potential buyer)
13. There will be no impact on light or air
14. The existing practical difficulties are that currently the waterway splits the property, current landowner cannot easily access southern piece.

EASEMENT AGREEMENT

690026

THIS AGREEMENT, made and entered into this 15 day of July, 1985, by and between Volunteers of America in Minneapolis, Inc., a Minnesota corporation (hereinafter "Grantor"), and Chester O. Olson and Frances M. Olson, husband and wife (hereinafter "Grantees"),

WITNESSETH:

WHEREAS, Grantor is the owner of certain land located in Anoka County, Minnesota, more particularly described in paragraph 1 below; and,

WHEREAS, Grantees are the owners of adjacent land more particularly described as all that part of the East Half of the Southeast Quarter of Section 36, Township 34, Range 25, Anoka County, Minnesota, which lies southerly of Seelye Brooke; and,

WHEREAS, Grantees have used an existing roadway over and across the land of Grantor for access to their property, the legal description of which road is not of record; and,

WHEREAS, the parties desire to more definitely locate such access by legal description and to define the rights and obligations arising therefrom,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, AND OTHER GOOD AND VALUABLE CONSIDERATION OF WHICH THE PARTIES ACKNOWLEDGE THE RECEIPT AND SUFFICIENCY, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Grantor hereby grants, bargains, sells and conveys unto Grantees, as joint tenants, their heirs and assigns, a non-exclusive permanent easement for road purposes 33 feet in width in, over and across that part of Government Lot 1 and the Northwest Quarter of the Northwest

Quarter, all in Section 6, Township 33, Range 24, Anoka County, Minnesota; and that part of Government Lot 1 and the Northeast Quarter of the Northeast Quarter, all in Section 1, Township 33, Range 25, Anoka County, Minnesota, the centerline of which is described as follows:

Beginning at the intersection of the centerline of Anoka County State Aid Highway No. 24 with the East line of said Section 1; thence northerly along said East line to the Northeast corner of said Section 1.

Together with a non-exclusive permanent easement for road purposes in, over and across the North 33 feet of the East 33 feet of Section 1, Township 33, Range 25, Anoka County, Minnesota.

2. Grantees hereby covenant to Grantor, that Grantees shall be solely responsible for the maintenance and repair of said road easement, and all costs and expenses incurred for such maintenance and repair.

3. Grantees hereby agree for themselves, their heirs and assigns, to indemnify, save harmless and defend Grantor from any and all claims by Grantees or third parties arising from the Grantees' use of such road easement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

GRANTOR:

GRANTEES:

VOLUNTEERS OF AMERICA
IN MINNEAPOLIS, INC.

By *John E. Hagan*
Its *President*
XXXXXX
XXXX

Chester O. Olson
Chester O. Olson
Frances M. Olson
Frances M. Olson

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this 17th day of October, 1985, by Jack L. Dignum, President, ~~and xxx~~, of Volunteers of America in Minneapolis, Inc., a Minnesota corporation, on behalf of the corporation.

JAMES E. HOGIE JR.
NOTARY PUBLIC - MINNESOTA
ANOKA COUNTY
My Comm. Expires Oct. 3, 1988

James E. Hogie Jr.
Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this 23rd day of OCTOBER, 1985, by Chester O. Olson and Frances M. Olson, husband and wife.

ROBERT C. PARTA
NOTARY PUBLIC - MINNESOTA
ANOKA COUNTY
My Comm. Expires Oct. 3, 1987

Robert C. Parta
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

STEFFEN, MUNSTENTEIGER, BEENS,
PARTA & PETERSON
403 Jackson Street, Suite 301
Anoka, Minnesota 55303
(612) 427-6300

"NO DELINQUENT TAXES
AND TRANSFER ENTERED"

Oct 24 19 85
Charles R. Highley
Auditor, Anoka County
BY [Signature]
Deputy