



PLANNING COMMISSION

ISD #15 DISTRICT OFFICE BUILDING
4115 AMBASSADOR BLVD.

August 19, 2020

7:00 PM via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/88980716162?pwd=UFZGbHhRcU9NY1BIUkxEWFdvd3NhUT09>

Meeting ID: 889 8071 6162

Passcode: Q8b1uq

One tap mobile

+13126266799,,88980716162#,,,,,0#,,236020# US (Chicago)

+19292056099,,88980716162#,,,,,0#,,236020# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 889 8071 6162

Passcode: 236020

AGENDA

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Approve Minutes July 15, 2020
5. Public Comment
6. Public Hearings
 - a. Revocation of the Conditional Use Permit 06-33-24-11-0084
 - b. Revocation of Conditional Use Permits- Multiple Properties
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
July 15, 2020**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:02 pm by Chairman Zutz. Meeting was held and recorded by Zoom
2. **Roll Call:** Present were Todd Gardner, Greg Zutz, Colleen Sievert, Liz Fairbanks, Tara Kelly and William Murray. Absent: Joe Kollodge

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

3. **Adopt Agenda:** Motion by Fairbanks, second by Kelly to approve the agenda. Motion carried 5-0-1 Murray absent.
4. **Approve Minutes:** Motion by Sievert, with correction to identified Chair, second by Fairbanks to approve the May 20, 2020 minutes. Motion carried 5-0-1 Murray absent.
5. **Public Comment:** None
6. **Regular Business Items:** None
7. **Public Hearing:**

- a. Subdivision Request xxxx Nacre St NW, Westman
Richmond walked Commission through Staff report. Property is eligible to complete the process through Meets and Bounds and has submitted the required survey. This property does not require a final Plat. Applicant has completed the soil borings as required.

Discussion and clarification was made on Park Dedication. It is required on all newly created parcels within the City. There are not exceptions to parcels splitting to allow family to build. It is a flat fee of \$2,500 per new lot as approved in the City adopted Fee Schedule.

Discussion on difference between Meets and Bounds and Plat. Meets and Bounds allows the split by direction and measurement as to a final Plat would split the parcels into Lot/Block.

Public Hearing Opened at 7:16

Public Hearing Closed at 7:17 with no comments received

No further discussion

Motion to recommend to Council approval of the Meets and Bounds Subdivision split by Gardner, Second by Fairbanks. Motion passed 6-0.

8. **Planning Commission Discussion**

- a. Question on continued use of Zoom: Per Thunstrom, until further notice. Following the lead of Council.
 - b. Packet, updated format: Commission felt it was a cleaner design, would like map visuals to understand where the parcel is in the City. Requested that surveys in the future be sent in the 11x17 size.
 - c. Anticipated that we will be having an August meeting
9. **Adjournment:** Motion by Gardner, second by Fairbanks to adjourn. Motion carried 5-0-1 Murray absent. Meeting adjourned 7:25 pm.

Website Link to Packets and Minutes for the Planning Commission:
<https://www.stfrancismn.org/meetings>

Signed by: Kate Thunstrom
DATE APPROVED:

DRAFT

TO: Planning Commission
FROM: Kate Thunstrom, Community Development Director
SUBJECT: Revocation of Conditional Use Permit – Lot 1, Block 1 Meadows of St. Francis 2nd Addition, Parcel 06-33-24-11-0084
DATE: August 19, 2020

OVERVIEW

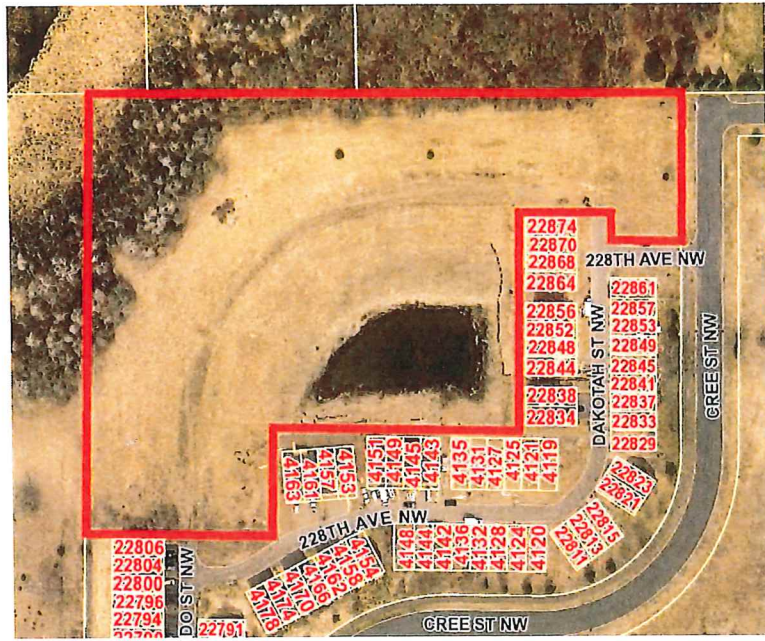
Parcel identified as Lot 1, Block 1 Meadows of St. Francis 2nd Addition, Parcel 06-33-24-11-0084 was awarded a Conditional Use Permit (CUP) to allow for an In-Patient Chemical Treatment Facility in June 2018, also known as Meridian Behavioral Health. This was the second CUP awarded to this parcel and property owner as work with the City extends back as far as 2013.

In May of this year, Staff was notified that the project is not moving forward and that the current property owner was selling the parcel.

City Code has in place deadlines in which land use permits must adhere to. Site plans are approved up to one year unless an extension is requested. Land Use permits also are considered abandoned at six months of non-use. The owner has directly identified the CUP will not be utilized. To revoke a CUP, the process must be initiated by Council or the Planning Commission. Council requested on July 20, 2020 that Staff take the necessary steps to revoke the CUP.

Parcel is Zoned R4 Residential. Any future project would be required to go through the Site Plan process for any development. If another behavior health center was to purchase the land, they would be required to also obtain the Conditional Use Permit. By revoking the current permit, it releases the property from the existing conditions and a new project would create a new set of conditions.

Staff is moving forward on the expiration and revocation of the Condition Use Permit. This will include a Public Hearing at tonight's Public Hearing and formal action by Council on September 8, 2020.



CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

RESOLUTION 2018 - 21

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW
AN IN-PATIENT CHEMICAL TREATMENT FACILITY ON LOT 1, BLOCK 1,
MEADOWS OF ST. FRANCIS 2ND ADDITION**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of St. Francis, Minnesota was held on the 4th day of June, 2018. The following members were present: Mayor Steve Feldman; Council Members Robert Bauer, Joe Muehlbauer, Rich Skordahl, and Jerry Tveit.

Council Member Bauer introduced the following resolution and moved its adoption:

WHEREAS, the City of St. Francis is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of St. Francis has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Meridian Behavioral Health ("Applicant") is owner of property which is legally described as follows:

Lot 1, Block 1, Meadows of St. Francis 2nd Addition

WHEREAS, the Property is zoned R-4 which allows in-patient chemical treatment facilities as a conditionally permitted use; and

WHEREAS, the applicant has made application to secure a conditional use permit to construct and operate an in-patient chemical treatment facility on the Property; and

WHEREAS, approval of a conditional use permit for an in-patient chemical treatment facility requires compliance to general performance standards listed in Chapter 10, Section 6 of City Code; and

WHEREAS, staff fully reviewed the request and prepared a report complete with findings and recommendations for both Planning Commission and City Council consideration; and

WHEREAS, the Planning Commission on December 20, 2017, opened and closed a duly noticed public hearing on the Conditional Use Permit and considered the applicant's submission, the contents of the staff report, public testimony, and other evidence available to the Commission; and recommended approval of the request at that time; and

WHEREAS, the application was subsequently withdrawn as the applicant wished to change the proposed footprint of the building; and

WHEREAS, the revised application was submitted to the City on April 16, 2018, and the Planning Commission; on May 16, 2018; again opened and closed a duly noticed public hearing on the Conditional Use Permit and considered the applicant's submission, the contents of the staff report, public testimony, and other evidence available to the Commission; and again recommended approval of the request; and

WHEREAS, the City Council subsequently considered on June 6, 2018, the recommendations of Staff and the Planning Commission, the Applicant's submissions, the contents of the staff report, public testimony, and other evidence available to the Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Francis hereby approves a Conditional Use Permit to allow an in-patient chemical treatment facility on the Property as proposed in plan sets dated 4/16/18, based on the following findings of fact:

- (1) The subject site is guided for residential use, and in-patient chemical dependency treatment centers are a conditionally permitted use within the R-4 zoning district.
- (2) The proposed separation distance between the facility and nearby residential uses coupled with proposed landscaping will ensure this permitted use will continue to be compatible with surrounding lands.
- (3) The proposed direct connection to 229th Avenue NW will ensure traffic is not an issue and is consistent with anticipated traffic levels for this site.
- (4) Proposed parking has been deemed to be adequate for the use and is consistent with the City's minimum parking standards.
- (5) All proposed buildings and parking spaces meet required setbacks.
- (6) Proposed landscaping materials are acceptable, and the proposed planting plan is in conformance with City standards.

- (7) Proposed lighting will not cast glare onto the public right-of-way or adjacent property in a manner that is inconsistent with code or that cannot be managed.
- (8) The proposed building materials to be used are of high quality and are consistent with City standards for residential structures.
- (9) Stormwater plans will be in conformity with local standards once all engineering issues are addressed, and post-development runoff rates will be less than existing run-off rates once the project is complete.
- (10) The proposed use can be adequately served by the City's sewer and water infrastructure, and will not be a burden on city services.

BE IT FURTHER RESOLVED that approval of the Conditional Use Permit shall be subject to the following conditions:

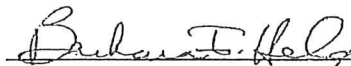
- (1) Construction shall be consistent with all plans approved as part of this conditional use permit except as required to be updated by City Staff to conform to conditions of approval.
- (2) All changes requested by the City Engineer in their review memo dated 5/8/18 shall be implemented on the final plans prior to permits being issued.
- (3) Minor updates to the approved plans as may be needed to avoid encroachment(s) into final drainage and utility easements, meet required setbacks, or to improve the site design shall be worked out with City Staff (i.e. final sign placements) during the permitting process.
- (4) An NPDES Construction Permit from the MPCA shall be obtained by the applicant.
- (5) All exterior lighting shall include cut-offs to direct light at an angle of 90 degrees or less downward, and each free-standing fixture shall not exceed 25' in height.
- (6) Additional shielding or other appropriate measures shall be provided on lights in the NE corner of the property to ensure spillover light is compliant at the northern property line.
- (7) The use shall be in compliance with all Federal, State, or County laws and regulations that are applicable, and all related permits shall be obtained and documented to the City.
- (8) The property owner shall adhere to all applicable governmental regulations, secure all necessary licenses, and shall obtain all necessary permits to authorize construction, establishment, and continued operation of the proposed use.
- (9) The applicant shall enter into a development agreement with the city specifying the responsibilities, securities, and timeline for project completion.

- (10) A financial security (or securities), shall be provided to the city to ensure the installation of proposed site improvements including but not limited to; landscaping, lighting, grading, and stormwater management.
- (11) The applicant shall recognize that modifications or expansion to conditions for public safety or public betterment may be considered by Council at a future date.

The motion for adoption of the foregoing resolution was duly seconded by Council Member Muehlbauer and, upon vote being taken thereon, the following voted in favor thereof: Feldman, Bauer, Muehlbauer, Skordahl and Tveit. The following voted against or abstained: None.

Whereupon the resolution was declared duly passed and adopted the 6th day of June, 2018.

ATTEST:


Barbara I. Held, City Clerk




Steven D. Feldman, Mayor

6/6/18
Dated

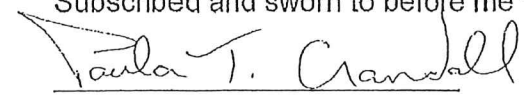
The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

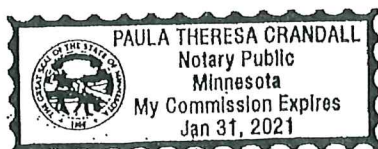
Dated 10-24-18

Representative


Meridian Behavioral Health Authorized

Subscribed and sworn to before me this 24th day of October, 2018.


Notary Public





**PLANNING COMMISSION
AGENDA REPORT
6b**

TO: Planning Commission
FROM: Kate Thunstrom, Community Development Director
SUBJECT: Conditional Use Permit Revocation – Multiple Properties
DATE: August 19, 2020

OVERVIEW

Conditional Use Permits are granted to residential property owners for home based businesses. The City has been granting CUP's for these purposes since 1984. Over the years, the properties in which hold the permitted use have been sold, changed owners or existing owners are no longer operating the property for which the permit was granted.

Staff has reviewed the CUP files and identified several that have been inactive or unresponsive. For documentation purposes, the formal action to revoke the CUP should be completed. With the age and inconsistencies of some files, Staff is recommending all of the following be identified in this action. Property owners have the opportunity to come forward and identify any reasons or concerns. Below is a list of all properties in which have been approved for a CUP which is considered to be inactive and part of tonight's revocation:

	Address	Year Granted	Applicant	Current Owner	Property Type	Description	Active (Y/N)
1	23003 Springhill Rd	1985	Wallace A. Watson	Jeffery Tener	residential	Allow for a peat mining operation	2009 owners notified of the termination of the CUP
2	23055 Spring Hill Rd	1992	James Anton	James Anton	residential	Allow for a small engine repair shop	6-27-18 retired the business year ago
3	23065 Spring Hill Rd NW	1996	Doug and Pam Sather	James Mrozla	residential	Allow a ceramic shop	property has not been used for business since ownership transfer
4	23640 Nacre St NW	1995	Kelli Johnson and Wade Beckenbach (1995 Business owner) Nolan and Nicole Peel	Richard Brausen	residential	Allow a Dog kennel business	Property unresponsive

			(2009 Business)				
5	24158 St. Francis Blvd	1991	Carol Westphal (Home Occupation)	Michael and Irene Vanderpoel	residential	Allow statue sales in the yard	6-21-18 verified no longer active
6	25-34-25-11-0001	1984	Wallace A. Watson (Owner 1984) Scott Watson (Owner 2006)	Craig Bjorklund (Owner)	residential	Allow a Peat Mining Operation	Met with land owner, turning pond into wetland. Mining operation has ended, need to close out permit
7	2660 239th Ave NW	1999	Scott and Pamela La Boe	Catherine and Daniel Lauseng	residential	Allow for a specialized animal raising operation	CUP was not continued after previous owner
8	3325 Bridge St NW	1990	Owned by the City of St. Francis and Leased by Citation Cable T.V.	INDEPENDENT SCHOOL DIST #15	commercial	Allow Cable T.V. Tower	This property is not being used for this purpose any longer
9	3488 227th Ave NW	2009	Julia Hahn	Darin and Julia Hahn	residential	Allow a sewing business	permit has been inactive several years
10	3656 226th Ave NW	1999	Lori Sherrett and Randy Bratsch	Lori Sherrett and Randy Bratsch	residential	Allow a Desktop publishing company	Company ended a few years ago
11	4025 241st Ave NW	1989	Gerald and Lois Bjork (Home Occupation Retaining wall and stone sales)	Eleanor A., James A. and Thomas Widhalm	residential	Allow to sell retaining wall and stone	6-18-18, use has been nonexistent since the transfer of property
12	4554 241st Ave NW	1995	Mitchell Little	Jay and Elaina Anderson	residential	Allow a welding shop	property owner requested that the permit be canceled
13	5036 Ambassador Blvd	1988	Lynn Floyd (Home Occupation Drapery Shop)	Timothy J. Knautz	residential	Allow a drapery shop in a residential district	Permit no longer in use

14	5512 Ambassador Blvd	2009	Dave Stevenson	Joseph McAlistar	residential	Allow the operation of a construction business	2012 no longer active, sold to new owner in 2013
15	7382 Hill and Dale Dr NW	1995	Cheryl Horner	Michael and Alida Walz	residential	Allow a Beauty Salon	Verified permit no longer in use
16	7508 Hill and Dale Dr NW	1998	Ted Forster	Katlin Moehlmann and Mitchell Vokaty	residential	Allow a mining operation	Property sold, use no longer in place
17	8214 229th Ave NW	1992	John Plaisted (M&P Game Farm)	2TLC Farms LLC	residential	Allow a Game Farm and Hunting Lodge	Property unresponsive

All of the above businesses were reached out to. Majority of properties have identified that they were no longer using the CUP. Two properties were unresponsive to communication from the City. The steps to revoke a CUP include the following:

1. Notice in the newspaper 10 days prior to the public hearing: August 7, 2020
2. Direct notice to property owner, mailed August 5, 2020
3. Notice to surrounding properties, mailed August 5, 2020
4. Public Hearing – August 19, 2020

The revocation process is an important step as CUP permits run with the land until affirmatively revoked. The CUP's above are being revoked due to lapse or non-conformity with the CUP Conditions. If a property owner comes forward to contest the revocation, they are required to provide information on how the CUP has been maintained to be consistent with the terms of their approval and terms of the City Code Chapter 10-6 Conditional Use Permits.

ITEMS TO BE DISCUSSED:

1. Planning Commission to hold a public hearing on the revocation of the Conditional Use Permit on the addresses listed above.
2. Planning Commission to provide one the following direction to Staff:
 - a. *Recommend to Council all addresses listed to be revoked*
 - b. *Recommend to Council all addresses except ___(identify specific properties to be removed)___ be revoked*
 - c. *Table Revocation*
 - d. *Deny Revocation of addresses listed above*