



**MINUTES OF THE PROCEEDINGS OF THE PLANNING  
COMMISSION OF THE CITY OF STACY IN THE COUNTY  
OF CHISAGO AND THE STATE OF MINNESOTA  
PURSUANT TO DUE CALL AND NOTICE THEREOF**

**REGULAR MEETING  
APRIL 19, 2016, 7:00p.m.  
STACY CITY HALL**

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**Call to Order**

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The meeting was called to order by Chair Ness at 7:00pm.

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**Roll Call**

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**Present:** Jim Ness, Mark Ness, Jim Clay, Michelle Boeck, and Dennis Thieling

**Alternates Present:** Tony Olivolo

**Absent:** None

**Others Present:** Andy Zuercher, Jerry Schroeder, and P J Potrament

**Note:** Shirley Hockensmith was removed from the Planning Commission as she no longer resides in the City.

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**Agenda**

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Motion by M. Ness to approve the agenda. Second by Olivolo. Clay, Thieling, Boeck, J. Ness, and M. Ness voted yes. Chair J. Ness declared the motion carried. Alternate Olivolo voted yes.

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**Approval of Minutes**

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Motion by M. Ness to approve the minutes as presented. Second by M. Boeck. Members Clay, M. Ness, J. Ness, Boeck, and Thieling voted yes. Chair J. Ness declared the motion carried. Alternate Olivolo voted yes.

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**Council Update**

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The council approved both the dog and fence ordinance revisions proposed by the Planning Commission.

The city email accounts will be changed over to Google.

The city hall will be renovated and meetings temporarily held at the Doyle Building.

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**Joint Meeting with City Council  
7:40-8:15p.m.**

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**Accessory Structures**

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The council joined the Planning Commission meeting to discuss Accessory Dwelling Units.

The following criteria to be considered:

- The accessory structure cannot be located in the front yard, or beyond the front of structure if in the side yard.
- Cannot be an RV or mobile home
- Connection to water and sewer required, if water and sewer are within 150 of the property line (per section § 51.28).

- If the accessory structure connects to the city water and sewer system the primary structure is also required to connect.
- Not a rental property
- Not a temporary use
- Built on a foundation.
- Annual registration.
- Portable cabin type structures may be allowed
- Fit within the design of the neighborhood
- Conditional Use Permit required
- Approved in R1, R2 (as long as only one primary structure on the property), and Ag.
- 500 foot maximum

The review of the City of Minneapolis code will be conducted as well as the City of Duluth (micro housing).

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**New Business**

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**Stacy Lent Fire Department Sign**

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This item handled out of order by motion by J. Ness. Second by M. Ness and carried.

A text amendment will be done to city code section 153.101

§ 153.101 SIGN STANDARDS BY DISTRICT.

(A)(2) Clubs, lodges, civic and religious organizations, schools, churches, synagogues, or other public or private non-residential uses allowed in residential areas are permitted to have 1 sign not to exceed 32 square feet in size and 8 feet in height. Any illumination of such signs must be external with downward focused lighting.

Add (a) municipal owned properties can have one electronic reader sign with a conditional use permit.

The public hearing will be held concurrently with the fencing amendment on May 17<sup>th</sup> at 7:05pm.

Proposed timeline of events:

- Public hearing on May 17
- Recommended approval to Council May 24
- Ordinance Publication June 1
- Conditional Use Permit application Public Hearing Set for June 21
- Council action June 28

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**Stacy Ponds Business Park Sign**

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The sign needs to include the number of lots we actually have for sale, if we have 20 lots then we need to plan to accommodate 20 in the future. From an ordinance standpoint we need to review what it ultimately might be. In review of the code it doesn't seem to include

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**Stacy Lions Club – Ballfield Fence**

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this type of sign, a possible text amendment will need to occur. Also, the commission needs to know the dimensions of the sign, construction materials, and how illuminated.

This item handled out of order by motion of J. Ness. Second by Olivolo and carried.

The clerk was directed to prepare a text amendment to city code section 153.032 changing (F) to read:

(F) Fences of appropriate height for athletic fields are allowed in the park district as determined by the sanctioning athletic association regulations; and renumbering existing (F)-(I) to (G)-(J)

The public hearing is scheduled for May 17<sup>th</sup> at 7:05pm.

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**5675 Stacy Trail – Zumba and Rental Party Room**

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This item handled out of order by motion of M. Ness. Second by Clay and carried.

The party room would be allowed under § 153.051 GB GENERAL BUSINESS DISTRICT (B)(3) Commercial recreation and entertainment.

Is parking adequate? If not is it a legal nonconforming use?

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**Legal Non-Conforming Uses**

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The city attorney submitted the following regarding non-conforming uses:

Following up on a memo I did to the Planning Commission last year, you asked whether “the grandfathered use stop when the property is sold?”. The general answer is no.

A “grandfathered use” is a use, structure or lot that legally existed prior to the creation of a particular zoning ordinance. It is legally referred to as a legal nonconforming use. It can also result when property is annexed into the city and the use, structure or lot prior to the annexation is not allowed under the city’s zoning ordinance.

A zoning ordinance may prohibit legal nonconforming uses from being expanded, extended or rebuilt, but a sale of the property itself will not make the use illegal.

Minn. Stat. § 462.357 Subd. 1e (a0 does, however, provide that a nonconforming use ceases if the nonconformity or occupancy is discontinued for more than a year. It also may be discontinued under certain circumstances if the nonconforming use is destroyed by fire or other peril.

Please advise if this doesn’t adequately answer your question.

What the commission needs to determine is what were the parcels annexed from Wyoming able to do prior to annexation; those uses need to be documented.

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**Old Business**

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**Sidewalks in New Developments**

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The commission agreed that what was presented by the city planner is acceptable; because the ordinance will be changed the commission will review other requirements of a subdivision such as lighting, landscaping, etc.

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**Interim Use Permits**

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The home occupations need to be added back in per the city planner's recommendation. Also review what are considered home occupations for the next meeting.

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**Comprehensive Plan Review**

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- **Green Step Cities**

This item handled out of order by motion of M. Ness. Second by Olivolo and carried.

Council member Denney was present to discuss the Green Step Cities program 29 Best Practices. They fit into the comprehensive plan under Land Use, Energy, Transportation, and Public Utilities.

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**Open Discussion**

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**Adjourn at 9:11p.m.**

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Chair Ness declared the meeting adjourned at 9:11p.m.

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Sharon MT Payne