



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

**REGULAR MEETING – MAY 21, 2024 7:00 p.m.
33155 HEMINGWAY AVE, STACY MN**

Call to Order

Chair J. Ness called the meeting to order at 7:00 p.m.

Attendance

Present: Jim Ness, Michele McLane, Jeff Johnson (Voting Alternate), Susie Brooks (Voting Alternate), Dick Stiers (arrived at 7:43 p.m.), Telise Schroeder (arrived at 7:45 p.m.)

Absent: Jim Willeck

Others Present: City Council Liaison Tim Sawatsky, Deputy Clerk Angie Comstock, Clerk Tanya Smolke, Stantec Planner Will Hutchings (via Webex), Jeff Selvog, James Cash, Adam Mallek, and other members of the public.

Agenda

Motion by J. Ness to approve the agenda as amended. Second by M. McLane. Members J. Ness, J. Johnson, S. Brooks, and M. McLane voted yes. Chair J. Ness declared the motion carried.

Approval of Minutes

Motion by J. Ness to approve the Planning Commission minutes from April 16, 2024. Second by J. Johnson. Members J. Ness, J. Johnson, S. Brooks, and M. McLane voted yes. Chair J. Ness declared the motion carried.

City Council Update

City Council Liaison T. Sawatzky provided an update from the May City Council meeting. He informed the Commission that the Stacy Hardware CUP and the Xcel Laydown Yard IUP were approved. The discussion on cannabis was tabled until the next regular meeting. He discussed the complaint regarding the intersection of Falcon Ave South and CSAH 19, and also that various permits related to Stacy Daze were approved. Lastly, he told the Commission that their request for additional work sessions was approved by the Council.

Public Hearing (7:03-7:14 p.m.)

5475 320th St. Preliminary Plat

Chair J. Ness opened the public hearing at 7:03 p.m. Stantec Planner Will Hutchings was in attendance via Webex. He

Planning Commission

provided a summary of the subdivision, the City Planner's recommendation, and the findings of fact. Chair J. Ness asked how Parcel B would be accessed and was told there is currently a field entrance. He advised that the applicant would need to go through Chisago County to apply for access off of the county road. Member J. Johnson asked if the property was being sold, and was advised that the sale of the second lot is pending the approval of the lot split. Chair Ness asked W. Hutchings if the applicant would need to show proof of access before the split could be approved, and W. Hutchings responded that it was not a criterion provided in the staff report, and was not a condition of approval. He assumes that the applicant would need to work with whoever has jurisdiction over Falcon Avenue, whether it was the City or the County, to establish access to Parcel B. Chair Ness asked if access would have to be figured out before the approval of the final plat for the property and W. Hutchings stated it could be approved by the City without that condition being met, but the landowner would need to get that taken care of before applying for any building permits. Chair Ness asked if there was any public comment on the matter, and seeing none, closed the Public Hearing at 7:14 p.m.

New Business

**Action on 5475 320th St.
Preliminary Plat**

Motion by J. Ness to recommend to the City Council to approve the preliminary plat as presented. Second by M. McLane. Per Commission discussion on the motion, J. Ness amended the motion to add "contingent on access to Parcel B via Falcon Ave or 320th." Second by M. McLane. Members J. Ness, J. Johnson, S. Brooks, and M. McLane voted yes. Chair Ness declared the motion carried.

**Proposed Home Occupation-
35341 Elmcrest Ave.**

Resident Adam Mallek was present at the meeting to discuss his proposed home occupation. He would like to start a pumpkin patch with a roadside stand as a family business, and hopes to eventually expand to flowers in the future. He intends for customers to use the main driveway and will provide parking behind his home. The Commission reviewed the code related to Home Occupations and talked about potential traffic and parking issues. The resident lives in the RR-A zone, where his proposed business is an allowed use, which means that an IUP is not necessary at this time. As the business grows, there may be a need to address traffic and/or

parking, and the resident can come to speak to the Commission at that point.

Screening from Interstate

The Commission reviewed the portion of the City Code that the City Planner had identified that requires screening for businesses along the interstate, §153.051 General Business District (GB), letter (I). GB is the only district that borders the interstate at the CSAH 19 interchange. The Commission members discussed the definition of a loading zone and verified that businesses in the City with drive-throughs are required to apply for a CUP per the code. They reviewed the rest of the section related to screening and came to the consensus that item (1) should be omitted from the ordinance. The clerks' department was directed to prepare the ordinance revision and post for the Public Hearing at the next regular meeting on June 18, 2024.

Old Business

Zoning Ordinances for Review

Chair J. Ness recommended that ordinance reviews at the end of "Old Business" on the agenda going forward. The Home Occupations revision draft that Chair J. Ness and T. Schroeder have been working on was reviewed by the Commission. The comments added to the document were discussed and the following edits were made:

- (B) Permitted Home Occupations - The word "attached" was removed from the section.
- (C) Interim Use Permit- The Commission discussed whether the examples listed were necessary for the section. No changes made at this time.
- (D) (2) Performance Standards - The Commission discussed the number of employees that are appropriate for a home occupation. No changes made at this time.

Member T. Schroeder will continue the review of the ordinance and work on the draft will continue at the work session.

Shoreland Model Ordinance

The Deputy Clerk and Member M. McLane need to complete the revisions to the shoreland model ordinance and will complete this within the next week so it can be sent to the DNR for review. Member T. Schroeder said that she had received the

Word version of the floodplain ordinance and would work on the revisions to it.

4333 340th St. Discussion

This item was handled out of order by motion of J. Ness. Second by T. Schroeder. Motion carried. Commission Member D. Stiers visited the owner at his property and was permitted to take photos. He provided an update and stated that he told the resident that he needed to apply through Chisago County to continue his scrapping business and that an IUP would need to be applied for through the City for his Home Occupation trucking business. The Commission verified that the property was zoned RR-A and discussed if the home occupation IUP would make sense for the business. They discussed other similar home occupations in the City to establish precedence. Chair J. Ness asked if a home recycling business is something that the Commission feels should be allowed. Member T. Schroeder asked what the minutes from the discussion on the other property said, as it may provide some insight on whether the Lent Board and Commission would have allowed it with appropriate conditions. The Commission requested documentation from similar properties to review for the next meeting.

Property Tax Information for Properties with Billboards

Chair Ness stated that a couple months ago the sign ordinance was discussed and the general feeling was that we did not want any additional billboards, and asked if the Commission still felt that way. Members discussed where the current billboards are, and then talked about the County Road 17 interchange, and if additional billboards made sense there. The consensus of the Commission was that there would be no additional billboards for now, but that could change in the future.

Open Discussion

The Commission scheduled its first work session for Tuesday, May 28 at 7:00 p.m.

Adjourned at 9:25 p.m.

Chair J. Ness declared the meeting adjourned at 9:25 p.m.

Angie Comstock, Deputy City Clerk



733 Marquette Avenue, Suite 1000, Minneapolis, MN 55402

City of Stacy

Planning Report

TO: **Stacy Planning Commission**
FROM: Phil Carlson, AICP, Senior Planner, Stantec
DATE: May 21, 2024
RE: Minor Subdivision, Cash Property
ADDRESS: 5475 320th Street
PID: 19.00063.00
OWNER: Robert R. Cash
APPLICANT: James Cash
REQUEST: Minor Subdivision
ZONING: RR-II (Rural Residential)

INTRODUCTION

The Cash property consists of 30.19 acres with frontage on both 320th Street and Falcon Avenue. They want to subdivide it into two lots, a northern Parcel A of 10.15 acres with an existing home and pole barn, and a southern Parcel B of 20.04 acres that is currently farmed but otherwise vacant.

SUBDISION CODE

The request meets the standards for a Minor Subdivision in the Stacy Subdivision Code, Section 106.B, since one parcel is greater than 2-1/2 acres (Parcel A is about 10 acres) and the other is over 20 acres (Parcel B). Note that the code says that platting is required, and no land will be allowed to be conveyed by metes and bounds (as in this request) except as described in paragraph B:



Design with community in mind



RE: Minor Subdivision, Cash Property, 5475 320th Street

1.06 Platting Required

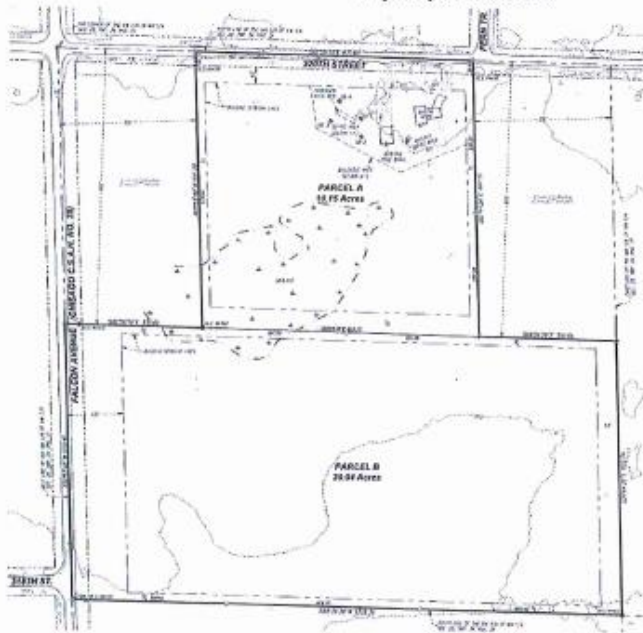
No parcel of land shall be permitted to be conveyed by metes and bounds description after June 1, 1999, except in accordance with the circumstances and provisions described below:

A. The parcel is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet in any dimension, and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width;

B. The parcel is created by "minor subdivision" which shall be defined as the separation of a single parcel of land separated from an original parent parcel, when the following circumstances exists:

1. The new parcel is not less than 2.5 (two and ½) acres in size, with a minimum width of 165 feet fronting on a public road;
2. The minor subdivision is for the purpose of separating a residence and accessory buildings from the balance of the larger parcel, provided that:
 - a. The residence and buildings existed upon the date of enactment of this ordinance.
 - b. The minor subdivision results in no substandard yard and/or structure setback, other substandard dimensional element, or any new nonconformity.
3. The resulting remainder parcel is not less than 20 acres in size, and/or 500 feet in width;
4. A minimum of one acre of buildable land is demonstrated to exist on the newly created residential parcel;
5. The new parcel is surveyed and legally described by a Minnesota-licensed land surveyor;
6. The certificate of survey and legal description are presented to the Township Zoning Administrator and reviewed by the Planning Commission for approval by the Township Board.
7. The certificate of survey and legal description are recorded at the office of the Chisago County Recorder.

MINOR SUBDIVISION
Prepared for: James Cash



Design with community in mind



RE: Minor Subdivision, Cash Property, 5475 320th Street

RECOMMENDATION

I recommend that the Planning Commission recommend to the City Council approval of the Minor Subdivision for James Cash at 5475 320th Street as described on the survey from LHB dated 3/22/24 with the following findings of fact:

Findings of Fact for Approval of Minor Subdivision

- 1) Rober R. Cash (Applicant) owns the property at 5475 320th Street in Stacy, Minnesota, legally described as:

The Northwest Quarter of the Northwest Quarter of Section 29, Township 34, Range 21, Chisago County, Minnesota, EXCEPTING THEREFROM the East 330 feet or the North 660 feet of said Northwest Quarter of the Northwest Quarter, AND ALSO EXCEPTING THEREFROM the West 330 feet of the North 660 feet of said Northwest Quarter of the Northwest Quarter.
- 2) The Applicant has applied for a Minor Subdivision under the Stacy Subdivision Code, Section 106.B, which allows conveyance of a lot split of two parcels by metes and bounds description if one parcel is at least 2-1/2 acres in size and the second parcel is at least 20 acres in size.
- 3) The proposed Minor Subdivision results in Parcel A being 10.15 acres in size with a minimum width of approximately 669 feet and Parcel B being 20.04 acres in size with a minimum width of approximately 655 feet, meeting the code standards cited above.
- 4) The proposed Minor Subdivision separates the existing buildings onto Parcel A, with the remainder of vacant farmland in Parcel B.
- 5) There is at last one acre of buildable area on Parcel B.
- 6) Parcel A in the proposed Minor Subdivision has frontage of approximately 671 feet on 320th Street and Parcel B has frontage of approximately 659 feet on Falcon Avenue.
- 7) The request meets the standards for a Minor Subdivision in Section 106.B of the Stacy Subdivision Code.

60-DAY DEADLINE

The application was considered complete on March 27, 2024. The deadline for final action on a subdivision application is 120 days per State statute 462.358 Subd. 3b (not 60 days like zoning applications). The deadline for action by the City Council on the Minor Subdivision is July 26, 2024.



