



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
JANUARY 19, 2021, 7:00p.m.
MEETING HELD VIA TELECONFERENCE DUE TO COVID-19, ALSO HELD IN PERSON AT 30955 FOREST BOULEVARD, STACY MN**

Call to Order

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

Oath of Office

The clerk administered the Oath of Office to Mark Ness.

Roll Call

The following members were present at City Hall:

Roll Call:

M. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
J. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
T. Olivolo	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent
D. Thieling	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
T. Sawatzky	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Others Present: Michelle Hayes, Shawn McLane, Michelle, McLane, Kris Blackburn, Rick Blackburn, and Zach Gorg.

Webex: Eli Rupnow, Elizabeth Vierling, Dan Vierling, Julie Germain, Phil Carlson, Justin Lohmenn, and two public not identified.

Nomination of Chair and Co-Chair

Motion by T. Sawatzky to nominate Mark Ness as Chair. Second by D. Thieling.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried

Motion by Tim Sawatzky to nominate Dennis Thieling as Co-Chair. Second by J. Ness.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Agenda

Motion by J. Ness to approve the agenda as presented. Second by D. Thieling.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Approval of Minutes

Motion by D. Thieling to approve the minutes as presented. Second by T. Sawatzky.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Public Hearings 7:05-8:07pm

Route 61 – Mini-Storage

The purpose of the public hearing is gather public input on an application for a Zoning Amendment and Conditional Use Permit.

Property Address: 30360 Forest Blvd, Stacy MN 55079
Property ID: 19.00131.54

Rezone: The applicant would like to change the zoning of the property to GB-General Business from R3B-Apartments.

Conditional Use Permit: The applicant would like to build a mini-storage facility on the property.

Public Comment

Kris Blackburn (6020 – 302nd Street):

Ms. Blackburn expressed several concerns regarding the rezoning of the property and the building of mini-storage:

- One of her major concerns is the safety of the neighborhood and the large number of children in the area.
- If access was from Forest Boulevard there would be less concern.
- What impact would this have on her property value.
- Aesthetics as viewed from her deck.
- Parking
- Noise
- Light Pollution
- Security

She adamantly said that she is not in favor of this type of development. She understands that the property could be developed into apartments and is in support of that as the property owners would be vested in their community.

Zach Gorge (5994 – 302nd Street):

Mr. Gorge agreed with the points expressed by Ms. Blackburn and added:

- What would be the impact on crime; he has already experienced his truck being broken into.
- The access for this use is not appropriate.
- He is 100% against the rezoning
- Construction of the mini-storage, what materials would be allowed.
- There is only one way into this development, concern regarding the increased traffic.

Rick Blackburn (6020 – 302nd Street):

Mr. Blackburn concurred with the statements made by Ms. Blackburn, and Mr. Gorge. He then stated the following:

- He would be agreeable to joining with neighbors to fight this project

Justin Lohmann (30259 Fox Run Road): Mr. Lohman also concurred with the comments made thus far; and added that the Foxtail Woods Neighborhood does not want this.

Member J. Ness read into the record and email received regarding this proposal:

From: Rob Krajewski (30199 Foxtail Lane):

Planning Commission

Sent: Monday, January 11, 2021 10:12 PM
To: Sharon Payne <cityclerk@stacymn.org>
Subject: Public hearing re: rezoning

I cannot attend the meeting in the 19th. I'm ok w/ the zoning change. I would appreciate if the access is off of Forest Blvd/Hwy 61 if possible rather than through our neighborhood (Foxtail Woods).

All Mac Inc.

Motion by J. Ness to continue the Public Hearing to February 16, 2021, at approximately 7:00p.m. Second by D. Thieling.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

**Zoning Amendment –
Parking in Residential
Districts**

The purpose of the public hearing is to gather public input to consider amending the Stacy City Code, Chapter 153, Parking in Residential Districts.

No public comment.

New Business

Route 61 – Mini-Storage

Mr. Carlson had a couple comments for the commission prior to their deliberation:

- He has recommended conditions if the commission were to approve the application.
- The council is under no obligation to approve this, if they think it is a good idea, they can follow the process as outlined.
- We have a firm foundation not to approve the request based on facts today.
- This is a three-step process; amend the land use plan, approve the rezoning to General Business, and approve the application for the Conditional Use Permit.

Member J. Ness asked Phil Carlson what the odds were that the county would allow access from County Road 30. Mr. Carlson said it appears that the county is adamant about not allowing this access; however, he can't say for certain.

Member T. Sawatzky asked the public in attendance if they would feel better if the access was off of County Road 30; they said it would address some of their concerns but not all.

Member J. Ness asked Mr. Carlson of the city could decrease the number of units allowed on the property; yes.

Motion by T. Sawatzky to recommend the council deny the request to amend the land use plan. Second by J. Ness.

Member J. Ness said his big concern is that the city will not gain access from County Road 30. Also, concern regarding the ability to screen the project, sound, and light.

D. Thieling agrees with everything J. Ness said and also added that this type of use is better suited in a different area in the city.

T. Sawatzky said he doesn't see that he benefits outweighs the negatives. The property was zoned that way for a reason.

M. Ness said that he is on the fence; the project probably does not make sense at this time. He then cautioned the public in attendance that whatever is built on that property will have access from Foxtail Woods.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Motion by J. Ness to recommend the council deny the request for rezoning the property from R3B to General Business. Second by D. Thieling.

Motion to deny the requests if the land use plan stays residential would not rezone to general business or commercial use.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

If the council does not accept the Planning Commission's recommendation then the Planning Commission recommends the following conditions be placed on the Conditional Use Permit:

1. The landscape plan will be revised to address concerns about plantings in the infiltration basins and providing screening at ground level to the adjacent residences, to be reviewed and approved by the City Planner and City Engineer. This may require reducing the size of Building D or other revisions to the plan in order to address these concerns.
2. Access will be from the south on the existing stub street off 302nd Street. The owners will continue to pursue a northern access off Forest Boulevard and if this is successful, the southern access will be closed and secured as an emergency access only, such plan to be reviewed and approved by the City Engineer, County Sheriff, and Fire Chief.
3. A lighting plan with photometric diagrams needs to be submitted, showing that all lighting for the facility is downcast cutoff type fixtures, with no more than 0.5 foot-candle beyond the property line, to be reviewed and approved by the City Engineer before a building permit is issued.
4. A sign permit will be applied for, showing that signage meets the code for the GB district, to be reviewed and approved by the City Planner.
5. The site will be enclosed with a fence and a security gate at the entrance, plus other security details as may be recommended by the Planning Commission and City Council.
6. The facility will be open to customers between the hours of 8:00 am and 8:00pm.
7. The 60-ft-wide Outlot B will be dedicated as public street right-of-way if access to Forest Boulevard is granted in the future.
8. Engineering issues will be addressed as detailed in the City Engineer's letter of 1-14-2021.
9. Sales of goods and materials from the mini-storage units is prohibited, except for sales administered by the owners of the facility the third Saturday in April and the Third Saturday in October of each year.
10. Absolutely no work on any vehicle, appliance or furniture at any time.

Parking in Residential Districts

Motion by J. Ness to recommend that the council approve the amendment to the city code as presented. Second by T. Sawatzky.

Roll Call Vote:

M. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
J. Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
T. Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
D. Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Chair M. Ness declared the motion carried.

Sherman Oaks – Self-Storage

The commission was presented with a very rough sketch of what is being proposed for the property directly North of the old BP Station:



The proposal is to build mini-storage on the property.

The developer, Eli Rupnow, addressed the commission's questions; and went over the project.

The clerk will provide Mr. Rupnow the necessary forms to request the mini-storage facility (Sherman Oaks Mini-Storage).

Old Business

Continue Review of the City Code

Chapter 93 Sidewalks and Streets will be sent to the city engineer to review.

Chapter 94: See Attached changes.

The commission will continue review of the city code with Chapter 95 at their next meeting.

Open Discussion

The clerk indicated that a developer had disputed an invoice that he received for processing his zoning application. The clerk is going to inform the applicant that their fees may exceed the \$1,000 deposit. The commission will also make the applicant aware.

Adjourned at 9:32p.m.

Chair M. Ness declared the meeting adjourned at 9:32 p.m.

Sharon MT Payne

CHAPTER 94: JUNKED PROPERTY

Section

- 94.01 Purpose
- 94.02 Definitions
- 94.03 Nuisance
- 94.04 Public property
- 94.05 Private property

- 94.98 Violation

§ 94.01 PURPOSE.

(A) Junked motor vehicles, junked appliances, and discarded furniture constitute:

(1) A hazard to the health and welfare of the people of the city in that they can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens;

(2) A blight on the landscape of the city and are, therefore, detrimental to the environment; and

(3) A waste of a valuable source of useful metal, in the case of junked motor vehicles and appliances.

(B) It is, therefore, in the public interest the present accumulation of junked motor vehicles, junked appliances, and discarded furniture within the city be eliminated and that future accumulation thereof be prevented.

(Ord. 121, passed 1-13-1998)

§ 94.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNKED MOTOR VEHICLE.

- (a) An unlicensed motor vehicle;
- (b) A motor vehicle lacking vital component parts, including motor vehicles with pioneer, classic car, collector or street rod license;
- (c) A motor vehicle which is in an inoperable condition, including motor vehicles with pioneer, classic car, collector or street rod license;
- (d) A motor vehicle which has remained for a period of more than 48 hours on public property without the consent of the person in control of such property; or
- (e) A motor vehicle voluntarily surrendered by its owner and accepted by the city.

JUNKED APPLIANCE. A household appliance lacking vital component parts or in an inoperable condition.

DISCARDED FURNITURE. An item of furniture originally intended for use within the interior of a building but left or stored out-of-doors.

VITAL COMPONENT PARTS. Those parts of a motor vehicle or appliance that are essential to its mechanical functioning.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.

OFFICER CHARGED WITH ENFORCEMENT. The individual authorized by the City Council to enforce the terms of this chapter as defined in § 95.05.

Add 94.03 EXEMPTIONS:

(BA) A vehicle shall not be a junked motor vehicle and an appliance shall not be a junked appliance, as defined in this section, when kept:

- (1) In an enclosed garage or storage building;
- (2) On the premises of a junkyard or a motor vehicle or appliance repair business when such junkyard or business is maintained and/or licensed in accordance with Minnesota Statutes or with local ordinances and zoning regulations and, in the case of a repair business, each such motor vehicle or appliance is being actively and consistently worked on and is being maintained or stored in an area screened from public view by an appropriate fence; or
- (3) In an appropriate storage place or depository maintained in a lawful place and manner by the city or authorized by the city.

(Ord. 121, passed 1-13-1998)

§ 94.034 §94.04NUISANCE.

The presence of any junked motor vehicle, junked appliance, discarded furniture, or parts thereof on private or public property is a public nuisance which may be abated as such in accordance with the provisions of Chapter 95.

(Ord. 121, passed 1-13-1998)

~~§ 94.04~~ **§94.05PUBLIC PROPERTY.**

No person shall park, store, leave, or permit the parking, storing, or leaving of any junked motor vehicle, junked appliance, or discarded furniture of any kind, whether attended or not, upon any public property within the city.

(A) Whenever any officer charged with enforcement of the Stacy City Code finds any junked motor vehicle, junked appliance, or discarded furniture on public property within the city, such officer is authorized to provide for the removal thereof to a place of safety.

(B) Any junked motor vehicle, junked appliance, or discarded furniture which causes an obstruction and hazard to traffic may be removed **by the city.** ~~at any time under the direction of the Police Department.~~

(Ord. 121, passed 1-13-1998)

~~§ 94.05~~ **§94.06PRIVATE PROPERTY.**

No person owning, in charge of, or in control of any real property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked motor vehicle, junked appliance, or discarded furniture of any kind to remain on the property longer than 96 hours. The only exception is in the Agricultural District where partially dismantled, inoperative, wrecked, or junked motor vehicles or goods may remain on the property if enclosed in a building or if located within an area not visible to the public or neighboring property.

(A) *Notice of violation.* Whenever it comes to the attention of the officer charged with enforcement that any person has any junked motor vehicle, junked appliance, or discarded furniture on such private property, a written notice of violation shall be served upon the person by the officer charged with enforcement or other city official requesting the removal thereof in the time specified in this chapter.

(B) *Responsibility for removal.* Upon proper notice, an owner of the junked motor vehicle, junked appliance, or discarded furniture, and the owner or occupant of the private property on which the same is located, shall be responsible for its removal, jointly and severally.

(C) *Notice procedure.* The notice of violation to the owner or occupant of the private property where the nuisance is located shall be served as provided under Ch. 95.

(D) *Additional content of notice of violation.* Any notice of violation served pursuant to this chapter shall, in addition to other requirements, contain a request for removal within 10 days after the mailing of such notice. The notice of violation shall further advise that failure to comply with such notice shall be a violation of this chapter.

(Ord. 121, passed 1-13-1998; Am. Ord. 2009-5-1, passed 5-12-2009)

§ 94.98 VIOLATION.

Any person who violates the provisions of this chapter shall be subject to the penalty provision in § 10.99. Each day shall constitute a separate and distinct violation.

(Ord. 121, passed 1-13-1998) Penalty, see § 10.99