



**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
JULY 17, 2018, 7:00p.m.
30955 FOREST BOULEVARD STACY MN**

Call to Order

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

Roll Call

Present: Jim Ness, Mark Ness, and Michelle Boeck

Absent: None

Others Present: Amy Schutt

Agenda

Additions to the agenda:

Pet Grooming

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

Approval of Minutes

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

New Business

**Interim Use Permits (IUP's)
and Conditional Use Permits
(CUP's)**

Wording from Attorney Schutt's email regarding IUP's:

"Generally speaking, IUPs are set out in a zoning ordinance the same way that conditional use permits are. There are zoning ordinance sections that describe different zoning districts (residential, commercial, industrial, etc.) and within each of those sections, it lists the types of permitted uses, accessory uses, conditional uses, and interim uses, which are allowed in that district. Elsewhere in the zoning ordinance, there is a general section, in which there would be a subsection for regulations for conditional use permits, another subsection for the general regulations for interim use permits, etc. Generally speaking, a use has to be explicitly mentioned in the zoning ordinance, otherwise it is not allowed.

It looks like your ordinance somewhat follows this model. For example, in the A Agriculture District, Section 153.056, you

have permitted uses, accessory uses, conditional uses, and interim uses. However, none of the other zoning districts include interim use permits. In addition, I did not see anywhere where the subject matter of the last interim use permit was explicitly mentioned. This led me to believe that you may be using the interim use permit subsection as a sort of catchall, to allow any type of use for a limited period of time. Handling IUP request that way can set problematic precedents for the city in the future. The argument is - if any type of use could be allowed through the interim use section, then how do you ever deny an interim use permit?

If you get a request to allow an IUP for a use that is not currently, explicitly listed somewhere in your ordinance, then I'd recommend approaching it as a two-step project: the first would be to add the type of interim use to the appropriate section through a zoning code amendment, the second would be to approve the interim use permit."

The commission member's will review what IUP's they see a need for within our zoning districts; they will also review Conditional Use Permits (CUP's) at the same time.

Conditional Use Permits:

Can a CUP be removed from a property for non-use? The city attorney said that language should be added to our city code indicating that if a CUP is discontinued for a period of one year, the CUP terminates. With that said she did say that city code:

"§153.189 (5) Revocation. The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this title, city codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the City Clerk shall notify the responsible person that they have an opportunity to show why the permit should not be revoked. The application shall be processed and considered pursuant to this section. The City Clerk shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council."

Does allow us to remove CUP's no longer in use.

The clerk will prepare a list of current CUP's on file and the commission will determine those to be removed.

Public Hearing Set

Chair Ness set a public hearing for:

- The text amendment to the city code adding pet store and pet grooming as an allowed use in the Central Business District.
- Adding wording to the Conditional Use Permit section of the city code if a CUP is discontinued for a period of one year, the CUP terminates.

Attorney Schutt will prepare both of the code revisions.

Pet Grooming

Someone would like to open a pet grooming salon in the General Business District (GB); it is not listed as an allowed use.

The commission discussed if the GB and CBD are an appropriate location for the use and determined that it was; a city code text amendment will be made.

Old Business

Sign Ordinance

The commission reviewed the sign ordinance and several changes were made. The clerk will send the draft to the city council and commercial businesses in Stacy for their review; the businesses are invited to attend the August Planning Commission meeting to express any issues they may have with the proposed update.

Adjourn at 8:50p.m.

Chair M. Ness declared the meeting adjourned at 8:50p.m.

Sharon MT Payne