



Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
August 3, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

The Wednesday, August 2, 2023 tour has been CANCELED.

- 1. Call to Order – Pledge of Allegiance**
- 2. Roll Call: Determination of a Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes**
 - a. July 6, 2023 Regular Meeting
 - b. July 20, 2023 Special Work Session
- 5. Receive all Materials and Submittals into Record**

Previously Distributed:

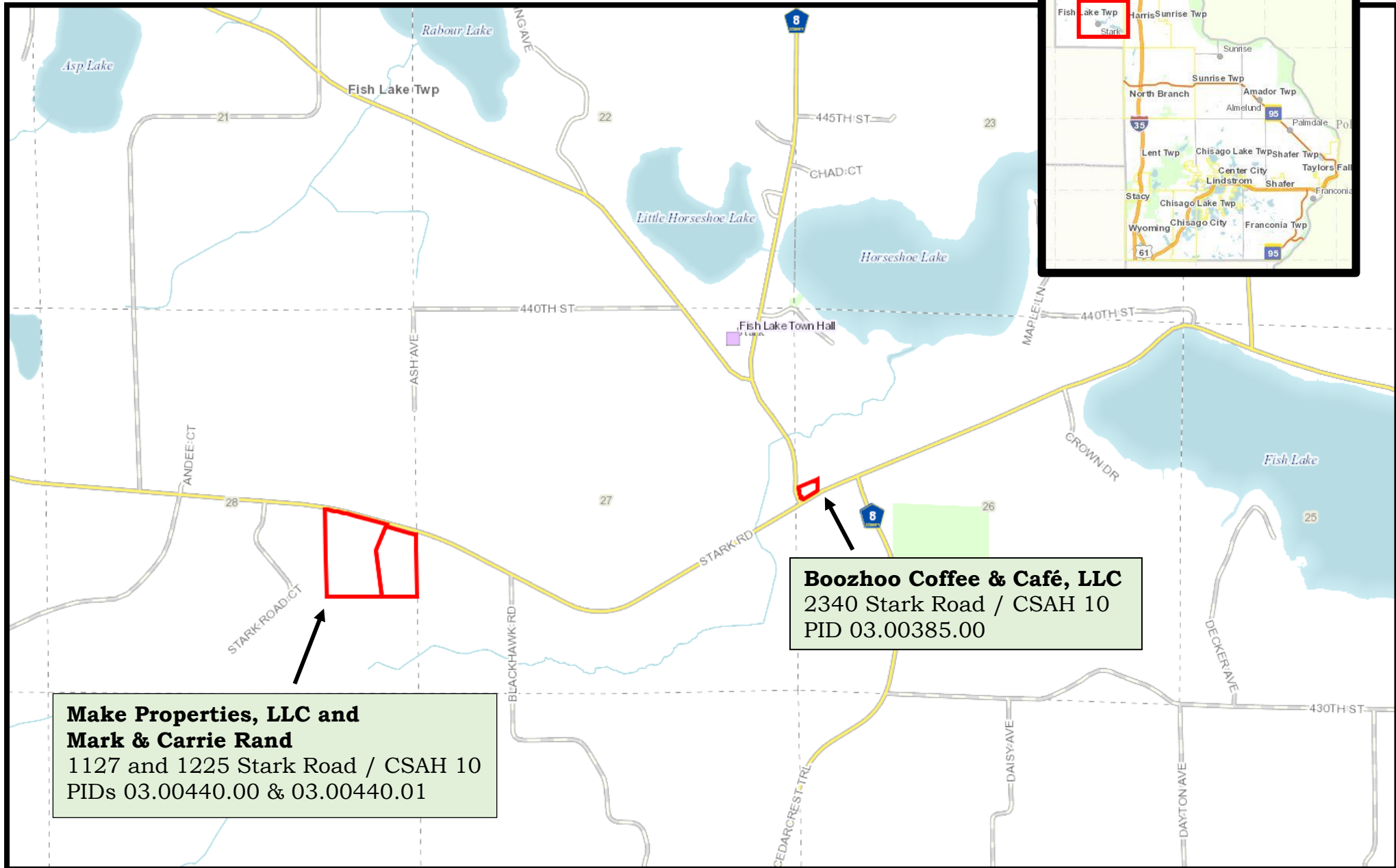
 - a. Meeting packet including staff report with attachments for agenda item 6a and 8a
- 6. Public Hearings – New Applications**
 - a. **Make Properties, LLC and Mark & Carrie Rand (9:00 am)** – Property owners Make Properties, LLC, and Mark & Carrie Rand, represented by applicant Keith Koecher, are seeking approval of the Preliminary Plat of Make Properties involving the creation of one lot and the replatting of one lot with a total of two lots included in the proposed plat. The 29.44± acre subject area is zoned Agricultural (AG) District and the subject sites are located at 1127 Stark Road / CSAH 10 and 1225 Stark Road / CSAH 10 in Fish Lake Township, S28, T36, R22 (PIDs 03.00440.00 and 03.00440.01).
- 7. Public Hearings – Continued Hearings**
- 8. Old Business**
 - a. **Boozhoo Coffee & Café, LLC and Joe Beaulieu** – Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are seeking approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District. The .92± acre subject property is located at 2340 Stark Road / CSAH 10 in Fish Lake Township, S26, T36, R22 (PID 03.00385.00).
- 9. New Business**
- 10. Communications and Reports**
 - a. County Board Liaison Report / Update
- 11. Miscellaneous**
- 12. Adjourn Meeting**
 - The next special work session is scheduled for Thursday, August 17, 2023 at 6:00 pm.
 - The next regular meeting is scheduled for Thursday, September 7, 2023 at 7:00 pm.

Planning Commission

Tour Date and Time:

~~Wednesday, August 2, 2023 at 9:00 am~~

THE TOUR HAS BEEN CANCELED



CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
July 6, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, July 6, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; and Nadia Broome, Support Specialist.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Dave Whitney, Chris DuBose, Eric Leivian, Chip Yeager, James McCarthy, John Sutcliffe, and Jolene Wille. Absent: None. A quorum was established with all members present.

Approval of Agenda – Motion by John Sutcliffe to approve the agenda as presented; second by Jolene Wille. **Motion passed** 7-0.

Approval of Minutes – Motion by Chris DuBose to approve the June 1, 2023 Regular Meeting minutes as presented; second by Eric Leivian. **Motion passed** 7-0. **Motion** by Jolene Wille to approve the June 15, 2023 Special Work Session minutes as presented; second by Eric Leivian. **Motion passed** 7-0.

Receive all Materials and Submittals into Record - Motion by Dave Whitney to accept all materials and submittals into the record, including additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023; second by Jolene Wille. **Motion passed** 6-0-1. Abstained: Eric Leivian. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda item 6a, 6b, and 7a and additional information submitted by applicants Becky Meyer and Bill Lloyd on July 5, 2023. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Becky Meyer & Bill Lloyd – Eric Leivian recused himself being that he was an adjacent landowner and because he had submitted written comments about the request to the Planning Commission. Coordinator Gervais provided a brief background on the request for approval of an Interim Use Permit (IUP) for a Commercial Kennel at 12690 St. Croix Trail / TH 95 in Sunrise Township. Gervais explained that the 37.05± acre property was zoned Agricultural (AG) District / Sunrise River Overlay (SO) District and was developed with a dwelling, multiple detached accessory structures, and large hard surfaced areas for parking. Surrounding properties ranged in size from five to 82 acres and were used for residential and/or agricultural purposes.

Gervais further explained that the property owners were requesting approval to open and operate a pet boarding and daycare facility, to be known as Birch Bark Boarding. The property owners intended to use an existing 36' x 80' pole building as the boarding shed. The interior would be insulated and the dog kennel areas would be finished with a fiber reinforced plastic; the insulation was reported to reduce the sound of dog barking from inside to outside by 50 decibels. Existing and added landscaping would also be used to mitigate noise. Electric heating units were proposed to be suspended from the ceiling. Each kennel would be large enough for a raised bed, food and water dishes, and a small play area. Gervais clarified that the facility was not intended to be operated as a grooming business or a dog /animal

breeding facility, nor would the facility operate as a shelter or rescue organization. There would be 10 – 8’ x 8’ dog suites that would each have the ability to house up to three dogs from a single household. The business would be open to cats and other small animals, including rabbits, guinea pigs, and other small mammals; however, the application materials did not clarify where these small animals would be boarded. The proposed maximum number of animals to be boarded at any given time was 30. The proposed facility would operate 24 hours a day, seven days a week, with pet daycare hours being from 7:00 am to 7:00 pm. The property owners proposed to operate the business themselves and with the assistance of one additional part-time employee. In addition to a 20’ x 40’ indoor play area, there would be a 90’ x 150’ outdoor play area located immediately east of the boarding shed. The outdoor play area would be enclosed by a 6’ tall fence, with the fence reinforced against digging by installing turf reinforcement mesh. Dogs not able to play in the fenced enclosure would be walked by leash around the property. Animal waste would be composted as per United States Department of Agriculture (USDA) / Natural Resources Conservation Service (NRCS) research. The driveway and parking area were surfaced with asphalt, and the parking area was reported to accommodate 30 vehicles.

The Technical Review Committee met on June 14, 2023 and no concerns were identified. The Sunrise Town Board met on June 15, 2023 and recommended approval with no conditions. The 60-day review period was scheduled to expire on August 1, 2023. Coordinator Gervais concluded by stating that, despite one adjacent property owner expressing concern with noise resulting from the proposed use, staff believed the proposed IUP complied with and was consistent with the intent of the Chisago County Zoning Ordinance and that noise could be mitigated with implementation of noise reducing measures, including the retention of existing landscaping materials, the planting of additional landscaping materials, the installation of soundproofing insulation, and the implementation of quiet hours. Staff recommended approval of the request with draft Findings of Fact and conditions.

Chair Yeager invited the applicants to address the Planning Commission. Property owners / applicants Becky Meyer and Bill Lloyd stepped forward. Chair Yeager asked if they had anything to add. Meyer stated they had conducted and provided results of a sound study, as they were taking the concerns of noise seriously. She also stated, at the time of application, they were only considering hiring one employee, however, they now believed more employees would be necessary. Lloyd reviewed details of the sound study at length. Chair Yeager asked the Planning Commission if they had any questions or comments for the applicants. Jim McCarthy sought clarification from the applicants on conditions related to the sound study; Lloyd provided detail about weather conditions as requested and offered to show video files of the sound study to the Planning Commission. The Commission did not choose to view the video files. John Sutcliffe sought clarification on the number of animals to be boarded in the house; Meyer responded that boarding in the house would be limited to small animals (not dogs) and she estimated the maximum number to be approximately six. Chair Yeager inquired if a back-up generator would be used to ensure heat was provided in the boarding shed in case of an electrical outage; Meyer responded that they had investigated use of a generator but had not yet purchased a generator. Chair Yeager then sought clarification on the proposed composting of animal waste; Meyer explained that they would use a three-container system and shared details of the composting process. Chair Yeager asked if the composted material would be used on the property or otherwise removed from the property; Meyer explained that they would use all composted material on site for fertilizer. Chair Yeager asked if composting was a viable option in winter months; Meyer explained that animal waste would be added to the composting containers but the actual break down of materials would not take place until warmer weather conditions returned.

Chair Yeager opened the public hearing and sought comment. **Jeske Noordergraaf** of Sunrise Township stepped forward and inquired what the applicants intended to do in summer months when the weather was warm. The applicants responded that they would utilize air conditioners in the boarding shed; and, Chair Yeager commented that the proposal indicated that they would open doors and windows to allow for air circulation. With no other comments, **motion** by Chris DuBose to close the public hearing and acknowledged receipt of written comments from Eric & Tara Leivian; second by Jolene Wille. **Motion passed 6-0.**

Chair Yeager asked the Planning Commission if they had any additional questions or comments. Jim McCarthy explained that he had visited the site and he was concerned about the driveway location. McCarthy clarified that he was concerned about the proper site distance for stopping and he requested that the County Engineer double check this issue. Gervais responded that the County Engineer had reviewed the proposal and did not identify any concerns. McCarthy requested that the County Engineer double check this concern. Chris DuBose expressed concern with the number of dogs on site at any given time and suggested reducing the maximum allowable number of dogs. DuBose also acknowledged and commented on the applicants' request to increase the number of employees and allow for additional landscaping materials to be planted by June 1, 2024. On the topic of employees, Lloyd sought clarification on whether the number of employees referred to the number on payroll or the number on site at any given time; DuBose responded that it would not be his intention to limit the number of employees on payroll, only the number of employees on site at any given time.

Motion by Chris DuBose to amend recommended condition no. 1 allowing a maximum of 20 boarded dogs at any given time and a maximum of 30 boarded animals at any given time; second by Jolene Wille. **Motioned passed 6-0.** **Motion** by Chris DuBose to amend recommended condition no. 9 allowing up to two additional employees on site at any given time; second by John Sutcliffe. **Motion passed 6-0.** **Motion** by Chris DuBose to amend recommended condition no. 8 allowing the installation of additional landscaping materials to be complete by June 1, 2024; second by Jolene Wille. **Motion passed 6-0.** **Motion** by Jim McCarthy to amend recommended condition no. 6 requiring that outdoor time be limited to dogs from one kennel at a time, and requiring that the boarding shed be both heated and cooled and the opening or doors and/or windows for ventilation be prohibited; second by Dave Whitney. **Motion passed 4-2** (Ayes – Sutcliffe, McCarthy, Chair Yeager, and Whitney; Nays – DuBose and Wille). **Motion** by Chair Chip Yeager to amend recommended condition no.5 requiring that animal waste be disposed of on the subject property; second Jim McCarthy. **Motion passed 6-0.**

Motion by Jim McCarthy to approve Resolution PC2023-0701, a resolution recommending approval of an Interim Use Permit allowing a Commercial Kennel on property located at 12690 St. Croix Trail / TH 95 in Sunrise Township, with Findings of Fact as presented and with conditions as amended; second by Dave Whitney. **Motion passed 6-0.**

Amended Conditions:

1. This Interim Use Permit for Commercial Kennel allows for the boarding and day care of no more than twenty (20) boarded dogs at any given time and no more than thirty (30) dogs boarded animals at any given time and small mammals - including but not limited to dogs, cats, rabbits and guinea pigs - at any given time, as specifically described in the application materials dated received May 30, 2023 and kept on file with the Department of Environmental Services. This number includes any

domestic pets owned or otherwise kept by the permit holder.

2. The Commercial Kennel shall be allowed to operate seven days a week with animal drop-off occurring between 7:00 am and 10:00 am and pick-up occurring between 4:00 pm and 7:00 pm, or by appointment only.
3. No commercial activity, apart from the boarding and day care of animals as described above, shall be permitted. The Commercial Kennel shall not operate as a shelter or rescue facility, and animal breeding is prohibited.
4. All animals shall be housed indoors (boarding shed or dwelling), apart from brief periods of time for waste elimination and outdoor activity in which the animals will be confined to a fenced enclosure or leashed and handled by the permit holder, employee or animal owner.
5. All animal waste shall be collected daily and disposed of in a legal and appropriate manner on the property so as to avoid undue odor or other negative impacts.
6. The permit holder shall control the barking of dogs to the best of their ability while outdoors to avoid undue negative impact to nearby properties. At no time shall any dog barking activity exceed twenty (20) continuous minutes with less than thirty (30) seconds between each dog bark. Any more than twenty (20) minutes of continuous barking shall be silenced immediately by the permit holder or employee. Further, the permit holder or employee shall accompany and provide direct supervision of any animal(s) while outdoors.

Outdoor activity in the fenced enclosure is limited to one dog or one family of dogs from a single kennel at any given time.

7. Any time an animal is on site for boarding or day care, the permit holder or employee must be present.
8. To mitigate potential adverse impacts related to noise, the permit holder shall implement the following noise mitigation measures:
 - a. All portions of the boarding shed which house dogs shall be fully insulated with ROCKWOOL Safe 'n' Sound, or equivalent, soundproofing insulation.
 - b. The permit holder shall not cause any existing landscaping (trees) located between the boarding shed or outdoor play area and the north, east and southeast property boundaries to be removed.
 - c. The permit holder shall plant a mix of viburnum, spruce and deciduous trees adjacent to the south side of the outdoor play area as described in the May 30, 2023 application materials. The plantings shall be installed by June 1, 2024.
 - d. The required fence ~~/wall and plantings~~ shall be installed prior to any boarding of animals.
 - e. The permit holder shall implement "quiet hours" in which no animals are allowed outdoors before 7:00 am or after 8:00 pm, aside from brief periods of time for waste elimination.
 - f. The boarding shed shall be both heated and cooled. Open air ventilation (i.e., opening of doors and/or windows) shall be prohibited.
9. The permit holder may employ up to ~~one~~ two additional employees to be present at any given time.
10. The permit holder shall comply with all relevant Minnesota Statutes and Rules regarding animal welfare and humane standards.

11. Annual certification of the Interim Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Interim Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Interim Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
12. This Interim Use Permit shall expire at such time that the property is no longer owned and occupied by Becky Meyer and/or William (Bill) Lloyd.
13. Any expansion of the use, including footprint of the boarding shed and/or outdoor play area or the number of animals, shall only be allowed upon further review by the Planning Commission and approval by the Board of Commissioners by way of an Interim Use Permit Amendment.
14. Violations of the conditions contained herein shall be cause for the revocation of the Interim Use Permit upon action of the County Board.

John & Janet Swanson and Milo Horak – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Blue Ribbon Tree Farm, involving the creation of two lots from a 26.4± acre tract of land located north of 400th Street and south of 410th Street in Sunrise Township. Gervais explained that the original Preliminary Plat drawing showed dedication of Right-of-Way for the creation of 405th Street North at the southern boundary of the proposed plat, and that this was eliminated by the applicant based on recommendation by the Sunrise Township Planning Commission and Town Board. Gervais added that both proposed parcels complied with the Agricultural (AG) District dimensional standards.

The Technical Review Committee met on June 14, 2023 and no concerns were identified, other than the County Engineer commenting that access permits would be required. The Sunrise Town Board met on June 15, 2023 and recommended approval of the revised Preliminary Plat with no conditions. The ordinance prescribed 120-day review period was scheduled to expire on September 30, 2023. Gervais concluded by stating that staff believed that the proposed Preliminary Plat complied with and was consistent with the intent of the County's Zoning and Subdivision Ordinances and staff recommended approval with conditions.

Chair Yeager invited the applicants to address the Planning Commission. Property owner Janet Swanson and applicant Milo Horak came forward but did not offer any additional information. Chair Yeager asked the Planning Commission if they had any questions or comments for the applicants; there were none.

Chair Yeager opened the public hearing and sought comment. No members of the audience were present to speak to this request. **Motion** by Chris DuBose to close the public hearing; second by John Sutcliffe. **Motion passed 7-0.**

Motion by Chris DuBose to approve Resolution PC2023-0702, a resolution recommending approval of the Preliminary Plat of Blue Ribbon Tree Farm, as presented; second by Jolene Wille. **Motion passed 7-0.**

Conditions:

1. The Preliminary Plat of Blue Ribbon Tree Farm is approved per plat drawing dated signed May 31, 2023 and revised on June 15, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. Access permits shall be required from the Chisago County Highway Department.
3. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
4. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Public Hearings – Continued Hearings

Boozhoo Coffee & Café, LLC and Joe Beaulieu - Coordinator Gervais provided a brief background and update on the request for approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township. Coordinator Gervais shared that staff had prepared and provided a written notice to the applicant, following the Planning Commission's June 1, 2023 meeting, explaining that the Planning Commission had taken action to continue the public hearing to July 6, 2023, extended the 60-day review period by an additional 60 days, and directed the applicant to provide specific updated application materials. Gervais added that the applicant was instructed to provide the updated materials to Environmental Services staff by June 26, 2023. Gervais stated that no materials were received prior to the July 6, 2023 meeting nor did the applicant contact staff until the morning of July 6, 2023. Without the benefit of updated materials, staff suggested that the Planning Commission consider either tabling the request one additional month for submission of the additional requested supporting materials or making a recommendation for the County Board's consideration.

Chair Yeager invited the applicant to address the Planning Commission. Joe Beaulieu came forward and shared that, due to personal issues, he was not able to produce the required materials and he asked the Commission to table the request one additional month. Jolene Wille inquired if the applicant believed one additional month would be sufficient for producing and submitting the materials; Beaulieu affirmed that one month would be sufficient.

Motion by Chris DuBose to close public hearing; second by Jim McCarthy. **Motion passed** 7-0.

Motion by Jolene Wille to table the request for CUP to August 3, 2023 allowing time for submission of materials pursuant to the Planning Commission's June 1, 2023 motion; second by John Sutcliffe. **Motion passed** 7-0.

Old Business – None

New Business – None

Communications and Reports – County Board Liaison Greene commented that the closing of the public hearing for Boozhoo Coffee & Café may have been premature given that new materials would be submitted and the public would not have opportunity to comment on those materials. Coordinator

Gervais suggested that the Planning Commission Chair may have discretion in accepting written comments from the public. Commissioner Greene shared that the County Board had recently received a presentation regarding the proposed relocation of the Chisago County Fair Grounds and that the decision was not the County Board's to make.

Miscellaneous – None

Adjourn Meeting – **Motion** by Chris DuBose to adjourn the meeting; second by Jolene Wille. **Motion passed** 7-0. The meeting was adjourned at 8:05 p.m.

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
July 20, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, July 20, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose, Eric Leivian, Jim McCarthy, Dave Whitney, Jolene Wille and Chip Yeager. Commissioners Absent: John Sutcliffe.

Staff Present: Kurt Schneider, Environmental Services Director, and Beth Gervais, Land Services Coordinator.

Others Present: Haila Maze of Bolton & Menk.

Zoning Ordinance Topics for Discussion

- A. **Rural Retail Tourism and Home Occupations** – Maze explained that the Work Group had expressed interest in developing additional performance standards related to Rural Retail Tourism (RRT) and Major Home Occupations (MJHO), specifically addressing such issues as parking, screening, minimum lot area, etc., in an effort to mitigate potential negative impacts to neighboring property owners. Maze presented suggested language for RRT for discussion. Whitney questioned the suggested requirement that structures containing RRT and MJHO activity be subject to a 1,000' setback, suggesting that it was too restrictive. Fellow Work Group members concurred and further suggested that the language be refined to state where the setback would be measured from (i.e., neighboring dwellings, property boundaries, etc.). The consensus of the Work Group was to reduce the required RRT setback to 250' measured from property boundaries. On the issue of lot size, the Work Group reached consensus that the minimum lot size for RRT should be 20 acres. Discussion transitioned to MJHOs and the group discussed several examples of possible MJHO activities. Recognizing that MJHO were an allowable use in the Rural Residential Districts and recognizing that there was such a wide variety of possible MJHO activities, the group expressed concern with establishing a minimum lot size at 15 acres as suggested by the consultant. McCarthy suggested expanding the category of Minor Home Occupations to allow activity in a detached structure with a maximum structure size of 1,200 sf. The group discussed Home Occupations at length and ultimately agreed to hold further discussion allowing Maze to develop suggested language for consideration at the next work session.
- B. **Accessory Dwelling Units** – Maze provided suggested language for Accessory Dwelling Units (ADUs) for the Work Group's consideration. The group discussed the difference between accessory structures and ADUs and whether or not accessory structures should be allowed to have sleeping quarters or if sleeping quarters (i.e., bunk house) and habitable spaces should only be allowed in ADUs. It was agreed that accessory structures should not have sleeping quarters. Whitney noted that the draft language only referenced ADUs being allowed as detached structures and not attached to either the principal dwelling or within an accessory structure (i.e., above a detached garage). The consensus of the group was to allow ADUs as either attached or detached dwellings. DuBose noted that the draft language limited ADUs to a maximum of four guest rooms; Gervais added that the Work Group had previously reached consensus that ADUs should be limited to a maximum size of 720 sf rather than being based on number of guest rooms. Schneider shared details about a property owner in Nessel Township who had recently expressed interest in constructing a new principal dwelling and converting an existing cabin into an ADU on his lakeshore.

property, adding that the existing cabin was 750 sf. The group recalled previous discussions and again reached consensus that ADUs should be limited to 720 sf and principal dwellings should not be smaller than 720 sf with sizes being measured at the foundation. Schneider commented that the suggested language relating to loss of significant trees and major site alterations would be difficult to interpret and enforce. The group discussed possible revisions and ultimately agreed that the language should be eliminated. DuBose questioned if screening should be required. In response, Maze cautioned that an ADU was a dwelling and was being treated similarly to principal dwellings, and Gervais added that, as a Permitted Use, screening would be a difficult performance standard to enforce. Schneider questioned the proposed requirement for one parking stall per guest room and, after some discussion, the group agreed that the language should be revised to require that all parking be accommodated on-site (i.e., no off-street parking) but should not include a specific number of parking spaces required. Schneider questioned what the term “dedicated utilities” implied. After some discussion, the group agreed that ADUs must be served by utilities with the understanding that they could either have their own well and septic system or be connected to an existing well and septic system if said system was sized appropriately. Gervais noted that the Zoning Ordinance included language defining a habitable structure (refer to Section 4.07 of the draft Zoning Ordinance) and it was suggested that the ADU language provide a reference to said section. The Work Group had general discussion about ADU related topics, including whether or not one dwelling should be owner occupied / the property be homesteaded, setbacks, and possible future subdivision of parcels with both a principal dwelling and ADU. Maze offered to research the possibility and legality of requiring that one of the dwellings be owner occupied.

Whitney questioned the language pertaining to temporary manufactured home permits for medical hardships, specifically questioning the requirement for adequate sewage facilities. Gervais explained that this was existing language which had been previously mistakenly eliminated and then added back in. Gervais further explained that, due to the temporary nature of this use, the County did not want to see separate sewage systems installed and therefore required that these uses connect to existing systems.

- C. **Campsites and Outdoor Recreation** – Maze noted that the current draft Zoning Ordinance included standards specific to Recreational Camping Areas, including density and general standards. Work Group members discussed preferences for density, reaching a consensus on one campsite per two acres in the Agricultural and Rural Residential Districts. Schneider questioned the suggested requirement for 100% opacity screening and, after a brief discussion, the consensus was to require 80% opacity screening. It was also decided that campsites should have a 100’ setback from any property line rather than the suggested 200’ setback. The group briefly discussed impacts of campgrounds on lakes and surrounding permanent residents. In regard to the proposed number of campsites allowed in the Shoreland Management District, McCarthy explained that he was suggesting that the number of campsites be based on lake size and that the maximum allowable number of campsites would be cumulative for each lake. The group discussed the challenges of tracking the number of cumulative campsites and the difficulty of interpreting and explaining the regulations to the public. It was agreed that the language specific to campsites in the Shoreland Management District would be further reviewed and refined. The group discussed the possibility of establishing a minimum lot size for this use, but ultimately determined that a density requirement was sufficient.
- D. **Dimensional Standards** – Maze presented the Work Group with proposed dimensional standards for all zoning districts. Maze noted that the required Home Site Area of 21,500 sf exceeded some of the minimum required lot areas (i.e., UFR and RVC Districts) and commented that adjustments would be needed. Gervais commented that the ordinance adopting the Home Site Area standard may have addressed this but she would need to research to be certain. The group discussed various

dimensional standards and reached consensus that the CLI and RR Districts should have a minimum lot width of 150' and a minimum lot depth of 200'. Schneider noted that the existing dimensional standards reduced the required Home Site Area to correspond to the minimum lot area in the UR District. The group discussed required roadway setbacks and potential consolidation and clarification of information to simplify the dimensional standards table. Schneider suggested discussing appropriate roadway setbacks with County Engineer Triplett.

Overlay Districts

Dubose commented that the Sunrise Lake Overlay District appeared to be very restrictive and only allowed two possible Conditional Uses, including in-home haircutting and hair care services and bed and breakfast inns. DuBose added that he would like to see Minor Home Occupations allowed as a Permitted Use. Staff speculated that Minor Home Occupations were already allowed as a Permitted Use.

Subdivision Ordinance Topics for Discussion

- A. **Platting Requirements** – Maze introduced the topic of creating 20-acre parcels and the requirement that these parcels meet a 500' dimensional standard. Whitney commented that he had raised this issue and believed that the 500' dimension requirement did not correspond well to 20 acres or 40 acres or larger and suggested that there should only be a 5:1 depth-to-width ratio rather than a 500' dimensional standard or the 500' dimension should be reduced. DuBose noted that if the 500' width was reduced to even 400', it would result in a depth-to-width ratio that exceeded 5:1. The group continued discussing the current language for creating 20-acre parcels, acknowledging that it was confusing and needed revision. DuBose advocated for eliminating the 500' dimensional requirement and maintaining the 5:1 depth-to-width ratio or reducing the 500' dimensional standard to 420' in order to maintain the required 5:1 depth-to-lot ratio.
- B. **Block Length** – Whitney raised the issue of existing block length requirements and sought clarification on the relation of cul-de-sacs and connection to future roads. The Work Group discussed references to block length and cul-de-sac standards contained in Subdivision Ordinance Sections 4.02, B. and 4.06, suggesting that both sections should cross-reference the other. The group also discussed temporary cul-de-sacs and the possibility of requiring roadway easements to ensure the ability to extend temporary cul-de-sacs and the possible usage of / requirement for signage to clearly indicate that the road may extend in the future.

Shoreland Management Ordinance Update

Maze shared with the Work Group that she and her team had prepared a draft ordinance based on the DNR's model ordinance and presented the group with the draft ordinance for review. Whitney raised the issue of differences between shoreland regulations in cities within the County and the County itself, providing an example of a recently approved plat in the City of Wyoming. The group briefly discussed possible reasons for differences and agreed that there were many unknown variables and the group needed to focus on the County's ordinance. The group briefly discussed differing regulations for riparian and non-riparian lots and how these regulations may impact subdivisions. Maze encouraged the group to review the draft ordinance and bring any concerns to the next work session.

With no further business to discuss, the work session adjourned at 8:46 pm.

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Make Properties
 1127 Stark Road / CSAH 10 and 1225 Stark Road / CSAH 10, Fish Lake Township
 DATE: August 3, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Make Properties, involving the creation of one lot and the replatting of one lot with a total of two lots included in the proposed plat.

SITE & APPLICATION INFORMATION

Property Owner(s):	Make Properties, LLC and Mark & Carrie Rand
Applicant(s):	Keith Koecher of Make Properties, LLC
General Location:	1127 and 1225 Stark Road / CSAH 10 Fish Lake Township Section 28, Township 36, Range 22
PIDs:	03.00440.00 and 03.00440.01
Subject Area:	29.44± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	June 30, 2023
Date Application Complete:	July 6, 2023
120-Day Review Period:	November 3, 2023

BACKGROUND

Property owners Make Properties, LLC and Mark & Carrie Rand, represented by applicant Keith Koecher of Make Properties, LLC, are seeking approval of the Preliminary Plat of Make Properties. The property owners wish to create one parcel and replat one parcel from the 29.44± acre subject area. The two proposed parcels are currently developed and located at 1127 and 1225 Stark Road / CSAH 10 in Fish Lake Township.



Proposed Lot 1, Block 1, Make Properties (eastern parcel) was originally platted as Lot 1, Block 1, Rand Estates in 2018. As currently platted, the parcel is 10.75 acres with a slightly atypical western property boundary (see image above). At the time of platting Rand Estates, what is now shown as proposed Lot 2,

Block 1, Make Properties (western parcel) was exempted from the platting process based on its area and dimensions (i.e., 20+ acre parcel when including Right-of-Way). Now that proposed Lot 2, Block 1 is falling below the dimensional standards required to be exempt, it must be platted. And, because proposed Lot 1, Block 1 is being impacted, the proposed action will re-plat this parcel as well. The proposed plat will result in two similar sized parcels with a much more standard shared property boundary.

SITE & PROPOSAL ANALYSIS

The subject area includes two developed properties located less than a quarter mile east of Stark Road Court and approximately one-quarter mile west of Blackhawk Road on the south side of Stark Road / CSAH 10 in Fish Lake Township. The subject area and all surrounding properties are zoned Agricultural (AG) District. Topography of the subject area includes elevations ranging from 936' to 957' with significant areas of wetland. Surrounding properties range widely in size from 5 acres to 76 acres and appear to be used primarily for low density residential purposes, consistent with the stated purpose of the AG District.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed parcels. As proposed, both parcels meet and exceed the County's dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1, Block 1	14.44 acres	Approx. 645'	Approx. 1,100'	21,500 sf
Lot 2, Block 1	15.00 acres	Approx. 655'	Approx. 941'	21,500 sf

* Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that "Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance."

** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that "the depth of a lot shall not be greater than five times the width."

The attached Preliminary Plat drawing includes a survey note indicating that the adjacent Chisago County Highway Right-of-Way Plat No. 62 is being replatted as Chisago County Highway Right-of-Way Plat No. 115 and that the Preliminary Plat of Make Properties is based on the prerecorded Plat of Chisago County Highway Right-of-Way Plat No. 115. Per the surveyor's note, staff has included a recommended condition of approval requiring that recording of Right-of-Way Plat No. 115 must be done prior to recording the Final Plat of Make Properties.

The plat drawing also includes a survey note suggesting that an existing 10' wide drainage and utility easement be vacated prior to the recording of the Final Plat of Make Properties. Staff has also included this as a recommended condition of approval.

REVIEW PROCESS

The Technical Review Committee met with Marty Melby of Make Properties, LLC on July 12, 2023 and no concerns were identified.

The Fish Lake Town Board reviewed the proposed Preliminary Plat at its July 10, 2023 meeting and recommended approval with no conditions.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on November 3, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the Preliminary Plat of Make Properties with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Make Properties is approved per plat drawing dated signed June 30, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
3. The existing 10' wide drainage and utility easement lying adjacent to the westerly line of Rand Estates shall be vacated prior to the recording of the Final Plat of Make Properties.
4. The existing Chisago County Highway Right-of-Way Plat No. 62 is being replatted as Chisago County Highway Right-of-Way Plat No. 115. The Preliminary Plat of Make Properties is based on the prerecorded Plat of Chisago County Highway Right-of-Way Plat No. 115. Recording of said Right-of-Way Plat must be done prior to recording the Final Plat of Make Properties.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Make Properties with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Make Properties based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The ordinance prescribed 120-day review period expires on November 3, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0801, a resolution recommending approval of the Preliminary Plat of Make Properties, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
 - a. Application
 - b. Preliminary Plat drawing
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0801

CC: Make Properties, LLC, property owner
Mark & Carrie Rand, property owners
County file



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 2023-1077

Township Fish Lake TOWNSHIP S/T/R 28/36/22 PID# 03.00440.01
Project Address 1127 STARK Rd., HARRIS MN 55032
Property Owner(s) MaKe Properties, LLC. / MARK + CARRIE RAND
Mailing Address (If Different from Project Address) 5422 Nottingham Rd. N. Branch MN
Phone# [REDACTED] Email [REDACTED]
Applicant(s) Keith Koehler, owner
Mailing Address (If Different from Project Address) 5422 Nottingham Rd. N. Branch, MN
Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
☐ Administrative Appeal

Planning Commission

- ☐ Conditional Use Permit (CUP)
☐ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP

☒ Preliminary Plat

☐ Rezoning

☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Plat / Replat two Lots.

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

- ☒ Full Legal Description ☒ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

[Signature]
Applicant Signature

6-30-23
Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Fees		Dates	
Base Fee	\$ <u>500.00</u>	Application Received	<u>6-30-23</u>
Recording Fee	\$ <u>46.00</u>	Application Complete	<u>7-6-23</u>
Plat Fee — No Road(s) / With Road(s)	\$ <u>150.00</u>	60 / 120 Day Review Period	<u>11-3-23</u>
Septic Compliance Fee	\$ _____	Extended Review Period	_____
Wetland Fee	\$ <u>200.00</u>		
TOTAL FEE	\$ <u>896.00</u>		



Planning & Zoning Application

Township Presentation Form

Township Fish Lake Twp S/T/R 28/36/22 PID# 03.00440.00

Project Address 1127 STARK Rd., Harris MN 55032

Property Owner(s) MaKe Properties, LLC.

Mailing Address (if Different from Project Address) 5422 Nottingham Rd, W. Branch MN

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Keith Roacher, owner

Mailing Address (if Different from Project Address) 5422 Nottingham Rd. W. Branch, MN

Phone# [REDACTED] Email [REDACTED]

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

☐ Variance

☐ Administrative Appeal

Planning Commission

☐ Conditional Use Permit (CUP)

☐ Interim Use Permit (IUP)

☐ Amendment to CUP or IUP

☒ Preliminary Plat

☐ Rezoning

☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Plat / Replat

KE + KO
Applicant Signature

6-30-23
Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

.....
Date of County Public Hearing AUG 6, 2023

Date of Township Presentation JULY 10, 2023

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

Signatures of Township Officials or Authorized Personnel

[Signature] [Signature]
James B. Thell

PRELIMINARY PLAT OF MAKE PROPERTIES

PROPERTY DESCRIPTION:

(Quit Claim Deed No. A-615354)
 Lot 1, Block 1, RAND ESTATES, Chisago County, Minnesota
(Warranty Deed Doc. No. A-664748)
 That part of the Northeast Quarter of Southeast Quarter (NE 1/4 of SE 1/4) lying South of the South right-of-way of County Road No. 10 as presently located, Section 28, Township 36, Range 22,

EXCEPT

Lot 1, Block 1, RAND ESTATES

OWNER & DEVELOPER

Make Properties LLC
21542 Shallow Lake Rd
Warba, MN 55793
651-226-4039
keithkoecher@yahoo.com

Mark Rand
1225 Stark Rd
Harris, MN 55032

LAND SURVEYOR

WIDSETH
Kelly Jordan
5368 266th Street
Wyoming, MN 55092
PHONE (651)464-3130
FAX-(651)464-4822

SOIL TESTING

Josh Putt LIC #L4063
PO BOX 45
Shafer, MN 55074
(651)-900-1567
kingputt79@gmail.com

WETLANDS

Jacobson Environmental, PLLC
5821 Humboldt Avenue
Brooklyn Center, MN 55430
612-802-6619
jacobsonenv@msn.com
Dated June 27, 2023 (Lot 2)

SURVEY NOTES:

1. Orientation of this bearing system is based on the Chisago County Coordinate System NAD83 (1996 adj.)
2. The properties address are 1127 Stark Rd and 1225 Stark Road, both in Harris MN 55032.
PID Nos: 03.00440.00 and 03.00440.01
3. Existing area of all parcels: 1,282,301 Sq. Ft. or 29.44 Acres.
4. Proposed Acreages:

Lot 1, Block 1: 628,901 Sq. Ft. or 14.44 Acres

Lot 2, Block 1: 653,400 Sq. Ft. or 15.00 Acres

5. The Property is zoned AG - Agriculture (Per Fish Lake Zoning map Building Setbacks (per Chisago County Zoning Ordinance)
- | | | |
|--|---|----------|
| Front Yard / Centerline of County Road | : | 135 feet |
| Side Yard | : | 20 feet |
| Rear Yard | : | 50 feet |
- Zoning District Regulations:
- | | | |
|-------------------|---|----------|
| Minimum Lot Area | : | 5 Acres |
| Minimum Lot Width | : | 300 feet |
| Minimum Lot Depth | : | 300 feet |

Minimum Buildable Area : 21,500 Sq. Ft.

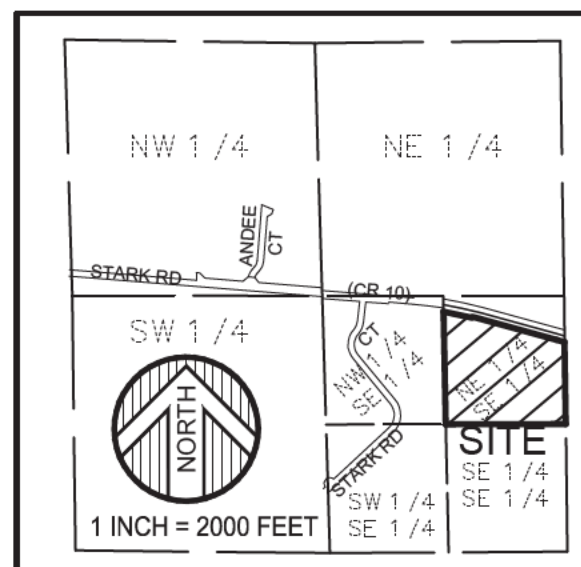
10,000 Sq. Ft. principle pad that:
Minimum 2 feet above the nearest 100 year flood Elev.
Minimum 2 feet above the highest anticipated water level

Above the nearest or any relevant 100-year flood contour

The nearest 100 year flood contour appears to be one mile to the northeast of the subject property at Little Horseshoe Lake Elev. = 923.0 (NAVD88). (NOT RELEVANT)

Highest Anticipated Water Elevation is determined to be at Elev. = 940.8 based on the water surface measured at the existing pond toward the northeasterly portion of proposed Lot 2.

6. The subject property lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain per FEMA Flood Insurance Rate Map No. 27025C0150D, effective April 17, 2012.
7. The existing Chisago County Highway Right of Way Plat No. 62 is being replatted as Chisago County Highway Right of Way Plat No. 115. The proposed preliminary plat of MAKE PROPERTIES is based on the prerecorded plat of Chisago County Highway Right of Way Plat No. 115. Recording of said Right of Way Plat must be done prior to recording a final plat of MAKE PROPERTIES.
8. We are recommending that the existing 10 foot wide drainage and utility easement lying adjacent to the westerly line of RAND ESTATES be vacated prior to the recording of MAKE PROPERTIES.



SEC. 28, T36, R22
FISH LAKE TOWNSHIP
CHISAGO COUNTY, MINNESOTA

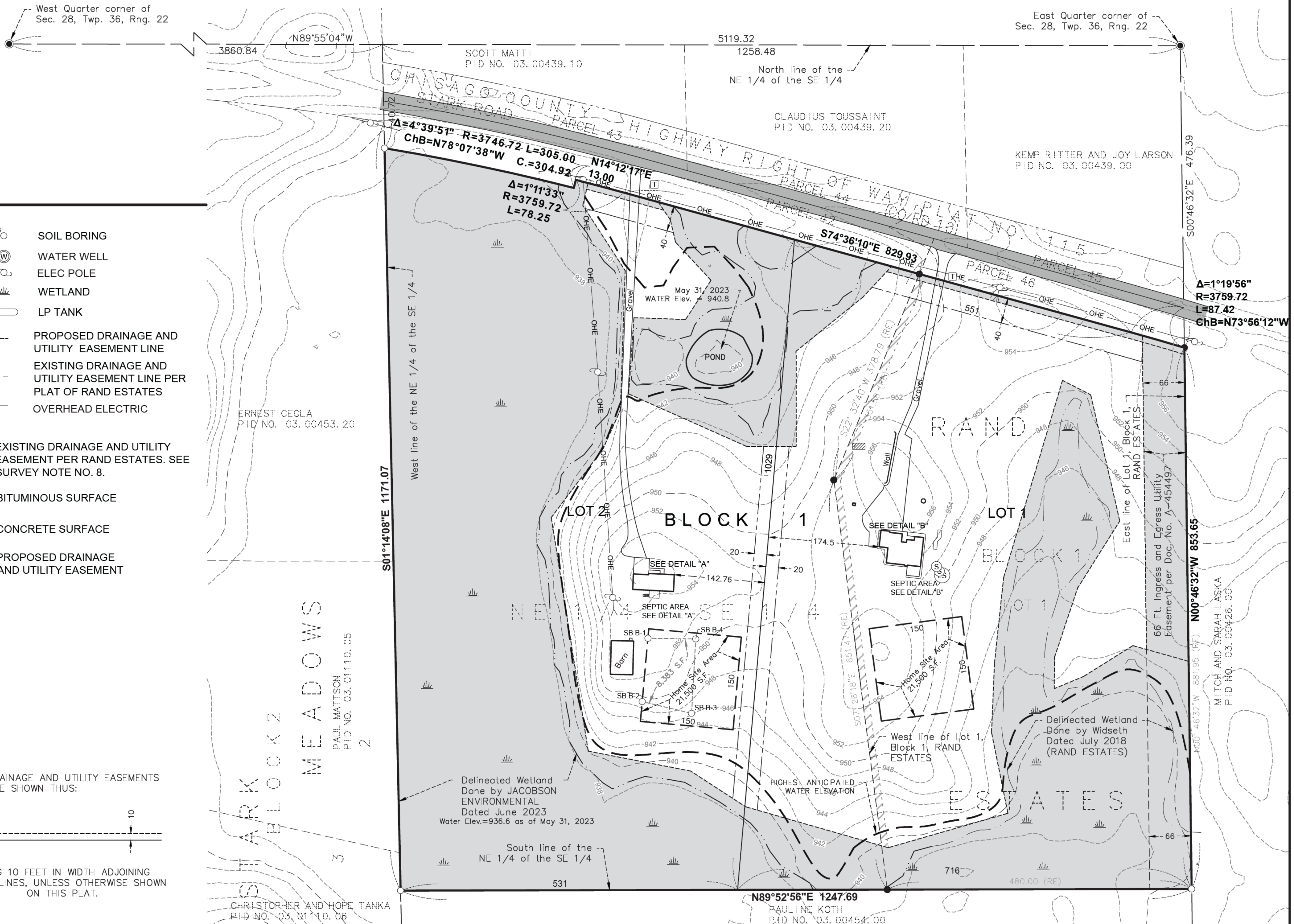
LOT 2 SOIL BORING ELEVATIONS Dated May 31, 2023	
Soil Borings	Elevation
Soil boring 1	951.63
Soil boring 2	948.09
Soil boring 3	945.16
Soil boring 4 *	949.80
*This boring is on the upslope of the existing drainfield	

NOTE: Soil Borings were done by
Mac's Sewer Service on June 18, 2018
for the plat of RAND ESTATES

DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:

The diagram illustrates a 10-foot wide drainage and utility easement. It features two horizontal lines representing street lines. Between these lines, there is a dashed line and a solid line, both with arrows pointing to them from the text 'BEING 10 FEET IN WIDTH ADJOINING STREET LINES, UNLESS OTHERWISE SHOWN ON THIS PLAT.' The dashed line is labeled 'D' and the solid line is labeled 'O'.

BEING 10 FEET IN WIDTH ADJOINING
STREET LINES, UNLESS OTHERWISE SHOWN
ON THIS PLAT.



DATE: June 2023	DATE	AMENDMENTS	BY	PREPARED FOR: MAKE PROPERTIES LLC
SCALE: AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA
DRAWN BY: JMM				
CHECKED BY: KLJ				
FILE NUMBER: 2023-10661				Kelly L. Jordan DATE: 06/30/2023 LIC. NO. 42648

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WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS



Make Properties, LLC and Mark & Carrie Rand – Property owners Make Properties, LLC, and Mark & Carrie Rand, represented by applicant Keith Koecher, are seeking approval of the Preliminary Plat of Make Properties involving the creation of one lot and the replatting of one lot with a total of two lots included in the proposed plat. The 29.44± acre subject area is zoned Agricultural (AG) District and the subject sites are located at 1127 Stark Road / CSAH 10 and 1225 Stark Road / CSAH 10 in Fish Lake Township, S28, T36, R22 (PIDs 03.00440.00 and 03.00440.01).

Make Properties, LLC and Rand Properties - 





Make Properties, LLC and Mark & Carrie Rand – Property owners Make Properties, LLC, and Mark & Carrie Rand, represented by applicant Keith Koecher, are seeking approval of the Preliminary Plat of Make Properties involving the creation of one lot and the replatting of one lot with a total of two lots included in the proposed plat. The 29.44± acre subject area is zoned Agricultural (AG) District and the subject sites are located at 1127 Stark Road / CSAH 10 and 1225 Stark Road / CSAH 10 in Fish Lake Township, S28, T36, R22 (PIDs 03.00440.00 and 03.00440.01).

Make Properties, LLC and Rand Properties - 



RESOLUTION NO. PC2023-0801

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF MAKE PROPERTIES**

WHEREAS, property owners Make Properties, LLC and Mark Rand & Carrie Rand and applicant Keith Koecher submitted an application dated received June 30, 2023 and considered complete on July 6, 2023 for the Preliminary Plat of Make Properties; and

WHEREAS, the property owners desire to create one parcel and replat one parcel from the 29.44± acre subject area; and

WHEREAS, the subject sites are located at 1127 Stark Road / CSAH 10 (PID 03.00440.00) and 1225 Stark Road / CSAH 10 (PID 03.00440.01) in Fish Lake Township and they're zoned Agricultural (AG) District; and

WHEREAS, the subject sites are legally described as:

PID 03.00440.00

That part of the Northeast Quarter of Southeast Quarter (NE1/4 of SE1/4) lying South of the South right-of-way of County Road No. 10 as presently located, Section 28, Township 36, Range 22,

Chisago County, Minnesota

EXCEPT

Lot 1, Block 1, Rand Estates

and

PID 03.00440.01

Lot 1, Block 1, Rand Estates

Chisago County, Minnesota

WHEREAS, notice was provided and on August 3, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission finds that the Preliminary Plat of Make Properties is consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Make Properties is approved per plat drawing dated signed June 30, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.

2. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
3. The existing 10' wide drainage and utility easement lying adjacent to the westerly line of Rand Estates shall be vacated prior to the recording of the Final Plat of Make Properties.
4. The existing Chisago County Highway Right-of-Way Plat No. 62 is being replatted as Chisago County Highway Right-of-Way Plat No. 115. The Preliminary Plat of Make Properties is based on the prerecorded Plat of Chisago County Highway Right-of-Way Plat No. 115. Recording of said Right-of-Way Plat must be done prior to recording the Final Plat of Make Properties.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of August, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Conditional Use Permit for a Drive-Through Business and an Accessory Residential Unit in the Rural Village Center (RVC) District
 2340 Stark Road / CSAH 10, Fish Lake Township
 DATE: August 3, 2023

ACTION TO CONSIDER

The Planning Commission opened a public hearing to consider a Conditional Use Permit (CUP) for a Drive-Through Business and a single Accessory Residential Unit in the Rural Village Center (RVC) District at its June 1, 2023 meeting and continued the public hearing to July 6, 2023. In addition to continuing the public hearing, the Commission extended the review period by an additional 60 days and instructed the applicant to provide specific updated application materials for further review and consideration at the July 6, 2023 meeting. The Commission closed the public hearing on July 6, 2023 and tabled the request to August 3, 2023, at the applicant's request, in order to allow the applicant additional time to prepare the updated materials. The Commission will now review the updated materials and provide a recommendation for the County Board's consideration.

SITE & APPLICATION INFORMATION

Applicant(s):	Marvin "Joe" Beaulieu
Property Owner(s):	Boozhoo Coffee & Café, LLC
Location:	2340 Stark Road / CSAH 10 Fish Lake Township Section 26, Township 36, Range 22
PID:	03.00385.00
Property Area:	.92± Acres
Current Zoning:	Rural Village Center (RVC) District
Adjacent Zoning:	
North:	Rural Village Center (RVC) District
South:	Rural Village Center (RVC) District
East:	Rural Village Center (RVC) District
West:	Rural Village Center (RVC) District
Date Application Received:	April 14, 2023
Date Application Complete:	May 3, 2023
60-Day Review Period:	July 2, 2023
Extended Review Period:	August 31, 2023



BACKGROUND

Property owner Boozhoo Coffee & Café, LLC and applicant Joe Beaulieu are requesting a CUP for a Drive-Through Business and an Accessory Residential Unit on a .92± acre property in the Rural Village Center (RVC) District. The primary use of the subject site will be a coffee shop and café, which is classified as a Permitted Use in the RVC District.

The Planning Commission received a presentation from staff, heard from the applicant, and opened the requisite public hearing at its June 1, 2023 meeting. Ultimately, the Commission motioned to continue the public hearing, extend the review period by 60 days and instructed the applicant to provide specific updated application materials for further review and consideration at the July 6, 2023 meeting. Staff provided the applicant with written notice of the extension and provided a detailed list of updated application materials requested by the Commission, and provided a due date of Monday, June 26, 2023 (see attached correspondence dated June 6, 2023). The applicant failed to submit updated materials for the July 6, 2023 meeting.

The Planning Commission received a brief update from staff and a presentation from the applicant at its July 6, 2023 meeting. The applicant explained that, due to personal issues, he was not able to produce the required materials and he asked the Commission to table the request one additional month. The Commission ultimately closed the public hearing and tabled the request to the August 3, 2023 meeting in order to allow the applicant additional time to prepare the updated materials. Staff provided the applicant with written notice of the Planning Commission's July 6, 2023 action and again provided a detailed list of updated application materials requested by the Commission, and provided a due date of Monday, July 24, 2023 (see attached correspondence dated July 7, 2023). The applicant submitted updated materials to Environmental Services staff on July 25, 2023 in the forms of a written narrative and site renderings (see attached materials stamp dated July 25, 2023).

For the Planning Commission's reference, in its June 1, 2023 motion, the Commission instructed the applicant to provide the following specifically identified items:

- One comprehensive written narrative
- One comprehensive site plan or set of plans incorporating **and illustrating** all required and proposed elements, including but not limited to:
 - In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
 - Engineered grading, drainage and erosion control plan
 - Site sediment control plan
 - Parking plan showing no parking perpendicular to Stark Road / CSAH 10 and hard surfacing material(s) which has been reviewed and approved by the Chisago County Highway Department
 - Signage / parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
 - Lighting plan
 - Waste material plan showing area for suitable storage containers as well as refuse receptacles at all exits and one refuse receptacle per ten vehicle parking spaces within the lot
 - Landscaping plan
 - All other required elements per Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses
- Wetland delineation
- ~~Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10 (no longer applicable as the applicant is now proposing one access rather than two)~~

Staff is aware that the applicant has been discussing the proposed CUP and parking lot design with the Chisago County Highway Department. County Engineer Triplett provided the following comments to Environmental Services staff on July 18, 2023:

We have reviewed what Joe [Beaulieu] has submitted and I had a chance to meet with him on site to go over his proposed plans. Here are our comments from Public Works:

- 1. He has said he would increase the driveway width to 24 feet to accommodate 2 way traffic.*
- 2. He has indicated that construction of the concrete entrance/stoop area would stay 18 feet from the existing fog line.*
- 3. He is aware that we cannot offer any sort of on-street parking at this point as we have not started our design.*
- 4. While I was able to meet with him on site, we still do not have an actual site plan tied to any sort of survey to memorialize proposed plans. What he has indicated to me looks to leave us room to design our project and accommodate his proposed development. We will work with him on our design once we start.*

The updated application materials were shared with the Highway Department on July 25, 2023 and County Engineer Triplett provided the following comments:

- Triplett acknowledged that the applicant had revised the site rendering to show a 24' wide access from Stark Road / CSAH 10 as he and the applicant had previously discussed.
- The sidewalk lights should be located entirely on the subject site (not located on public Right-of-Way).
- The applicant states in item no. 1 of the Parking Lot section of the written narrative that "Mr. Triplett was satisfied with our backsets from our south property line"; however, without an actual site plan and survey, we have no way of verifying actual locations and setbacks. The Highway Department hopes to be designing the next Stark Road / CSAH 10 reconstruction project this fall at the earliest. While things will change, we should be able to match into his site, but, again, without an actual survey, we cannot verify.
- The applicant still hasn't provided a grading plan in order to review drainage; however, there is narrative stating that drainage patterns will not change.

ANALYSIS OF UPDATED APPLICATION MATERIALS

Upon receiving the updated application materials on July 25, 2023, staff conducted a cursory review for preparation of this staff report. Staff notes that while the applicant did provide one comprehensive written narrative and one set of plans for the Planning Commission's review, the applicant did not provide all of the required information, including:

- In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
- Engineered grading, drainage and erosion control plan
- Site sediment control plan
- Written confirmation that the Chisago County Highway Department has reviewed and approved the parking plan and surfacing material(s)
- Parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
- An illustrated landscaping plan
- Wetland delineation

While the applicant's updated written narrative describes some of the above listed items (i.e., grading, drainage, landscaping, wetland protection), the applicant was instructed to provide site plans illustrating these items. Two of the primary reasons for requiring site plans rather than written detail is to ensure that all involved parties – the applicant, the public, Environmental Services staff, Highway Department

staff, the Planning Commission, and the County Board of Commissioners – have a shared understanding of the proposal and so that County staff and officials are able to conduct a thorough analysis of the proposal.

During staff's cursory review of the updated application materials, the following concerns were identified. Given the delayed submittal of the most recent materials, this is not an exhaustive list of concerns but concerns that the Planning Commission may wish to consider during its review.

- The site renderings show a 12' wide drive-through lane but the written narrative describes it as being 10' wide. This detail should be clarified by the applicant.
- The site renderings and written narrative still include use of an intercom system. Further, the applicant inaccurately addresses the required setbacks in his written narrative. As explained in the staff report prepared for the June 1, 2023 Planning Commission meeting, given the dimensions of the subject site (approximately 285' wide x 150' deep, according to the April 14, 2023 site plan), it would be impossible for the proposed intercom system to meet all required setbacks. Staff does not support and the Zoning Ordinance does not allow the use of an intercom system on this property purely based on the fact that it cannot meet the required setbacks. Contemplated ownership or future ownership of the adjacent parcel(s) by the same party does not resolve this issue.
- The site renderings show employee parking immediately in front of the garbage area. Staff would suggest that the area immediately in front of the garbage area be designated as a no-parking area to allow garbage and recycling haulers immediate and unobstructed access.
- The site renderings show two residential parking spaces located on the east side of the building. Staff notes the following concerns with this parking area:
 - The southern end of the parking area access is shown as being approximately 6' on the subject site and approximately 6' on the neighboring property. While the applicant has explained that he is "currently purchasing this [neighboring] property on contract for deed...", this property is currently fee owned by another party and, further, the neighboring property is not included in this request for CUP.
 - The parking area includes two parking spaces with a combined width of 17'. While the Zoning Ordinance does not provide specifications for parking stalls, staff cautions that this design is extremely narrow and will be challenging for larger vehicles. A typical minimum parking stall width is 9'.
 - Based on the parking area dimensions and design, it appears that vehicles will not be able to turn around within the parking area and will be required to back out directly onto Stark Road / CSAH 10. Backing out onto Stark Road / CSAH 10 raises questions about traffic safety.
- The written narrative describes that the applicant still intends to use Reclaimed Asphalt Pavement (RAP) for parking lot surfacing purposes. Staff notes that the Highway Department identified this as a concern during its initial review prior to the June 1, 2023 Planning Commission meeting.
- The written narrative states that the applicant is "currently purchasing [the neighboring] property on contract for deed, and as things progress and develop, we intend on unifying this property with the current business lot". Staff notes that this property (located immediately east of the subject site) is currently fee owned by another party and that this property is not included in this request for CUP. If the applicant intends to utilize this neighboring property for purposes of this CUP request (assuming the CUP is approved), the applicant will be required to Amend the CUP to include both properties / legal descriptions.

STAFF RECOMMENDATION

While staff had initially deemed the application “technically” complete, staff expressed concern in its staff report prepared for the Planning Commission’s June 1, 2023 meeting about whether the application materials satisfactorily addressed or fully demonstrated compliance with all requirements established by Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses. Ultimately, the Planning Commission concurred and instructed the applicant to provide an extensive list of updated materials. Upon review of the updated materials provided by the applicant on July 25, 2023, staff still has concerns about the lack of information and quality of information needed to review the proposed CUP thoroughly and adequately. Recognizing that the request also includes a proposed Accessory Residential Unit, staff notes that no specific concerns have been identified relating to the single Accessory Residential Unit use aside from concerns with the proposed parking area detailed above.

The extended review period expires on August 31, 2023, allowing the Planning Commission one final review at its August 3, 2023 meeting and for the County Board of Commissioners to make a determination at its August 16, 2023 meeting. The only way for the review period to be extended beyond August 31, 2023 is for the applicant to volunteer the extension or entirely waive the review period.

Given the Planning Commission’s anticipated concerns with the updated application materials, staff has provided two options for draft Findings of Fact, one supporting approval of both requested uses and one supporting denial of the request for CUP for Drive-Through Business and approving the request for CUP for Accessory Residential Unit. Along with the Findings of Fact supporting approval, staff has also provided recommended conditions of approval. Staff notes that the recommended conditions of approval for the Drive-Through Business specifically involve the Chisago County Highway Department in review and approval of certain aspects of the project and prohibit the use of an intercom system for drive-through orders until and unless the County’s Board of Adjustment and Appeals grants a Variance for such use.

FINDINGS OF FACT: SUPPORTING APPROVAL OF THE REQUEST FOR CUP FOR DRIVE-THROUGH BUSINESS AND APPROVAL OF THE REQUEST FOR CUP FOR ACCESSORY RESIDENTIAL UNIT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission’s consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:*

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County’s economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*

- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2	<i>The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County State Aid Highway (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that neither the proposed Drive-Through Business use nor the proposed Accessory Residential Unit use will create an excessive demand on existing parks, schools or utilities which serve the subject site.</i>
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	<i>The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	<i>The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.</i>
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	<i>The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and therefore meet the intent of the RVC District.</i>
Factor #6	The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
Finding #6	<i>See Finding #5.</i>
Factor #7	The proposed use will not cause traffic hazard or congestion; and
Finding #7	<i>The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). The Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion. Further,</i>

the County has included conditions of approval to further ensure that the proposed uses will not cause traffic hazards or congestion.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion impacting nearby properties would be the proposed use of an intercom system for drive-through orders. Therefore, in an effort to mitigate potential intrusions and because the proposed intercom system is physically unable to meet the required setbacks mandated prescribed by the Zoning Ordinance, the County has included a condition of approval which prohibits the use of such electronic devices. The County finds no evidence to suggest that the proposed uses would cause glare, general unsightliness or other forms of intrusion upon nearby properties.

Recommended Condition(s):

1. This Conditional Use Permit allows a Drive-Through Business and single Accessory Residential Unit in the Second Story. The property shall be developed and used in accordance with the application materials dated received July 25, 2023 and kept on file with the Department of Environmental Services, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion of the uses, including expansion of either approved use beyond the boundaries of the subject site or as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

Conditions Specific to the Approved Drive-Through Business:

2. The Drive-Through shall be allowed to operate seven days a week, operating no earlier than 6:00 am and no later than 10:00 pm.
3. Due to the current site dimensions / configuration and physical inability to meet required setbacks applicable to electronic devices, the use of electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices outside of the principal structure are strictly prohibited until and unless a Variance is granted by the Board of Adjustment and Appeals for such use.
4. The access from Stark Road / CSAH 10 shall be 24' wide to accommodate two-way traffic and the drive-through lane shall have a minimum dedicated width of 12'.
5. Delivery trucks and other service vehicles must utilize the parking lot and shall not park on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.
6. The permit holder shall provide suitable storage containers for all waste material and all storage containers shall be screened. Further, the permit holder shall place refuse receptacles at all exits as well as one refuse receptacle per ten vehicle parking spaces within the parking area.
7. The garbage area / enclosure shall not be obstructed by parking. The area immediately in front of the garbage area / enclosure shall be designated as a no-parking area to allow garbage and recycling haulers immediate and unobstructed access.
8. All food and beverage preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
9. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations,

and Chisago County liquor licensing requirements.

Conditions Specific to the Approved Accessory Residential Unit:

10. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
11. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere within the approved parking lot.

General Conditions Applicable to Subject Site and Approved Uses:

12. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way. The lighting plan shall be reviewed and approved by the Zoning Administrator prior to installation.
13. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
14. Noise generated from the approved uses, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
15. The parking lot shall be surfaced with materials approved by the Chisago County Highway Department prior to installation.
16. The permit holder shall accommodate all parking on-site and no customer or resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8. Further, no perpendicular parking shall be allowed adjacent to Stark Road / CSAH 10.
17. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles. The permit holder shall cause for local fire chief inspection and approval of drive access suitability for emergency access purposes prior to opening to the public.
18. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed. Neither approved use shall commence until such time that a Certificate of Occupancy has been issued.
19. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
20. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
21. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
22. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.

23. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
24. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

FINDINGS OF FACT: SUPPORTING DENIAL OF THE REQUEST FOR CUP FOR DRIVE-THROUGH BUSINESS AND APPROVAL OF THE REQUEST FOR CUP FOR ACCESSORY RESIDENTIAL UNIT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission's consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:*

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that neither the proposed Drive-Through Business use nor the proposed Accessory Residential Unit use will create an excessive demand on existing parks, schools or utilities which serve the subject site.*

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;

- Finding #3 The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible. However, the County further finds that the proposed use of an intercom system to support the proposed Drive-Through Business is physically unable to meet the ordinance prescribed setbacks of 400' from residentially used property and 200' from any adjacent lot regardless of use or zoning district and that the proposed use of an intercom system would cause undue negative noise impacts to adjacent land, property owners and residents.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;*
- Finding #4 The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;*
- Finding #5 The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and therefore meet the intent of the RVC District.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;*
- Finding #6 See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and*
- Finding #7 The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). While the Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion, the County finds that the proposed uses still pose potential for traffic hazards and congestion by way of the dedicated residential parking being forced to back out directly onto Stark Road / CSAH 10 rather than having room to turn around before entering the roadway. By denying the request for CUP for Drive-Through Business, the County finds that there will be adequate space for residential parking elsewhere on the property where it will not cause traffic hazards or congestion.*
- Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.*
- Finding #8 Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion related to the proposed Drive-Through Business impacting nearby properties would be the proposed use of an intercom system for drive-through*

orders, which is an integral component to a Drive-Through Business. This finding is based on the physical inability of the proposed intercom system to meet the ordinance prescribed setbacks (see Finding #3). Despite the applicant being informed of the required setbacks throughout the review process, the applicant continued to propose the use of an intercom system through multiple variations of the application materials. The County finds no evidence to suggest that the proposed Accessory Residential Unit will have any adverse impacts to nearby properties.

Additional Findings

Finding that the application materials did not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses, the Planning Commission instructed the applicant on June 1, 2023 to provide specific updated application materials for further review and consideration at its July 6, 2023 meeting. The Department of Environmental Services provided the applicant with a specific and detailed list of required materials through written correspondence dated June 6, 2023 and provided a deadline of June 26, 2023. The applicant failed to provide the required materials by the stated deadline.

On July 6, 2023, the Planning Commission tabled the request, at the applicant's request, in order to allow additional time to prepare and submit the required materials. The Department of Environmental Services provided written correspondence dated July 7, 2023 informing the applicant of the Planning Commission's July 6, 2023 action and again provided the specific and detailed list of required materials and provided a deadline of July 24, 2023. On July 25, 2023 the applicant provided an updated written narrative and updated site renderings; however, the applicant did not provide all required items which the Planning Commission deemed necessary to review the proposed Drive-Through Business thoroughly and adequately. Missing items included:

- In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations*
- Engineered grading, drainage and erosion control plan*
- Site sediment control plan*
- Written confirmation that the Chisago County Highway Department has reviewed and approved the parking plan and surfacing material(s)*
- Parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site*
- An illustrated landscaping plan*
- Wetland delineation*

Due to the applicant's failure to provide updated application materials as deemed necessary by and as instructed by the Planning Commission, the County finds that the application materials do not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses.

Recommended Condition(s):

1. This Conditional Use Permit approves the proposed Accessory Residential Unit in the Second Story and denies the proposed Drive-Through Business. The Accessory Residential Unit and general site shall be developed and used in accordance with the application materials dated received July 25,

2023 and kept on file with the Department of Environmental Services, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

2. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
3. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere on the subject site.
4. The permit holder shall accommodate all parking on-site and no resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.
5. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way.
6. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
7. The Accessory Residential Unit shall not be occupied until such time that a Certificate of Occupancy has been issued. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed.
8. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
12. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit for Drive-Through Business and Accessory Residential Unit with Findings of Fact and conditions presented or amended (refer to first set of Findings of Fact and recommended conditions).
2. Recommend that the County Board **deny** the Conditional Use Permit for Drive-Through Business and **approve** the Conditional Use Permit for Accessory Residential Unit with Findings of Fact and conditions presented or amended (refer to second set of Findings of Fact and recommended conditions).
3. Should the Planning Commission determine that neither of the proposed uses comply with the intent of County's Zoning Ordinance or Comprehensive Plan, recommend that the County Board **deny** the Conditional Use Permit for both uses based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*

ACTION REQUESTED

Lacking updated application materials which were specifically requested by the Planning Commission at its June 1 and July 6, 2023 meetings and as detailed in written correspondence provided to the applicant on June 6 and July 6, 2023, staff is hesitant to provide a recommendation of approval for the proposed Drive-Through Business. However, aside from redesigning the residential parking area, staff does not have any concerns with the proposed Accessory Residential Unit.

Staff has provided two sets of Findings of Fact and recommended conditions of approval for the Planning Commission's consideration, with one set supporting denial of the request for CUP for Drive-Through Business and approval of the request for CUP for Accessory Residential Unit and one set supporting approval of the request for CUP for Drive-Through Business and Accessory Residential Unit.

Motion to adopt Resolution No. PC2023-0802, a resolution recommending denial of the request for CUP for Drive-Through Business and approval of the request for CUP for Accessory Residential Unit
-OR- a resolution recommending approval of a Conditional Use Permit allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Updated written narrative and site renderings dated received July 25, 2023
2. Written correspondence dated July 7, 2023
3. Written correspondence dated June 6, 2023
4. Draft Resolution No. PC2023-0802 (denial of proposed Drive-Through Business and approval of proposed Accessory Residential Unit)
5. Draft Resolution No. PC2023-0802 (approval of both proposed uses)

CC: Joe Beaulieu, applicant
County file

JUL 25 2023

Chicago County
Dept. of Environmental Services

BQ

Conditional Use Permit

Accessory Residential Unit on Second Story

1. We are remodeling the second story of the existing building and requesting additional building space to accommodate for staircase and entrances to access unit, and a utility room. The second story will be approximately 3,174 sq. ft. Built over the entire first story of a coffee shop and café.
2. It will have five bedrooms, four bathrooms, and two kitchens.
3. This unit will be designed and used as an accessory residential unit to house my family and mother-in-law. As well as additional family guests when visiting.
4. It is designed to provide plenty of amenities because we will host our family holidays seasonally, and a second kitchen to allow my mother-in-law an area to do her own cooking. Being Native American and my wife Filipino, this follows our culture and traditions of keeping our family together until death.
5. We will propose two entrances, this is requested to provide access to unit as well as provide escape access in an emergency. One entrance proposed is off the back of the study room, located on northwest corner of building. Our request is to build a 6' x 8' enclosed entry way with a staircase leading to the ground on the north side of the building. This will have the necessary post footings installed, with required posts to support structure. The second entry (6' x 8') will be located above attached garage and future game room on east side of second unit. Our plan is to install an interior staircase down to the first floor. Our second and most preferable option is to exit from entry/foyer area, create a walk way across east flat roof and design a staircase running to ground at residential parking area.
6. Our plan is to build an 8' deck off north of this unit to entertain our family and guests throughout the year and during holidays. This will also be used to access our utility room located off our residential unit. Also giving us outside privacy to enjoy the seasons and additional escape routes in case of an emergency. As well as fairly standard to have a deck or patio connected to your home.
7. Lastly, our request is to build a 12'x 12' utility room on top of second story flat roof that has been designed to support this room. This room will be insulated and used to accommodate our furnace, water heater, water softener, washer, and dryer. Duct work and water supply lines from here will be installed to provide heat and water for the second story unit.

Parking Lot

1. After meeting with Joe Triplett and submitting our new design, Mr. Triplett informed me that the county would be able to work on and design a new road, turn lane and possible

bike path. Mr. Triplett was satisfied with our backsets from our south property line, noting that the new road may actually be even further south than its current location.

2. Our new parking lot has one exit/entrance located as close to west side of building and will have an entrance/exit of 24' feet. We have rearranged our parking spots in new drawing to accommodate for this change and using this entrance and lane to continue around to our drive-through intercom/menu, and eventually to our pick-up window. Customers will be able to enter the parking lot freely without blocking or interfering with our drive-through traffic. Our parking lot will be longer and wider to accommodate for these changes.
3. We have separated our residential parking area to the east side of building to free up additional space for our customers. This area will have two available, side-by-side parking spots. This was also done to prevent interference with incoming and outgoing traffic.
4. Our plan is to have a total of 7 exterior light poles. Two in our front parking lot (parking lot with drive-through), one located in between parking lots and drive-through lane on northwest corner. Second one would be located on front edge, southwest area of parking lot, in between drive-through lane and sidewalk. Two additional lights will be located in the back parking lot, at the center of parking lot (parking lot added on to drive-through parking lot), on both east and west sides of lot. Using standard parking lot lighting used in most parking lots. Next two are located along front sidewalk, one located in southwest corner, approximately four feet of drive-through parking lot and four feet off south edge of sidewalk. The second one is located southeast of the sidewalk and patio, again approximately four feet off residential driveway, and four feet off south edge of patio. With the last light being located in back or north edge of new residential parking area.
5. We are request to install a 6' x 8' lighted business sign, this sign will be located next to our fenced in garbage area on south side, approximately 4' away. The sign will be elevated on two posts securely anchored to concrete footings, and bottom of sign will be 20' above ground in order to not interfere with line of sight for approaching traffic. eventually, this area will have either concrete or asphalt pour around these concrete footings.
6. The parking lot will use all or most of our available space to create our design, but not impede on any designated wetlands unless approved by the proper authority.
7. In areas of wetlands, we will install a step-up retaining wall to reinforce our parking lot in these areas.
8. We will use retaining walls Around perimeter of parking lot where earth may cause instability or erosion. Otherwise, we intend to create gradual sloping to avoid erosion, using topsoil and planting grass to help stabilize most areas. Trying to leave everything as natural as possible.
9. We will install temporary Hera or silt fence around perimeter of construction site until completed.

Drive-through

1. We have designed the first story to accommodate a drive-through window on west side of coffee shop café.
2. The window will be located directly off the west end of the staff area of the main countertop, and in front of the kitchen allowing easy access to beverages and food.
3. We will have an employee door located in the drive-through area on the south side to be able to run out orders our customers may have to wait to be prepared.
4. The drive-through lane will enter the property from the south and run into our parking lot on the west side of business we are designing, running around the perimeter to allow a loop. There will be an intercom located at the back of the parking lot with a menu to order when using this service. This lane will be allowed 10' around perimeter of parking, smoothly traveling around to back of lot where we will have an intercom and menu located. In doing so, this will stay safely out of our parking area, just east of our back parking lot. I have outlined the area recommended by a licensed plumber in my illustrated design.

Septic System

5. The septic system will have five separation tanks installed, running from west to east approximately 25 feet from the north wall of the building. Connected to the new upgraded mound design. The complete system will also start 25 feet east of the northeast corner of the building. The mound part of the system will be located approximately 40 feet north of the main part of the restaurant sitting area, running west to east.

Section 7.22, c. Site Plan Requirements:

Garbage Area

We are showing fenced in garbage storage at the west end of the parking lot. It is our preference to have three to four containers to create a recycling system. There will be containers for biodegradable materials, metal, glass, and plastics. We will also provide and container for cooking oils. Each container will be of standard commercial size compatible with one week garbage pick-up. According to our studies, these containers are 3'x4'x6', this will require us to have a six high, fenced in garbage area approximately 10'x16'. Containers will be placed back-to-back and side-to-side. We will have gates on garbage area for easy access for pick-up and placing garbage containers back in place.

We will also put in place four garbage refuse for our parking lot, these will be located next to each light pole in parking lot. Then we will also install another one exiting parking lot on sidewalk.

Landscaping

On the south side of the building, there will be a concrete porch at the height of entrance into cafe installed that connects directly to the shoulder of existing or new proposed road planned somewhere in the near future. This will run the entire length of the future café area. As our drawing already shows, we will raise the existing sidewalk across the front of the café area, installing two steps along the south and west edge to allow access to our café area. In front of the west section of the building where the main coffee shop and entrance will be located, we will install a sidewalk from building to existing or new proposed road planned in near future. This sidewalk will be installed at the height of coffee shop entrance and slope gradually away from building and taper into parking lot and shoulder, allowing a handicap access on west side.

The Southeast section of property has about a 27'x 31' area located east of café area and south of current garage area. Our plan is to develop this into a patio area that connects into the east side of front porch, raising up the existing asphalt driveway and pouring a stamped concrete patio at the same height of the garage door on east side of café area. The unique change in elevation around the building and in this location will allow us to create handicap access to the patio through both main entrance of café and glass garage door leading onto patio. This stamped patio will be sloped down to the east and run-off from rain and water will travel east away from building and then north around east end of building, flowing into existing back yard and most likely ending up in wetland area.

All drainage and run-off will be consistent with existing run-off of the current area and the building that has been there for over 105 years. In the parking lot area on west side, run-off has been in three directions. North, south, and west, north into wetland area, west into existing ditch, and south down roadside. East area where patio and residential parking will be created, run-off will flow north down natural grade into wetlands, and south along roadside as it currently does now.

West side of the building will consist mostly of parking lot, with drive-thru as earlier drawings indicated. The parking lot will be mostly on west end of building, but now a portion will wrap around back of building on north side. After reviewing our requirements.

The backyard and remaining areas not detailed or developed, will be brushed, cleaned of all debris, and mowed regularly.

Our area will be left as natural as possible so that does not interfere with our proposed building, parking lot, and sidewalk design. If allowed, we may have large (2'x2') potted flowers in three locations along the front of building located on sidewalk. One near light pole at west end of building, one near light pole at east end of lot in patio section, and third one off west end of front concrete porch or apron attached to front of restaurant area.

Electronic Devices

1. We will have a menu screen approximately 4'x 5', located in the north area of lot in our drive-thru lane. There will also be an intercom connected to this screen to order from before arriving at the drive-thru window. For the most part this intercom complies with all setbacks and requirements. I believe all adjacent lots have been designated RVC, even though some property was once considered residential. The only property in question is the lot connected to our property on the east side. We are currently purchasing this property on contract for deed, and as things progress and develop, we intend on unifying this property with the current business lot. So currently, if this property does not fall under RVC domain, our intercom would be approximately 170 feet from property line on east side our business lot. We have looked in all other directions, we believe they are zoned wetlands or RVC domain. It is our request that the intercom be approved due to the purchase of this property and once owned, we will be within all requirements of intercom setbacks and dimensions. Though I do believe the lot I am referring to has been changed to RVC domain and use as well.
We plan on having a two-sided lighted sign located just off the southwest end of the parking lot, near the entrance of drive-thru lane. The sign will be approximately 4' x 8', mounted on a side post with bottom of sign approximately 20' off the ground. Sign will be completely on business property and not interfere with any traffic in line of sight.

Section 7.22, Design Standards

1. We have been using fill dirt from other road construction to fill in current parking lot area, so our elevations have changed from original plot. It is necessary to raise the elevation of parking lot, sidewalks, and patio to divert water away from our building. The history, somewhere in the past, the existing road running in front of building was raised, causing run-off into building that collapsed the floor in store area. We have made changes to the building to allow us to raise our elevation, including sidewalks, patios, and parking lot. Grading our parking lots, sidewalks, and patio for the minimum run-off of a 3% grade. So, with this said, current elevations will change to accommodate for proper run-off and grade in all locations.
2. We will continue to use fill dirt used for parking lots and patio areas for stable compaction, so we can avoid erosion, and instability under our concrete slabs or parking lot areas. Avoiding using clay or black dirt, focusing more on compactible soils like sand, crushed stone, and stone dust, a number #57 mix.
3. Our current proposal for the parking lot area in order to save some costs, is to install Reclaimed Asphalt Pavement (RAP) for our parking lot surface, drive-thru, residential lots, and garbage area. Our intentions are to put down a four-inch base of RAP, we will then grade and compress it to give us a nice compact base. When graded and compressed, this material will be a hard surface to control dust and is durable rain/water will drain or run-off, and when it snows, it can be plowed. Our plan is to use this for material for the first year of business to allow our lot to firmly compact itself, then the

following year to pave or install concrete for our finished lot. This will help our lot from settling or cracking because our base has been driven on and compacted for now a year, reducing the future settling.

This lot will be at its highest point near the west and north side of the building. Our drive-thru will be slightly elevated from the main parking lot at pick-up window with a 3% grade away from building. As we continue to move away from the building, we will maintain this 3% grade traveling west and north away from building. This will allow the water flow and drainage to run away from building into adjacent ditches and wetland area.

This Parking lot will maintain a safe distance away from the wetland area connected to the north and northwest side of the property. Creating retaining walls in these areas to stop erosion where needed.

Section 7.22, E. General

1. Our proposed hours of operation would be Monday-Sunday 6:00 AM-10PM

Section 7.22, H.

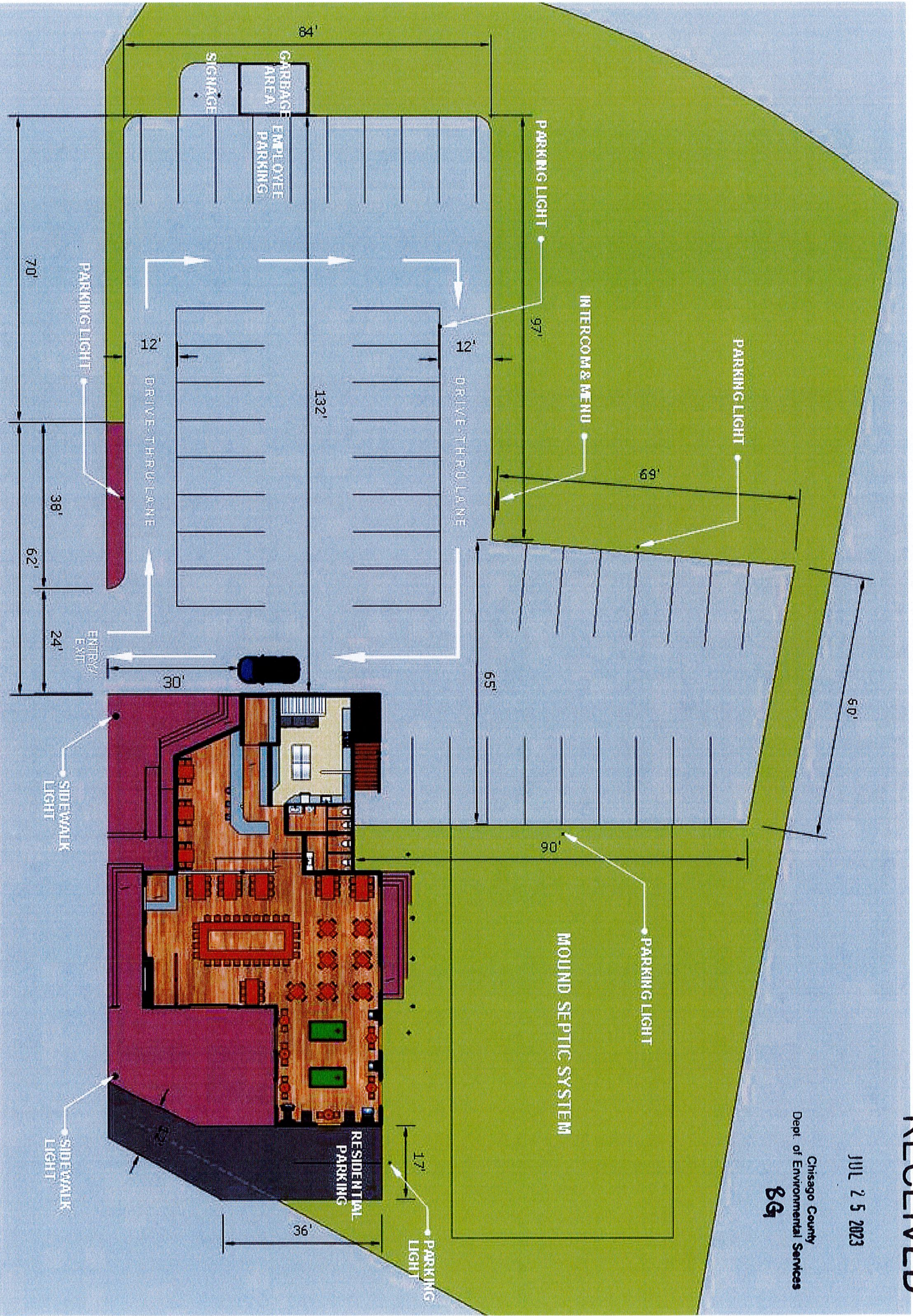
Our request is to install five street/parking lot lights evenly spaced around the perimeter of our parking lot. We will then have two more located on the sidewalk in front of the building. One at west end and one at east end, with both of these light on business property. Hoping to provide safe access to our parking lot and make pedestrians and cars visible at night to passing traffic.

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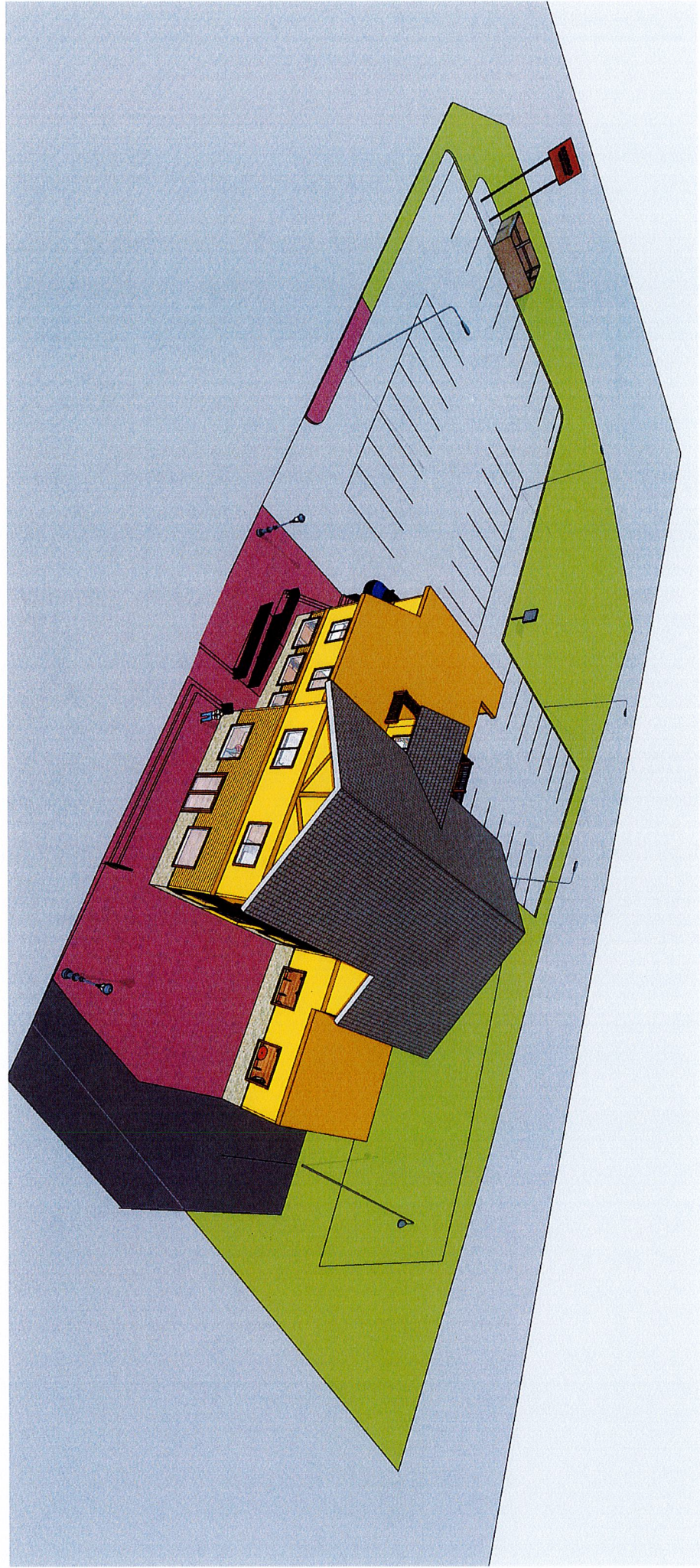


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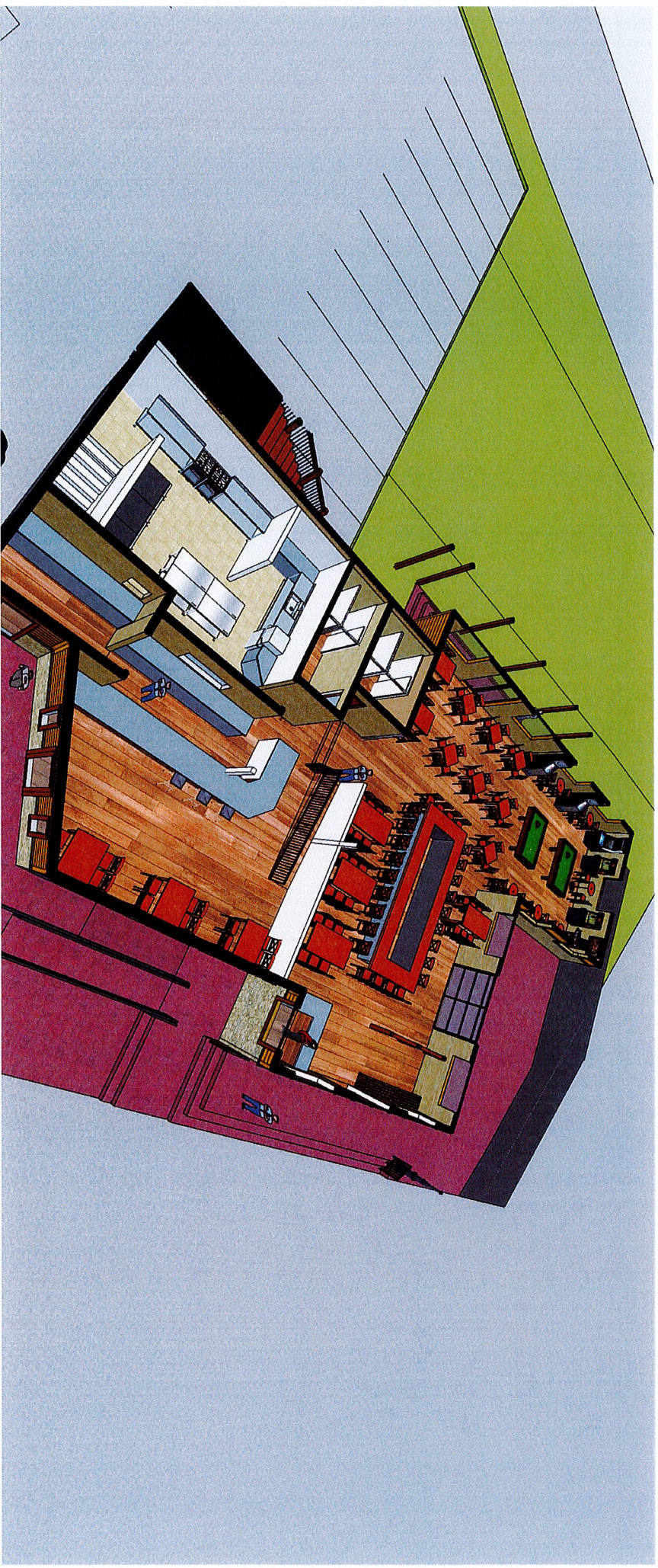


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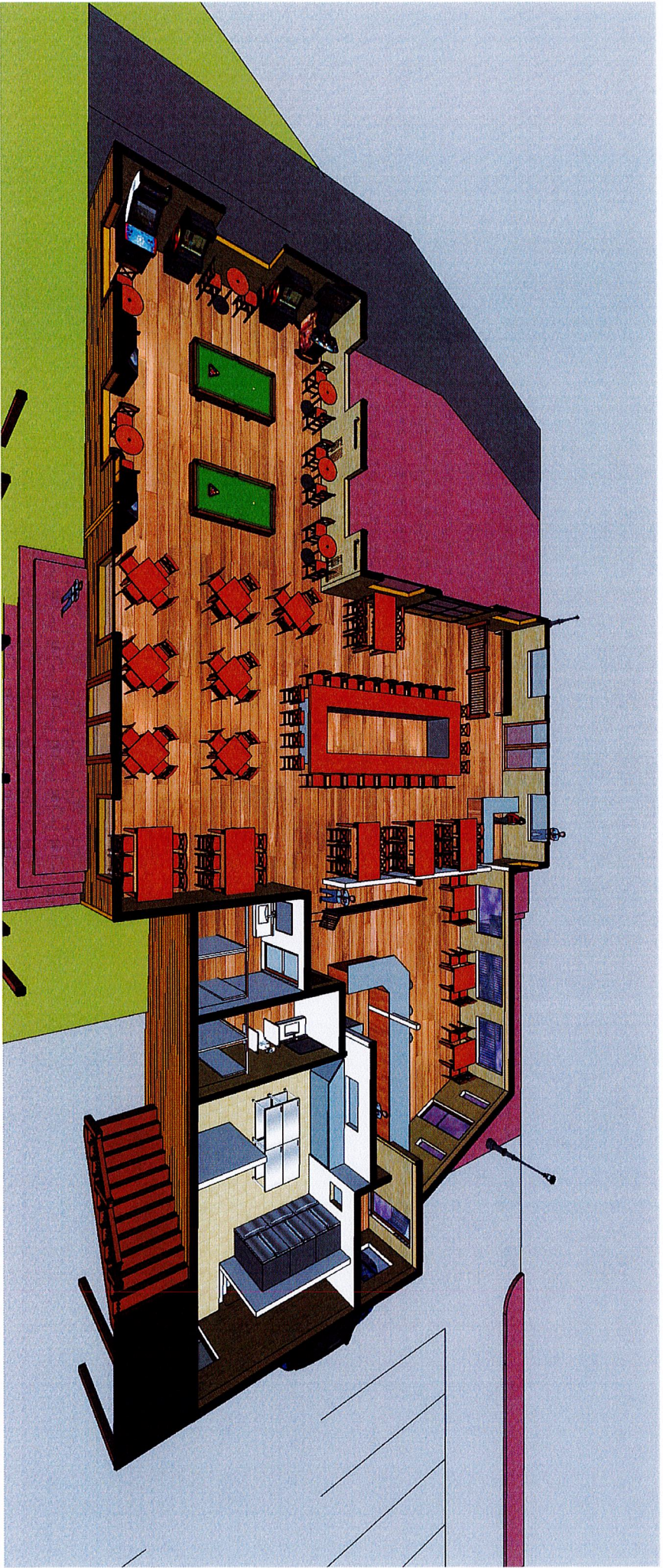


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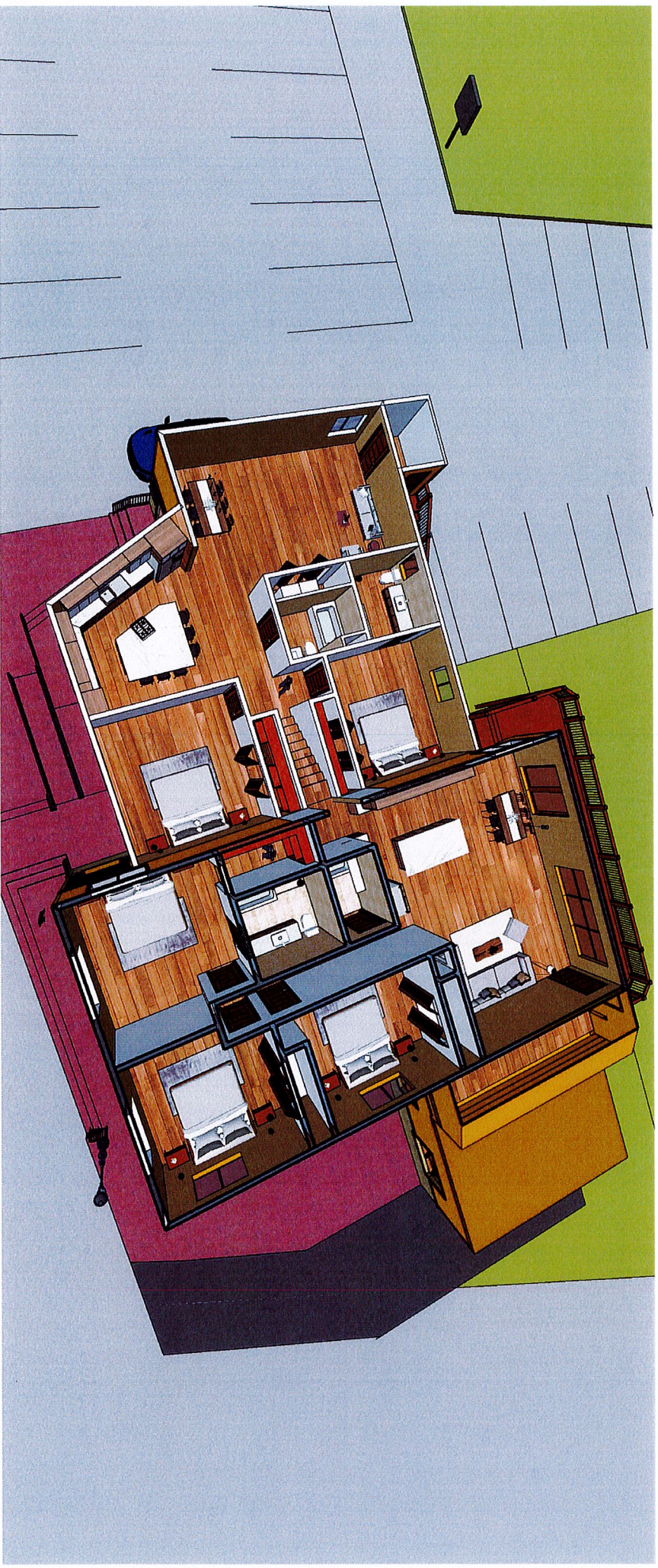
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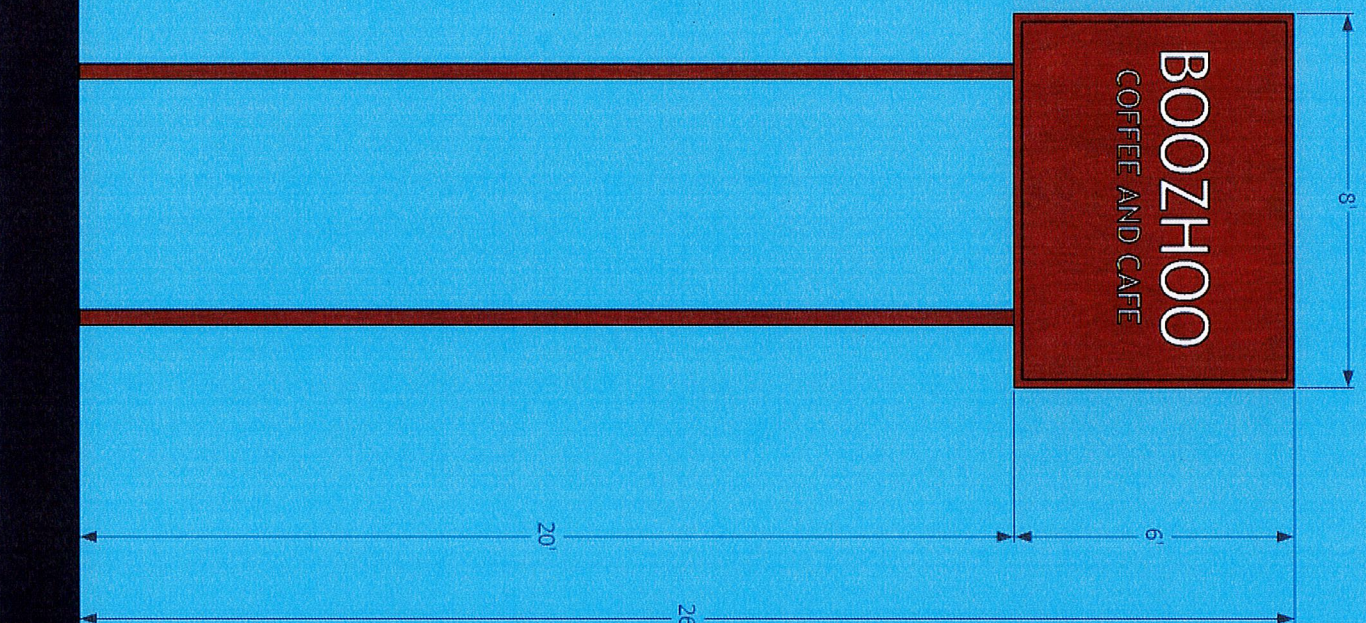
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BOOZHOO
COFFEE AND CAFE



Chisago County

Department of Environmental Services

Beth Gervais, Land Services Coordinator
313 N. Main Street, Suite 240 | Center City, MN 55012
Office: 651-213-8379 | Email: beth.gervais@chisagocountymn.gov

July 7, 2023

Boozhoo Coffee & Café, LLC
Attn: Joe Beaulieu
2340 Stark Road
Harris, MN 55032

Sent via USPS and email to: kotacrews9488@yahoo.com

RE: Proposed Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit in the Rural Village Center (RVC) District
PID 03.00385.00

NOTICE OF ACTION TO TABLE REQUEST

The Chisago County Department of Environmental Services received your application for Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit on April 14, 2023 and, following review, the application was deemed incomplete on April 27, 2023. After review of additional information, which you submitted on May 1 and May 2, 2023, the application was deemed technically complete on May 3, 2023.

The Chisago County Planning Commission scheduled the requisite public hearing for June 1, 2023 and ultimately motioned to continue the public hearing and extend the initial 60-day review period by an additional 60 days as allowed per MN Statute 15.99. Because the initial review period was scheduled to expire on July 2, 2023 and the public hearing was continued to the Planning Commission's July 6, 2023 meeting, the purpose of the extension was to allow time for due process (i.e., continued public hearing and all required meetings). The extended review period will expire on August 31, 2023, which means that a final determination will be made on your request prior to or on August 31, 2023 unless you grant an extension or waive the review period. If granting an extension to the review period or waiving the review period, this must be submitted to the Department of Environmental Services in writing prior to August 31, 2023.

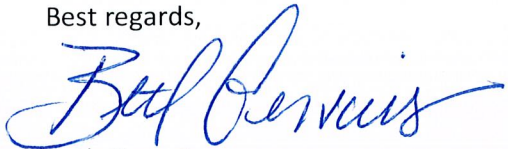
In its June 1, 2023 motion, the Planning Commission specifically identified information that you must submit for further review and consideration of your request, including:

- One comprehensive written narrative
- One comprehensive site plan or set of plans incorporating **and illustrating** all required and proposed elements, including but not limited to:
 - In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
 - Engineered grading, drainage and erosion control plan
 - Site sediment control plan
 - Parking plan showing no parking perpendicular to Stark Road / CSAH 10 and hard surfacing material(s) which has been reviewed and approved by the Chisago County Highway Department
 - Signage / parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
 - Lighting plan
 - Waste material plan showing area for suitable storage containers as well as refuse receptacles at all exits and one refuse receptacle per ten vehicle parking spaces within the lot
 - Landscaping plan

- All other required elements per Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses
- Wetland delineation
- Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10

Because the above listed information was not submitted by June 26, 2023 or at any point prior to the Planning Commission's July 6, 2023 meeting, the Planning Commission motioned to table the request to its Thursday, August 3, 2023 meeting in order to allow you additional time for preparation and submission of the information. In order for staff to complete a cursory review of the above listed information and present it to the Planning Commission for further review and consideration, all information must be submitted to the Department of Environmental Services no later than Monday, July 24, 2023 at 10:00 am. If you are unable to provide the above listed information by the stated deadline, I would greatly appreciate being notified so that we can discuss how best to proceed.

Best regards,



Beth Gervais
Land Services Coordinator



Chisago County

Department of Environmental Services

Beth Gervais, Land Services Coordinator
313 N. Main Street, Suite 240 | Center City, MN 55012
Office: 651-213-8379 | Email: beth.gervais@chisagocountymn.gov

June 6, 2023

Boozhoo Coffee & Café, LLC
Attn: Joe Beaulieu
2340 Stark Road
Harris, MN 55032

Sent via USPS and email to: kotacrews9488@yahoo.com

RE: Proposed Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit in the Rural Village Center (RVC) District
PID 03.00385.00

NOTICE OF EXTENSION OF REVIEW PERIOD

The Chisago County Department of Environmental Services received your application for Conditional Use Permit (CUP) for Drive-Through Business and Accessory Residential Unit on April 14, 2023 and, following review, the application was deemed incomplete on April 27, 2023. After review of additional information, which you submitted on May 1 and May 2, 2023, the application was deemed technically complete on May 3, 2023. The state mandated 60-day review period is scheduled to expire on July 2, 2023.

The Chisago County Planning Commission scheduled the requisite public hearing for June 1, 2023 and ultimately motioned to continue the public hearing and extend the initial 60-day review period by an additional 60 days as allowed per MN Statute 15.99. Because the initial review period is scheduled to expire on July 2, 2023 and the public hearing was continued to the Planning Commission's next regularly scheduled meeting of July 6, 2023, the purpose of the extension is to allow time for due process (i.e., continued public hearing and all required meetings). The extended review period will expire on August 31, 2023, which means that a final determination will be made on your request prior to or on August 31, 2023.

In its June 1, 2023 motion, the Planning Commission specifically identified information that you must submit for further review and consideration of your request, including:

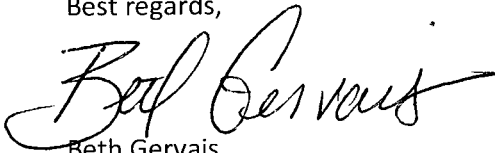
- One comprehensive written narrative
- One comprehensive site plan or set of plans incorporating and illustrating all required and proposed elements, including but not limited to:
 - In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
 - Engineered grading, drainage and erosion control plan
 - Site sediment control plan
 - Parking plan showing no parking perpendicular to Stark Road / CSAH 10 and hard surfacing material(s) which has been reviewed and approved by the Chisago County Highway Department
 - Signage / parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
 - Lighting plan
 - Waste material plan showing area for suitable storage containers as well as refuse receptacles at all exits and one refuse receptacle per ten vehicle parking spaces within the lot
 - Landscaping plan
 - All other required elements per Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses

- Wetland delineation
- Copy of approved administrative Variance from Chisago County Highway Department allowing more than one access point from Stark Road / CSAH 10

In order for staff to complete a cursory review of the above listed information and present it to the Planning Commission for further review and consideration, all information must be submitted to the Department of Environmental Services no later than Monday, June 26, 2023 at 10:00 am.

Recognizing that the Fish Lake Town Board next meets on Monday, June 12, 2023 and you may likely not be able to prepare and submit all required information by June 12th, the Department of Environmental Services encourages you to contact Fish Lake Township at your very earliest convenience and request to be added to the June 12th agenda to present any revised plans you may have for their review and consideration. If presenting revised plans to the Town Board on June 12th, these plans should be generally similar to the plans submitted to the Department of Environmental Services by the June 26th deadline.

Best regards,

A handwritten signature in black ink, appearing to read "Beth Gervais", written in a cursive style.

Beth Gervais
Land Services Coordinator

RESOLUTION NO. PC2023-0802

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING A DRIVE-THROUGH
BUSINESS AND AN ACCESSORY RESIDENTIAL UNIT ON PROPERTY LOCATED AT
2340 STARK ROAD / CSAH 10 IN FISH LAKE TOWNSHIP**

WHEREAS, property owner Boozhoo Coffee & Café, LLC and applicant Marvin “Joe” Beaulieu submitted an application dated received April 14, 2023 and considered complete on May 3, 2023 for a Conditional Use Permit allowing a Drive-Through Business and Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township; and

WHEREAS, the .92± acre subject site is located in the Rural Village Center (RVC) District and legally described as:

PID 03.00385.00

All that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 26; Township 36, Range 22, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter, Section 26, Township 36, Range 22; thence East 2 chains to the North side of Fish Lake Road and Cambridge Road; thence on the North boundary of said road East 25 degrees North 3 chains and 10 links; thence North 2 chains; thence West parallel with said Fish Lake and Cambridge Road 5 chains to the West line of said Southwest Quarter of the Northwest Quarter of said Section 26; thence South 2 chains to the place of beginning. Excepting therefrom that certain tract deeded to the County of Chisago by Quit Claim Deed, dated March 27, 1973, filed April 5, 1973, and recorded as microfilm number 137732.

Abstract property

WHEREAS, notice was provided and on June 1, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant, and opened the public hearing on June 1, 2023 and ultimately continued the public hearing to July 6, 2023, extended the review period by 60 days (expiring on August 31, 2023), and instructed the applicant to provide specific updated application materials for further review and consideration on July 6, 2023; and

WHEREAS, the Planning Commission closed the public hearing on July 6, 2023 and tabled the request to its August 3, 2023 meeting, at the applicant’s request, in order to allow the applicant additional time to prepare and submit the specific updated application materials; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2 The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County State Aid Highway (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that neither the proposed Drive-Through Business use nor the proposed Accessory Residential Unit use will create an excessive demand on existing parks, schools or utilities which serve the subject site.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3 The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4 The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5 The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and therefore meet the intent of the RVC District.

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 See Finding #5.

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). The Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion. Further, the County has included conditions of approval to further ensure that the proposed uses will not cause traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion impacting nearby properties would be the proposed use of an intercom system for drive-through orders. Therefore, in an effort to mitigate potential intrusions and because the proposed intercom system is physically unable to meet the required setbacks mandated prescribed by the Zoning Ordinance, the County has included a condition of approval which prohibits the use of such electronic devices. The County finds no evidence to suggest that the proposed uses would cause glare, general unsightliness or other forms of intrusion upon nearby properties.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends denial of the request for Conditional Use Permit allowing a Drive-Through Business and recommends approval of the request for Conditional Use Permit for Accessory Residential Unit, subject to the following conditions:

1. This Conditional Use Permit allows a Drive-Through Business and single Accessory Residential Unit in the Second Story. The property shall be developed and used in accordance with the application materials dated received July 25, 2023 and kept on file with the Department of Environmental Services, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion of the uses, including expansion of either approved use beyond the boundaries of the subject site or as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.

Conditions Specific to the Approved Drive-Through Business:

2. The Drive-Through shall be allowed to operate seven days a week, operating no earlier than 6:00 am and no later than 10:00 pm.
3. Due to the current site dimensions / configuration and physical inability to meet required setbacks applicable to electronic devices, the use of electronic devices such as intercom systems, loudspeakers, order devices, speakers, or similar devices outside of the principal structure are strictly prohibited until and unless a Variance is granted by the Board of Adjustment and Appeals for such use.

4. The access from Stark Road / CSAH 10 shall be 24' wide to accommodate two-way traffic and the drive-through lane shall have a minimum dedicated width of 12'.
5. Delivery trucks and other service vehicles must utilize the parking lot and shall not park on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.
6. The permit holder shall provide suitable storage containers for all waste material and all storage containers shall be screened. Further, the permit holder shall place refuse receptacles at all exits as well as one refuse receptacle per ten vehicle parking spaces within the parking area.
7. The garbage area / enclosure shall not be obstructed by parking. The area immediately in front of the garbage area / enclosure shall be designated as a no-parking area to allow garbage and recycling haulers immediate and unobstructed access.
8. All food and beverage preparation and/or sales shall comply with all applicable Minnesota Department of Health regulations.
9. All liquor service shall comply with applicable Minnesota Department of Public Safety regulations, and Chisago County liquor licensing requirements.

Conditions Specific to the Approved Accessory Residential Unit:

10. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
11. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere within the approved parking lot.

General Conditions Applicable to Subject Site and Approved Uses:

12. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way. The lighting plan shall be reviewed and approved by the Zoning Administrator prior to installation.
13. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
14. Noise generated from the approved uses, including the playing of music, shall be subject to the Chisago County noise standards contained in Zoning Ordinance Section 7.05. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries. Further, there shall be no outdoor amplified music at any time.
15. The parking lot shall be surfaced with materials approved by the Chisago County Highway Department prior to installation.
16. The permit holder shall accommodate all parking on-site and no customer or resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8. Further, no perpendicular parking shall be allowed adjacent to Stark Road / CSAH 10.
17. The permit holder shall ensure that adequate access and parking is available and maintained to accommodate emergency vehicles. The permit holder shall cause for local fire chief inspection and

approval of drive access suitability for emergency access purposes prior to opening to the public.

18. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed. Neither approved use shall commence until such time that a Certificate of Occupancy has been issued.
19. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
20. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
21. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
22. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
23. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
24. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of August, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator

RESOLUTION NO. PC2023-0802

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING DENIAL OF A CONDITIONAL USE PERMIT ALLOWING A DRIVE-THROUGH BUSINESS
AND APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING AN ACCESSORY RESIDENTIAL UNIT ON
PROPERTY LOCATED AT 2340 STARK ROAD / CSAH 10 IN FISH LAKE TOWNSHIP**

WHEREAS, property owner Boozhoo Coffee & Café, LLC and applicant Marvin “Joe” Beaulieu submitted an application dated received April 14, 2023 and considered complete on May 3, 2023 for a Conditional Use Permit allowing a Drive-Through Business and Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township; and

WHEREAS, the .92± acre subject site is located in the Rural Village Center (RVC) District and legally described as:

PID 03.00385.00

All that part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 26; Township 36, Range 22, Chisago County, Minnesota, described as follows, to-wit:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter, Section 26, Township 36, Range 22; thence East 2 chains to the North side of Fish Lake Road and Cambridge Road; thence on the North boundary of said road East 25 degrees North 3 chains and 10 links; thence North 2 chains; thence West parallel with said Fish Lake and Cambridge Road 5 chains to the West line of said Southwest Quarter of the Northwest Quarter of said Section 26; thence South 2 chains to the place of beginning. Excepting therefrom that certain tract deeded to the County of Chisago by Quit Claim Deed, dated March 27, 1973, filed April 5, 1973, and recorded as microfilm number 137732.

Abstract property

WHEREAS, notice was provided and on June 1, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission received the application and a presentation from the Land Services Coordinator, discussed the request with the applicant, and opened the public hearing on June 1, 2023 and ultimately continued the public hearing to July 6, 2023, extended the review period by 60 days (expiring on August 31, 2023), and instructed the applicant to provide specific updated application materials for further review and consideration on July 6, 2023; and

WHEREAS, the Planning Commission closed the public hearing on July 6, 2023 and tabled the request to its August 3, 2023 meeting, at the applicant’s request, in order to allow the applicant additional time to prepare and submit the specific updated application materials; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and made the following findings per Zoning Ordinance Section 8.04:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the proposed action. Among those identified goals and policies are the following:

Economic Development Goal: Provide for a range of economic diversity and development opportunities to maintain and strengthen the County's economy.

Policies:

- *Encourage new commercial and industrial development within existing communities where adequate infrastructure is available, including redevelopment of existing sites and filling of industrial and business parks.*
- *Continue to use and promote the Rural Village Center zoning district established for the historical unincorporated villages to allow for mixed-use development.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2 The proposed use will provide sanitary facilities for customers and residents, off-street parking for customers and residents, and access to the subject site will be gained from a well-established and well-maintained County Road (Stark Road / CSAH 10). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that neither the proposed Drive-Through Business use nor the proposed Accessory Residential Unit use will create an excessive demand on existing parks, schools or utilities which serve the subject site.

Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3 The proposed uses include a drive-through business to support a permitted use within the Rural Village Center (RVC) District as well as an accessory residential unit. Both commercial and residential uses exist within the immediate RVC District and, therefore, the County finds that the proposed uses are sufficiently compatible. However, the County further finds that the proposed use of an intercom system to support the proposed Drive-Through Business is physically unable to meet the ordinance prescribed setbacks of 400' from residentially used property and 200' from any adjacent lot regardless of use or zoning district and that the proposed use of an intercom system would cause undue negative noise impacts to adjacent land, property owners and residents.

Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4 The applicant has demonstrated through site renderings that the proposed uses and site will have a visually pleasing appearance. Therefore, the County finds that the appearance will not have an adverse impact on adjacent properties.

Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5 The Chisago County Zoning Ordinance states that the Rural Village Center (RVC) District is intended to provide areas that will allow for retail and service businesses which are appropriately located in population centers in unincorporated areas. The County finds

that the Chisago County Zoning Ordinance allows both proposed uses (Drive-Through Business and Accessory Residential Unit) as Conditional Uses in the Rural Village Center (RVC) District and therefore meet the intent of the RVC District.

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 *The subject site is situated at the intersection of two well-maintained, highly traveled County State Aid Highways (Stark Road / CSAH 10 and Cedarcrest Trail / CSAH 8). While the Chisago County Highway Department has reviewed the proposed parking plan and has required certain modifications – such as elimination of parking perpendicular to Stark Road / CSAH 10 – which will reduce potential for traffic hazards or congestion, the County finds that the proposed uses still pose potential for traffic hazards and congestion by way of the dedicated residential parking being forced to back out directly onto Stark Road / CSAH 10 rather than having room to turn around before entering the roadway. By denying the request for CUP for Drive-Through Business, the County finds that there will be adequate space for residential parking elsewhere on the property where it will not cause traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *Of the suggested intrusions (noise, glare, and general unsightliness), the County finds that the most likely intrusion related to the proposed Drive-Through Business impacting nearby properties would be the proposed use of an intercom system for drive-through orders, which is an integral component to a Drive-Through Business. This finding is based on the physical inability of the proposed intercom system to meet the ordinance prescribed setbacks (see Finding #3). Despite the applicant being informed of the required setbacks throughout the review process, the applicant continued to propose the use of an intercom system through multiple variations of the application materials. The County finds no evidence to suggest that the proposed Accessory Residential Unit will have any adverse impacts to nearby properties.*

Additional Findings *Finding that the application materials did not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses, the Planning Commission instructed the applicant on June 1, 2023 to provide specific updated application materials for further review and consideration at its July 6, 2023 meeting. The Department of Environmental Services provided the applicant with a specific and detailed list of required materials through written correspondence dated June 6, 2023 and provided a deadline of June 26, 2023. The applicant failed to provide the required materials by the stated deadline.*

On July 6, 2023, the Planning Commission tabled the request, at the applicant's request, in order to allow additional time to prepare and submit the required materials. The Department of Environmental Services provided written correspondence dated July 7, 2023 informing the applicant of the Planning Commission's July 6, 2023 action and again

provided the specific and detailed list of required materials and provided a deadline of July 24, 2023. On July 25, 2023 the applicant provided an updated written narrative and updated site renderings; however, the applicant did not provide all required items which the Planning Commission deemed necessary to review the proposed Drive-Through Business thoroughly and adequately. Missing items included:

- In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations*
- Engineered grading, drainage and erosion control plan*
- Site sediment control plan*
- Written confirmation that the Chisago County Highway Department has reviewed and approved the parking plan and surfacing material(s)*
- Parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site*
- An illustrated landscaping plan*
- Wetland delineation*

Due to the applicant's failure to provide updated application materials as deemed necessary by and as instructed by the Planning Commission, the County finds that the application materials do not satisfactorily address or demonstrate compliance with all requirements of Chisago County Zoning Ordinance Section 7.22 Drive-In / Drive-Through Businesses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends denial of the request for Conditional Use Permit allowing a Drive-Through Business and recommends approval of the request for Conditional Use Permit for Accessory Residential Unit, subject to the following conditions:

1. This Conditional Use Permit approves the proposed Accessory Residential Unit in the Second Story and denies the proposed Drive-Through Business. The Accessory Residential Unit and general site shall be developed and used in accordance with the application materials dated received July 25, 2023 and kept on file with the Department of Environmental Services, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
3. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere on the subject site.
4. The permit holder shall accommodate all parking on-site and no resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.
5. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from

and limit interference with adjacent public Rights-of-Way.

6. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
7. The Accessory Residential Unit shall not be occupied until such time that a Certificate of Occupancy has been issued. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed.
8. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
12. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 3rd day of August, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator