

# CITY OF ISANTI PLANNING COMMISSION MEETING TUESDAY, December 21, 2021 Immediately following 7:00pm City Council Meeting CITY HALL

# 1. Meeting Opening

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Agenda Modifications
- E. Adopt the Agenda

## 2. Meeting Minutes

A. Approval of Minutes from the November 16, 2021 Planning Commission Meeting

## 3. Public Hearing

- A. Request by New Hope Community Church for approval of a Conditional Use Permit under City Ordinance 445 Section 21, Article 2, said request is to allow a Religious Institution on PID 05.029.1900 in the R-1 Tier 1 Zoning District.
- B. Request by Sportsmen Specialties for a Conditional Use Permit Amendment under City Ordinance 445 Section 21, Article 2, Subdivision 5, said request is for site modifications for an auto sales lot located at 305 Main St E.
- 4. Other Business
- 5. Discussion Items
- 6. Adjournment

#### CITY OF ISANTI

#### PLANNING COMMISSION MEETING

#### TUESDAY, November 16, 2021

Immediately following the 7:00 P.M City Council Meeting;

# 1. Meeting Opening

- A. Call to Order: Chair Johnson called the meeting to order at 7:40 p.m.
- B. Pledge of Allegiance
- C. Roll Call: Members present: Jeff Johnson, Steve Lundeen, Jimmy Gordan, Paul Bergley, Dan Collison, Arissya Simon, Alexander Collins.

Members Absent: None

Staff present: Community Development Specialist Ryan Saltis, Finance Director Mike Betker, HR Director Katie Grotte

- D. Agenda Modifications: None
- E. Adopt the Agenda

Motion to adopt the agenda by Lundeen, second by Collison motion passes 7-0.

#### 2. Meeting Minutes

A. Approval of Minutes from the September 21, 2021 Planning Commission Meeting motion by Bergley, second by Collison motion passes 7-0.

# 3. Public Hearing

A. Request by Kevin Johnson for approval of Rezoning PID's 16.134.0030, 16.134.0040, 16.134.0050, 16.134.0060 from B-2 General Commercial to R-3A Low Density Multiple-Family Residential.

Saltis explained the request to rezone the subject parcels from B-2 General Commercial to R-3A Low Density Residential. It was explained that these parcels have previously gone through a Comprehensive Land Use Plan Amendment and the Planning Commission and City Council have approved this. The Comprehensive Land Use Amendment was the first step towards guiding the parcels designation, rezoning will allow for a variety of housing types available to build on these parcels. The Planning Commission was reminded that surrounding houses were in favor of the rezoning from commercial to residential as they would rather have houses surrounding their property than a business. There was nobody present at the public hearing to speak on this item. Motion for approval of the parcels rezoning from B-2 General Commercial to R-3A Low Density Multiple-Family Residential by Lundeen, second by Collison, motion passed 7-0.

**B.** Request by Ever Cat Fuels for approval of a Conditional Use Permit Amendment under City Ordinance 445 Section 21, Article 2, Subdivision 5, said request is for site modifications and altered biodiesel distillation plans for Ever Cat Fuels located at 100 Isanti Pkwy NE, PID 16.128.0010.

Saltis presented the CUP Amendment request for Ever Cat Fuels. Collison asked whether outdoor storage is allowed in this zoning district. Saltis replied that outdoor storage is allowed in the Industrial District with a Conditional Use Permit, and that regulations for storage will be added to the existing CUP for the site. The location of Ever Cat Fuels was discussed in regards to the site modifications and outdoor storage, in that the equipment and storage will not have an impact on surrounding businesses. Planning Commission members requested a representative speak on the item. Andrew Johnson, a representative from Ever Cat Fuels further explained the concept plan for the site and described the storage container being a cheaper and easier option than a built shed. Saltis explained that the conditions suggested by city staff included that any storage on site would have to be reviewed by the City's Building Official to ensure that it meets state building codes. Other conditions were pointed out for fire safety and were requested by the Fire Chief. There was nobody else from the public present at the meeting to speak on this item. A motion was made to adopt the CUP Amendment with conditions listed in the November 16, 2021 staff report by Lundeen, second by Collison, motion passed 7-0.

5. Other Business: None

6. Discussion Items: None

7. **Adjournment:** Motion by Bergley, 2<sup>nd</sup> by Collison to adjourn, motion passed 7-0, meeting adjourned at 8:00 p.m.

Respectfully submitted by Ryan Saltis, Community Development Specialist



# **MEMORANDUM**

TO:

**Planning Commission** 

FROM:

Ryan Saltis, Community Development Specialist

DATE:

December 21, 2021

SUBJECT:

Conditional Use Permit for a Religious Institution at PID 05.029.1900 within the R-1 Tier

1 Zoning District

#### Request:

Request from New Hope Community Church for a Conditional Use Permit for a Religious Institution at PID 05.029.1900 within the R-1 Tier 1 Zoning District.

#### Overview/Background:

The applicant, New Hope Community Church is requesting a Conditional Use Permit for a Religious Institution to be allowed on PID 05.029.1900 within the city's R-1 Tier 1 Zoning District. This parcel is located just south of O'Reilly Auto Parts and has frontage along Highway 65. The applicant is looking to develop the lot into a church with a large parking area with potential to expand in the future as needed. This vacant parcel is roughly 40 acres; however, a majority of this acreage is made up of the Sroga Slough and surrounding wetlands. The concept plans show the church and parking area on the west end of the parcel near Highway 65. The concept plan is included as an attachment to this memo, but shall not be considered for approval as part of the Conditional Use Permit review. The applicant will have to submit site plans for review by city staff at a later time in which these plans will be in consideration for approval.

#### **Analysis of Application**

The applicant has submitted a Conditional Use Permit Application for a Religious Institution in the R-1 Tier 1 Zoning District.

A "Religious Institution" is defined in Section 2 of the Zoning Ordinances as follows:

"A place of worship or religious assembly, where people regularly assemble for religious purposes and related social events with related accessory uses and facilities such as the following: rectory or convent; private school, meeting hall, offices for administration, or licensed child or adult day care; and which is maintained and controlled by a religious body organized to sustain public worship and religious ceremonies."

The Planning Commission shall hold a public hearing and consider possible adverse effects of the proposed Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:

- I. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
  The nature of the business is consistent with the goals and objectives of Isanti's Comprehensive Plan to develop along Highway 65.
- 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district. A Religious Institution is a Conditional Use in the R-1 Tier 1 zoning district, applying for the CUP meets the purpose and intent.
- 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort. The operation of a religious institution will enhance the community and general welfare and is not anticipated to endanger the public's health, safety, morals or comfort.
- 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood. The conditional use is not anticipated to diminish or impair surrounding property values. Surrounding uses of this parcel are commercial properties, state highway, and residential areas. Surrounding residential areas are intended to be naturally shielded by existing mature trees and wetlands.
- 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. *The conditional use will not impede on the normal and orderly development and improvement of surrounding property.*
- 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed. The site is located just south of city limits and is part of the tier 1 Zoning District. The parcel has access to city sewer and water and would be able to reasonably accommodate the conditional use for a religious institution. In order to access the city water and sewer, the parcel would have to be annexed into the city limits, otherwise the parcel will have to be serviced by private well and septic.
- 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The proposed conditional use conforms to the regulations set in the R-1 Tier 1 Zoning District. Plans for the building and site shall be reviewed under the R-1 Tier 1 Zoning District and approved by Planning Commission and City Council prior to future construction.
- 8. The conditional use complies with the general and specific performance standards as specified by within this Article. *The conditional use meets this requirement*.

#### **Staff Recommendation:**

Staff recommends approval of the Conditional Use Permit for a Religious Institution at PID 05.029.1900 within the city's R-1 Tier 1 Zoning District. Public Right of Way separates this parcel with the surrounding parcels and the site will have natural buffers of existing mature trees and wetlands alleviating impacts on nearby commercial and residential properties. At this time staff does not have recommendations for conditions, if the Planning Commission would like to add conditions to this CUP it should be discussed at the public hearing.

#### **Attachments:**

- Applicant Letter
- Concept Plan



#### November 2021

#### Narrative of the Project for PID 0502291900 in Isanti.

New Hope Community Church (NHCC) is in the process of completing its due diligence in anticipation of purchasing the above referenced property for a future church located on Hwy 65 between O'Reilly's on the north and P&M Truss on the south. NHCC would intend to develop primarily the west boundary of the property for the church as shown on the site plan that is included in this packet of information. It is our belief that this site will be a wonderful addition to the Hwy 65 corridor and the City of Isanti.

It is our understanding upon meeting with the City Officials, that a church is a permitted use of this property located within the Tier 1 district subject to an approved CUP. In order for NHCC to have an approved CUP from the city, there is significant cost and detail required in terms of building plans, detailed site plan, utility plan, etc. which will need to be done when development of the site for a church is to be undertaken. At this time, there is no specific time frame to develop the site, but our desire is to do our due diligence to determine if a purchase of the property should be made so that when we are ready to begin development of the site that there are no obvious obstacles to prevent our intended use.

We have completed the following as a part of our due diligence:

- 1. General site plan showing setbacks as required by the city.
- 2. A wetland delineation done by Bolton and Menk.
- A survey completed by the MNDNR to determine the high-water mark on the property to determine the setbacks needed.
- 4. Boundary Survey of the property.
- 5. Phase I Environmental Study.
- 6. CUP application with information as we know it.
- 7. Site Plan Review Application.

It should be noted that the above information/reports have not indicated any issues of concern related to the development of the property.

It has not been determined if NHCC will want to access sewer/water utilities or if we will explore the use of a well and septic.

We are requesting to have the City of Isanti give NHCC confidence that they will be able to develop the site for a church subject to the details required for an approved CUP.

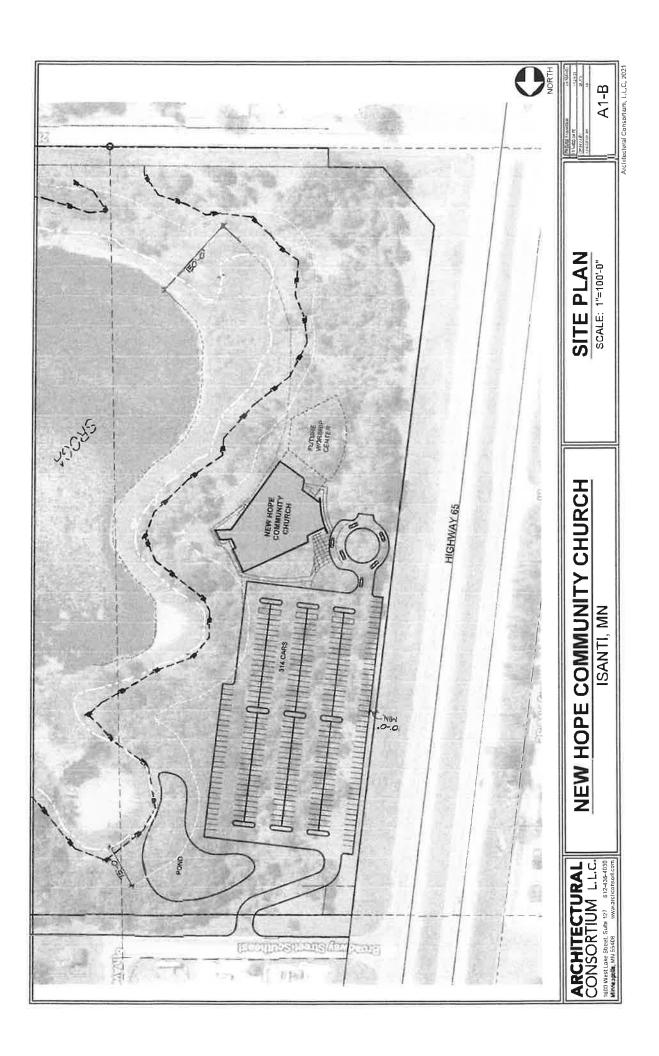
On a further note, we want to thank and acknowledge the City of Isanti officials, Bolton & Menk, MNDNR and the Isanti County Zoning Office for their wonderful help to us in the process of doing our due diligence related to the potential development of this property.

Mapy thanks for your consideration.

Brian Larson

**New Hope Community Church** 

**Director of Operations** 





# **MEMORANDUM**

TO: Planning Commission

FROM: Stephanie Hillesheim, Community Development Director

DATE: December 21, 2021

SUBJECT: Conditional Use Permit Amendment for Auto Sales located at 305 Main St. East

#### Request:

Request from Jim Bergman/Sportsmen Specialties for a Conditional Use Permit Amendment for Auto Sales at PID 16.029.0102 within the B-2 Zoning District.

#### Overview/Background:

The applicant, Jim Bergman of Sportsmen Specialties, is requesting a Conditional Use Permit Amendment to expand Auto Sales on PID 16.029.0102 within the city's B-2 General Business Zoning District. This parcel is the current location of the Hurricane Carwash. The applicant is looking to expand the number of allowed spaces for Auto Sales from 5, as allowed by the existing Conditional Use Permit established in 2003, to up to 15 vehicles max. The concept plan is included as an attachment to this memo.

#### **Analysis of Application**

The applicant has submitted a Conditional Use Permit Amendment Application for Auto Sales in the B-2 General Business Zoning District.

"Auto Sales" is defined in Section 7 of the Zoning Ordinances as follows:

"Automobile sales and service, with accessory open sales lot, subject to those standards as provided within Section 13 of this Ordinance."

An "Open Sales Lot" is outlined in Section 13, Subdivision 12 as:

- A. Open sales lots and parking shall be paved with concrete or bituminous before the operation begins and shall be maintained to control dust, drainage, and erosion.
- B. Interior concrete and asphalt curbs shall be constructed on the property to separate driving / parking surfaces from landscaped areas.
- C. A strip of not less than five (5) feet adjacent to the public right-of-way shall be landscaped or screened in accordance with the provisions as set forth in Section 15 of this Ordinance.
- D. Open sales area shall be set back a minimum of ten (10) feet from the property line.
- E. Required off-street parking and loading shall not be used for outdoor sales or storage and shall meet the requirements of Section 17.

F. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district

The Planning Commission shall hold a public hearing and consider possible adverse effects of expanding the existing Conditional Use. The judgment of the Planning Commission shall be based upon, but is not limited to the following factors:

- 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the goals and objectives of the Comprehensive Plan, including public facilities and capital improvement plans.
  The nature of the business is consistent with the goals and objectives of Isanti's Comprehensive Plan to develop along Highway 65.
- 2. The proposed action meets the purpose and intent of this Ordinance and the underlying zoning district. Auto Sales is a Conditional Use in B-2 General Business zoning district, applying for the CUP meets the purpose and intent.
- 3. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental or endanger the public health, safety, morals, or comfort. The operation of auto sales will enhance the community and general welfare and is not anticipated to endanger the public's health, safety, morals or comfort.
- 4. The conditional use will not be injurious to the use and enjoyment of other property within the immediate vicinity for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood. The conditional use is not anticipated to diminish or impair surrounding property values. Surrounding uses of this parcel are commercial properties, state highway, and residential areas. Adjacent residential properties are shielded by existing fencing.
- 5. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. *The conditional use will not impede on the normal and orderly development and improvement of surrounding property.*
- 6. Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed. *The site is already connected to and serviced by adequate utilities.*
- 7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The proposed conditional use amendment does not maintain adequate parking standards or fire access to the site. The intended use does conform to the other applicable regulations of the district.
- 8. The conditional use complies with the general and specific performance standards as specified by within this Article. *The conditional use meets this requirement*.

#### **Staff Recommendation:**

Staff recommends denial of the Amendment to the Conditional Use Permit to expand the number of vehicles allowed at PID 16.029.0102 within the city's B-2 General Business Zoning District. The number of parking spaces required and fire access would not be maintained. Staff recommends the conditions of the existing Conditional Use Permit for PID 16.029.0102 to remain the same, to allow for a maximum of 5 vehicles. The existing Conditional Use Permit for Auto Sales at the property is attached. If the Planning Commission would like to add or remove conditions to this CUP it should be discussed at the public hearing.

#### Attachments:

- Application
- Applicant Letter
- Concept Plan
- Existing Conditional Use Permit



# CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit: \$325 + \$1,500 Escrow

**Conditional Use Permit Amendment:** 

\$275 + \$500 Escrow

Applicant Name: Jim Bergman / Sportsmen Specialties
Address: 35002 Raven St NW
City: Cambridge State: MN Zip: 55008
Phone: 763-691-0301 Fax: 763-691-0302 Cell: 763-238-9155 E-mail: all statestransport & hotom
Fee Owner and Consent of Application: Jim Bergman / Sportsmen Specialties
Address: 35002 Raven St NW
City: Cambridge State: MN Zip: 55008
Phone: 763-691-0301 Fax: 763-691-0302 Cell: 763-238-9155 E-mail: all states transporte hoto co
Project/Development Name: Sportsmen Specialties Car Lot
Address or General Location of the Property: 305 Main St East, Isanti MN 55040.
Legal Description of Property Involved: See attached
Present Use of Property: Part of building used for car wash
Proposed Use of Property: USED Car Sales
Present Zoning: B-Z General Buiness Present Land Use Designation:

This application shall be completed in full and shall be accompanied by all information and plans required by applicable City Ordinance provisions. Before filing this application, you should contact the Community Development Department to determine the specific ordinance and procedural requirements applicable to your application. A determination of completeness will be made by City staff and a written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name. I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's

Duplicate Certificate of Title, Abstract of Title or Purchase Agreement), or I am the authorized person to make this application and the fee owner has signed this application.

I will keep myself informed of the deadlines for submission of materials and the progress of this application. I further understand that additional fees may be charged for consulting fees, feasibility studies, etc. An estimate shall be provided prior to any authorization to proceed with the study. The documents and information I have submitted are true and correct to the best of my knowledge.

Applicant Signature:	Date: /2/3/2
	1 dekolat Date: 12/3/21
Fee Owner Signature:	Date: /2/3/2)

# Items to Accompany Application

- Application Form
- 2. Application Fees
- 3. Items as specified within the Checklist provided, unless otherwise indicated by City Staff.
- 4. Proof of Ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or Purchase Agreement) or letter from property owner granting approval.
- 5. A list of all property owners within 350 feet from the property in question. Such list must be certified by the County Assessor's Office.
- 6. Written narrative and graphic materials fully describing and explaining the proposed change, development, or use.
- 7. A Certificate of Survey and complete legal description of the subject site.
- 8. Certification of taxes paid on the property.

Acceptance of Application

The application is subject to acceptance by the City upon review of the application and necessary materials being submitted. City engineering approval may be required. Application materials shall meet engineering requirements set forth by the city engineer or as stated within the city code.

-STAFF USE ONLY-				
nte Received: 12/3/2021 Date application deemed complete:				
Planning Commission Meeting Date: Ci	ity Council Meeting Date:			
60-Day Action Agency Date:				
Community Development Director/Designee	Date			

#### **EXHIBIT "A"**

That part of the Northeast Quarter of the Southwest Quarter of Section 29, Township 35, Range 23, Isanti County, Minnesota, described as follows, to-wit: Beginning at the intersection of the North right-of-way line of the public town road as presently existing and laid out, said road being the extension of Broadway Street in the Village of Isanti, Minnesota, with the West line of said Northeast Quarter of Southwest Quarter, said intersection being 33 feet North of the Southwest corner of said Northeast Quarter of Southwest Quarter, thence on an assumed bearing of South 89 degrees 59 minutes 27 seconds East. along said North right-of-way line of said road, and parallel to the South line of said Northeast Quarter of Southwest Quarter a distance of 236.70 feet; thence North 00 degrees 06 minutes 41 seconds East a distance of 193.82 feet to the South right-of-way line of the public road as presently existing and laid out, said road being the extension of Main Street in the Village of Isanti, Minnesota, and being described in that certain Highway Easement recorded in Book Q of Miscellaneous, Page 128-9; thence Westerly along said South right-of-way line of said Main Street as extended Easterly to said Highway No. 65, a distance of 241.35 feet to the intersection of said South right-of-way line with the West line of said Northeast Quarter of Southwest Quarter; thence South and along said West line of said Northeast Quarter of Southwest Quarter a distance of 193.14 feet, more or less, to the place of beginning and there to terminate.

Tax ID Number: 160290102

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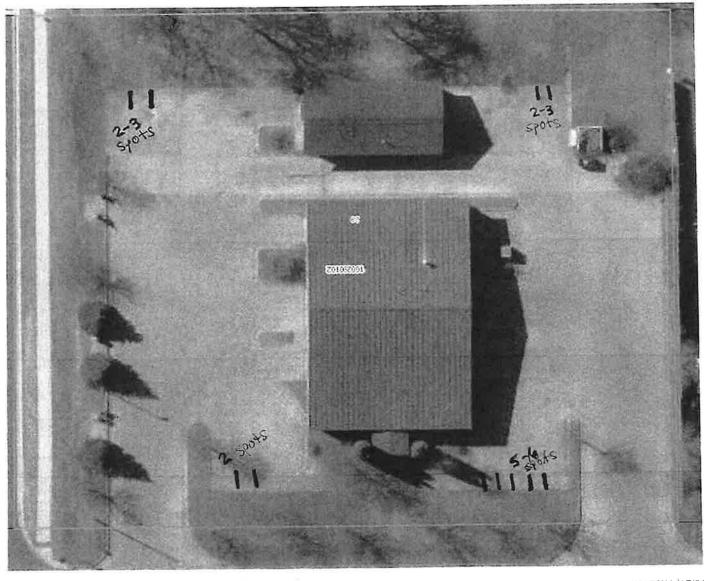
Our purpose for the Conditional Use Permit is to sell vehicles at the location of 305 Main Street East, Isanti, MN 55040.

Sincerely,

Jim Bergman /Sportsmen Specialties

\* 305 Main Street

parking cars max



# **PUBLIC HEARING NOTICE** CITY OF ISANTI

TO:

Property owners within 350' of the subject sites.

DATE/LOCATION OF

**HEARING:** 

Planning Commission Meeting: December 21, 2021

at 7:00pm or shortly thereafter the City Council Meeting, at Isanti City Hall located at 110 First Avenue NW

the

DEVELOPMENT/

APPLICANT:

Sportsmen Specialties

LOCATION/LEGAL

DESCRIPTION:

305 Main St E, PID 16.029.0102

REQUEST(S):

**CUP** Amendment

The applicant is requesting a Conditional Use Permit Amendment at the Hurricane Car Wash location at 305 Main St E to allow site modifications for an auto sales lot

The Planning Commission conducts public hearings on these requests and makes a recommendation to the City Council.

HOW TO PARTICIPATE: 1.

You may attend the meeting and voice your

concerns/support/questions.

2.

You may also send comments/concerns/support by email to shillesheim@cityofisanti.us, or by mail to Community Development Department: 110 First Ave NW, PO Box 428

Isanti MN 55040 or fax 763-444-5560

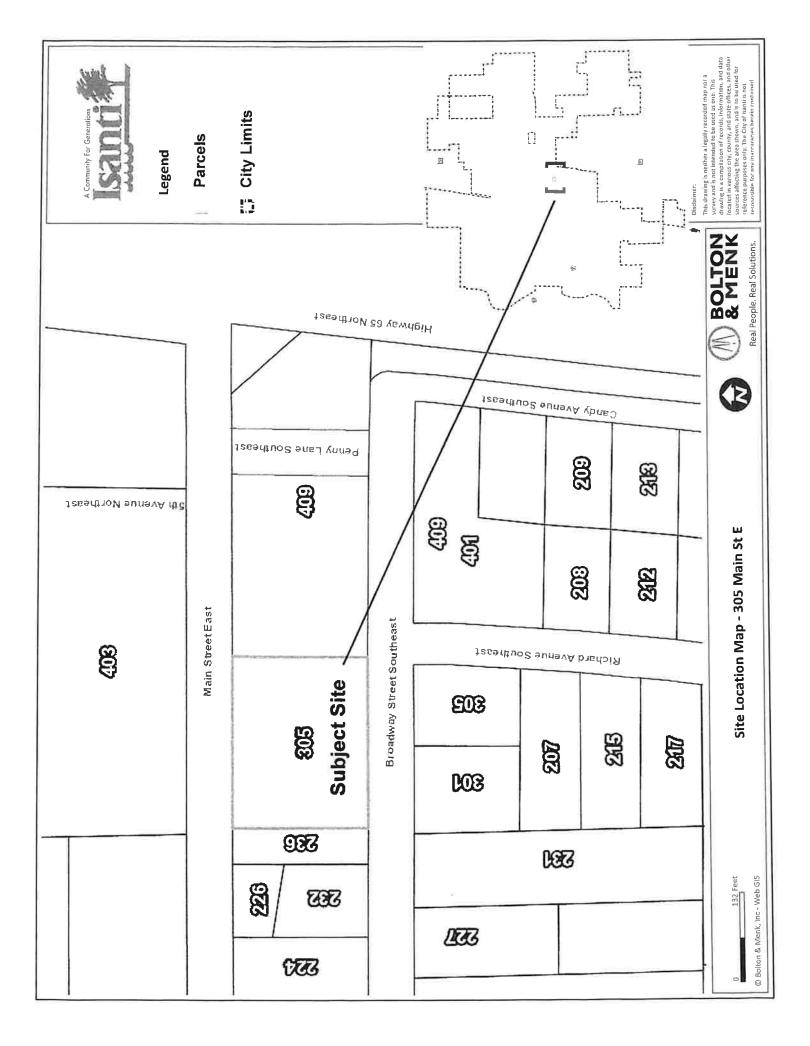
**QUESTIONS:** 

Call the Community Development Director at (763) 762-5761 or

send email to shillesheim@cityofisanti.us

Mailing Date: December 10, 2021

- See Map on Reverse Side -



the Development File labeled
Hurricane Car Wash
CUP – Motor Vehicle Sales

#### **RESOLUTION NO. 2003-022**

# A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT AS REQUESTED BY ABOODY ENTERPRISES, LLC AT 305 EAST MAIN STREET

**WHEREAS**, Richard Aboody has applied for a Conditional Use Permit at 305 East Main Street to allow Auto Sales as an additional use to the site; and

WHEREAS, the Planning Commission held a public hearing to consider the Conditional Use Permit request on February 10, 2003; and

**WHEREAS**, the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit request with certain conditions.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Isanti, Minnesota that Richard Aboody's request for a Conditional Use Permit is hereby approved (denied) that will allow for Auto Sales at 305 East Main Street with the following conditions:

- 1. The new building must have impervious surface driveways with curb and gutter.
- 2. The new building must obtain sign permit(s) for any signs erected or placed on it.
- 3. The site is limited to displaying a maximum of five (5) vehicles on the lot for sale in the location shown on the southeast corner of the lot. Any expansion of sales for additional vehicles must obtain a modification of the Conditional Use Permit (CUP) by City Council.
- 4. The new building must place bushes and trees as indicated to soften the effects on neighboring residential uses.
  - 5. The hours of operation of the vehicle sales must not begin before 8:00 a.m. in the morning, and not extend past 8:00 p.m.
  - 6. No exhibition driving or revving of engines which may cause noise pollution to neighboring properties.
  - 7. Should the applicant add additional lighting, no light shall illume the neighboring properties.
- 8. The applicant must construct a fence to soften the effects of the auto sales upon neighboring residences.
  - > 9. The applicant must place plantings next to the constructed fence.

Adopted by the Isanti City Council on this 18<sup>th</sup> day of February 2003.

Attest:

Mayor David E.

Irene J. Bauer, City Clerk-Treasurer

(SEAL)