

City of Becker
Planning
Commission

Becker City Hall, Council
Chambers

12060 Sherburne Avenue

Monday, May 23, 2022

**6:00
PM**

Agenda

- 6:00 pm**
1. Call Meeting to Order
 2. Agenda Review and Adoption
 3. Approval of Minutes of April 25, 2022 Meeting
 4. Public Hearing - Conditional Use Permit for a Shopping Center for JT2 Properties
 - a. Resolution PC 22-10
 5. Updates
 6. Other
 7. Adjourn

**City of Becker
Planning Commission
Minutes of April 25, 2022**

The Becker Planning Commission met at 6:00 p.m. on April 25, 2022, in Becker City Council Chambers at Becker City Hall located at 12060 Sherburne Avenue, Becker, Minnesota.

MEMBERS PRESENT: Rick Hendrickson, Mike Doering, Amy Stanger

ABSENT: Mary Jo Cobb, Justin Robinson

OTHERS PRESENT: Marie Pflipsen – Community Development Director, Jacob Sanders – City Planner, Mary Roe – City Planner, Caryn Dunderi – Administrative Support Specialist, Teresa and Jeff Thorson – Property owners near proposed Sherco First Addition, Nick Banyai - Property owner near proposed Sherco First Addition, Ross Imholte - Property owner near proposed Sherco First Addition

Hendrickson called the meeting to order at 6:09 p.m.

A motion was made by Stanger/Doering to adopt the agenda.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion Carried.

A motion was made by Doering/Stanger to approve the minutes from March 28, 2022

AYE: Hendrickson, Doering, Stanger

NAY:

ABSTAIN:

Motion carried.

PUBLIC HEARING – PRELIMINARY AND FINAL PLAT – SHERCO FIRST ADDITION

Hendrickson opened the public hearing at 6:10 p.m.

Mary Roe started the public hearing by presenting an application the City of Becker received from Northern States Power Company, for the preliminary and final platting of properties 60-335-2100, 60-335-2301, 60-335-3200, 60-335-3105, 60-335-3100, 60-335-3205, 60-335- 3400, and portions of 60-202-1201,60-202-2102, 60-335-3300, and 60-335-3305. Roe explained that the purpose of the plat would be for a public right of way for future public improvements. She went on to state that future road construction is a separate project from this plat review and at this time there are no developments planned on this plat. Staff had not received any written or verbal public comments regarding the proposed plat, and they are recommending approval of Resolutions PC-07 and -08 for the Preliminary and Final Plat of Sherco First Addition.

Hendrickson asked PC and the audience if there were any questions. Nick Banyai, a farmer with property near the proposed plat, addressed the Planning Commission and stated that he was not pleased with the prospect of having solar panels surrounding his farm. Mary explained that there is no solar proposed via this application and that this plat would not be further developed without the separate formal application, public hearing, and approval of City Council and the only impact this plat would have on Mr. Banyai would be a public right of way with wider roads. Jacob Sanders clarified that Mr. Banyai's property is in

Clear Lake and any solar projects affecting him would be discussed at Clear Lake meetings. Hendrickson added that Mr. Banyai can email Xcel Energy any comments or concerns he may have regarding the Sherco Solar Project.

Hendrickson asked for any further discussion.

Hearing no further discussion, a motion was made by Doering/Stanger to close the public hearing at 6:23 p.m.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Doering/Stanger to approve PC Resolution 22-07 recommending approval of the Preliminary Plat for Sherco First Addition.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion carried.

A motion was made by Doering/Stanger to approve PC Resolution 22-08 recommending approval of the Final Plat for Sherco First Addition.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion carried.

PUBLIC HEARING – CHAPTER 11 THROUGH LOT FENCE CODE UPDATES

Hendrickson opened the public hearing at 6:25 p.m.

Sanders presented language adoption in Chapter 11 Code regarding fence heights in the backyards of through lots. He went on to say that Staff is recommending the allowance of six-foot-high fences on R-1 through lots which share one frontage along specific corridors; these corridors include Edgewood Ave SE, Sherburne Ave SE, Central Ave SE (east of Sherburne Ave SE), 150th Ave SE, 122nd St SE, 153rd Ave SE and 12th St SE Rights-of Way. Sanders added that fences would still have to remain outside of any sight triangle.

Hendrickson asked for any further discussion.

Hearing no further discussion, a motion was made by Doering/Stanger to close the public hearing at 6:36 p.m.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Doering/Stanger to approve PC Resolution 22-09 recommending approval of an ordinance amending 11.21 Subd. 14 of Chapter 11 of the City of Becker Code.

AYE: Hendrickson, Doering, Stanger

NAY:

Motion carried.

DISCUSSION – PRAIRIE VILLAGE HOMES

At the March 28, 2022 meeting, Planning Commission members directed staff to ask the City Attorney three questions relating to the discussion of Prairie Village Homes. Roe started the discussion by reviewing the City Attorney's responses to the three questions; these questions included who could submit and sign any CUP amendment applications, if the City could pay the parkland dedication fee, and if the building permit restriction could be lifted for all property owners, excluding Lumber One. Roe explained that Ted Schmid, listed by Sherburne County tax records as the current owner of the common property, would have to have his name on any application documents amending the current CUP. Roe added that in legal's opinion, the City of Becker could not pay the parkland dedication fee since this is a private matter and the City cannot spend money without a public purpose. She went on to review the Attorney's response that since the conditions of the CUP are not being met, the whole development is out of compliance and building permits cannot be granted until it is deemed compliant. Hendrickson inquired as to how residents of Prairie Home Village would find out information on how to formally amend the HOA in which Roe responded that Staff is available for emails, phone calls, and preapplication meetings before any formal submittals.

OTHER

Jacob Sanders informed the Planning Commission that the Sherco Development Master Planning workshop would be taking place May 23rd through May 26th with small groups of City and Xcel's employees meeting during the day, and a larger group of invited stakeholders would meet in the evenings. Sanders assured commissioners that the PC meeting scheduled for May 23rd would not overlap with the workshop.

Motion to adjourn by Doering/Stanger.
Meeting adjourned at 7:22

Submitted by: Caryn Dunderi



**It's Better
in Becker**

Phone: 763.200.4239 12060 Sherburne Ave.
Fax: 763.261.4411 P.O. Box 250
www.ci.becker.mn.us Becker, MN 55308

May 23, 2022

MEMORANDUM



Administration

TO: Planning Commission



Community Center

FROM: Mary Roe, Planner

SUBJECT: **Conditional Use Permit – Shopping Center for JT2 Properties**



Community Development

BACKGROUND

Staff received a complete Conditional Use Permit Application for a shopping center (Exhibit A) to be located on Lot 1, Block 1, Bank Street Addition. The proposed use of a shopping center is a conditionally permitted use in the Community Commercial (C-COM) zoning district. The applicant has submitted a narrative (Exhibit B) describing the plans for the shopping center once complete.



Finance

The preliminary site plan submitted with the application is currently designed with a 10' drainage and utility easement along the western property line. While a formal application has not been made to the City, the applicant has stated her intent in the CUP narrative (Exhibit B) and is working to complete an application for a reduction of the existing 25' easement. The applicant is currently in discussions with the utility provider that occupies the easement to see what level of reduction will be acceptable for both parties. It is important to note that our staff is supportive of a reduction, but it is the responsibility of the applicant to work out an acceptable design with Xcel and the resulting application will be subject to its own public hearing process. This proposal will be conditioned as such.



Parks and Recreation

Conditions of approval are stated in the resolution text addressing civil plan submittal and approval, permitting requirements, and compliance with City, State, and Federal laws.



Pebble Creek Golf Club

STAFF RECOMMENDATIONS

Open the public hearing.

Close the public hearing.



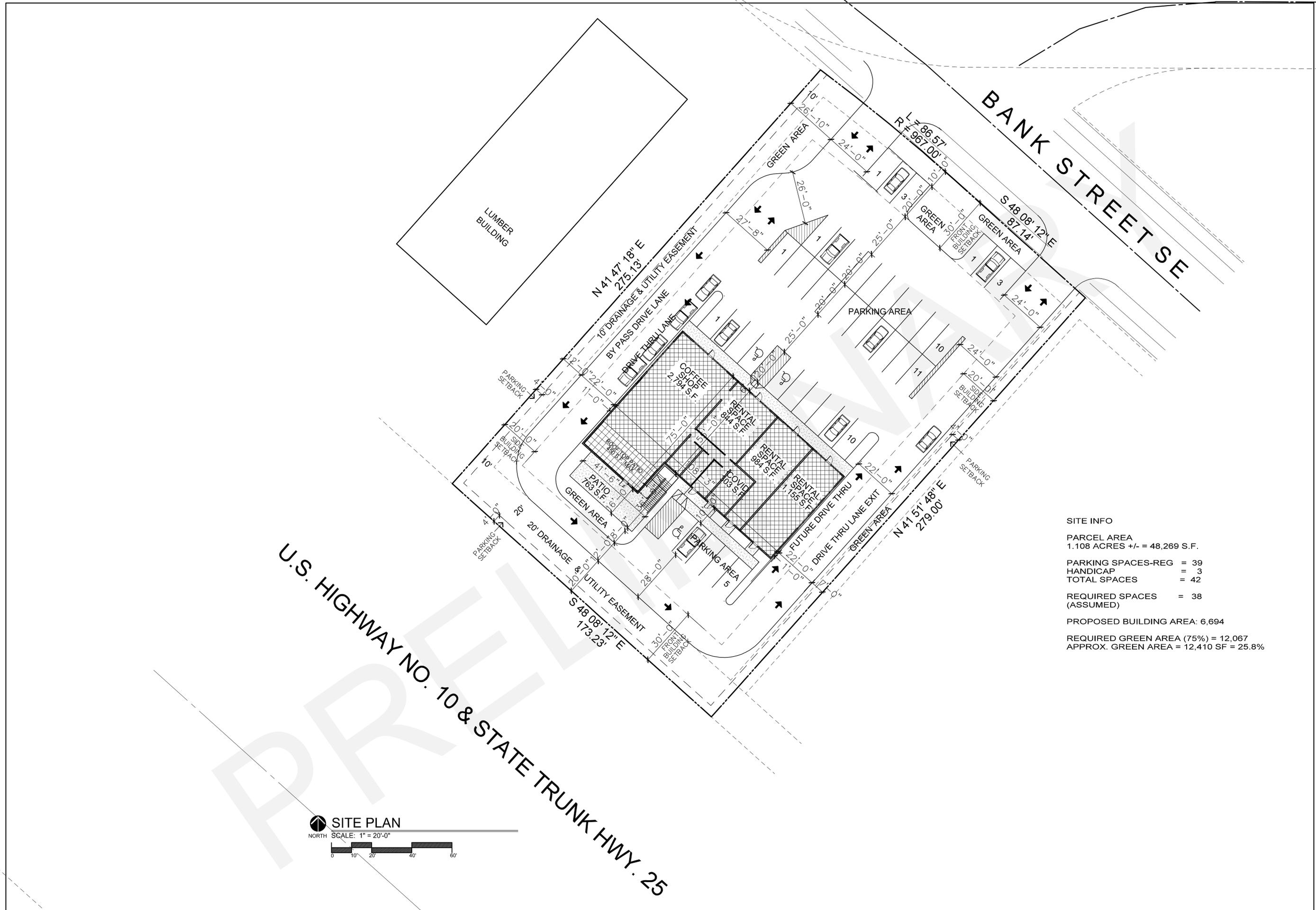
Police Department

Motion and a second for Resolution PC 22-10 recommending approval for the Conditional Use Permit for a shopping center subject to the conditions stated in the resolution text.



Public Works

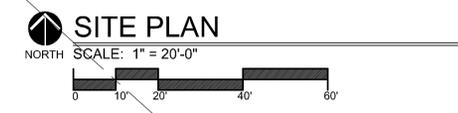
Exhibit A



SITE INFO

PARCEL AREA	1.108 ACRES +/- = 48,269 S.F.
PARKING SPACES-REG	= 39
HANDICAP	= 3
TOTAL SPACES	= 42
REQUIRED SPACES (ASSUMED)	= 38
PROPOSED BUILDING AREA:	6,694
REQUIRED GREEN AREA (75%)	= 12,067
APPROX. GREEN AREA	= 12,410 SF = 25.8%

U.S. HIGHWAY NO. 10 & STATE TRUNK HWY. 25



KEENAN ARCHITECTURAL GROUP
 1204 7th Street South-LakeView Business Ctr., St. Cloud, MN 56301
 PH. 320-255-5521 FAX 320-240-6914

PROGRESS DRAWING NOT FOR CONSTRUCTION
 4/21/2022

COMPILED BY: BEVIS	2-25-2022
DATE:	
REVISIONS:	

NEW BUILDING for
DUELING BREWS
 BANK STREET SE
 BECKER, MINNESOTA

Exhibit B

Conditional Use Permit: Narrative

JT2 Properties, LLC, is proposing to build a 6500-7000 square foot retail building on the empty lot on Bank Street in Becker, MN, next to Country Lumber. This building will have 3-5 spaces to lease and a drive thru on each end of the building.

On one end, Dueling Brews coffee shop/pub will be located. The inside will have a cozy, country, rustic vibe with indoor seating as well as outdoor seating including a ground level patio with lots of greenery, and possibly a small rooftop patio area. The ground level patio may also have a roof over it to help protect folks from the sun in the hot summer months. This space will have a drive thru window on the west side with ample room for stacking of cars. During the morning/noon/afternoon hours, Dueling Brews will offer coffee, teas, baked goods and some healthier, on-the-go, menu options. During the afternoon/evening hours, this space will offer alcoholic beverages, healthy, and not so healthy, menu options.

The plan for the next retail space is a Boutique. This will be open directly from the outside and from Dueling Brews for folks to be able to “sip and shop”.

This building will also have an office space in the back of it, with parking. To start, it will be used for Quick Results covid testing and storage until covid testing is no longer needed. Then it will be able to be leased as an office space.

The last 2 retail spots in the building may not be finished off inside entirely until it is known exactly what they will be used for. There are ideas for the spaces but will need time to get to those planning points. Ideally, the 3rd larger space would be a UPS Store. The closest UPS locations are in Elk River and St. Cloud. Having the Hwy 10 access would be great. Amazon purchases can be dropped off at any UPS Store, free of charge, no box needed. With the increase in online shopping, this may be a good fit for such a central, easily accessible location.

The last retail spot will also include a drive thru window. The goal for this space is to find a pharmacy that would like to operate out of this spot. Whether that be a branch of another pharmacy or finding a pharmacist that wants to start their own.

EXTERIOR: The plan for the outside of the building will be a mostly white building with black fixtures, eyebrows and metal coping with rustic wood accents.

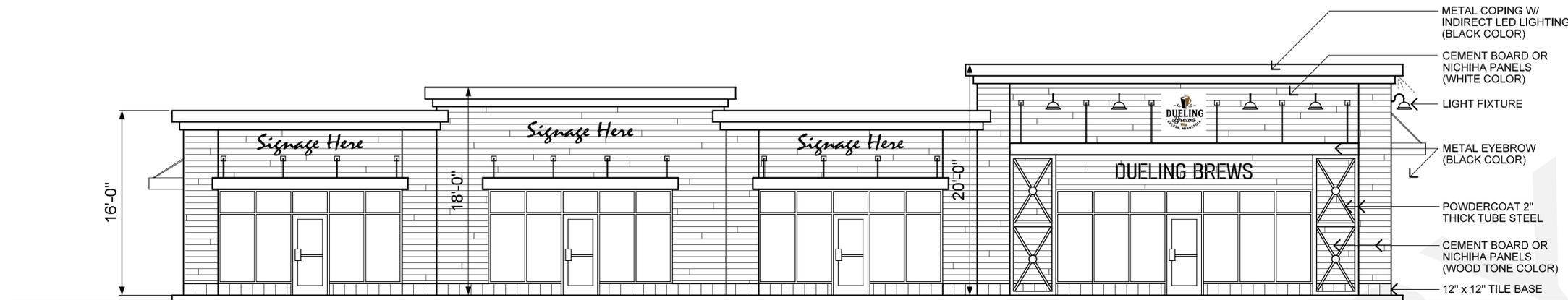
Exhibit B

Added per email from Jessica Treptau dated 4/26/22:

[In reference to Dueling Brews] We would be considered a Category 3 Restaurant.

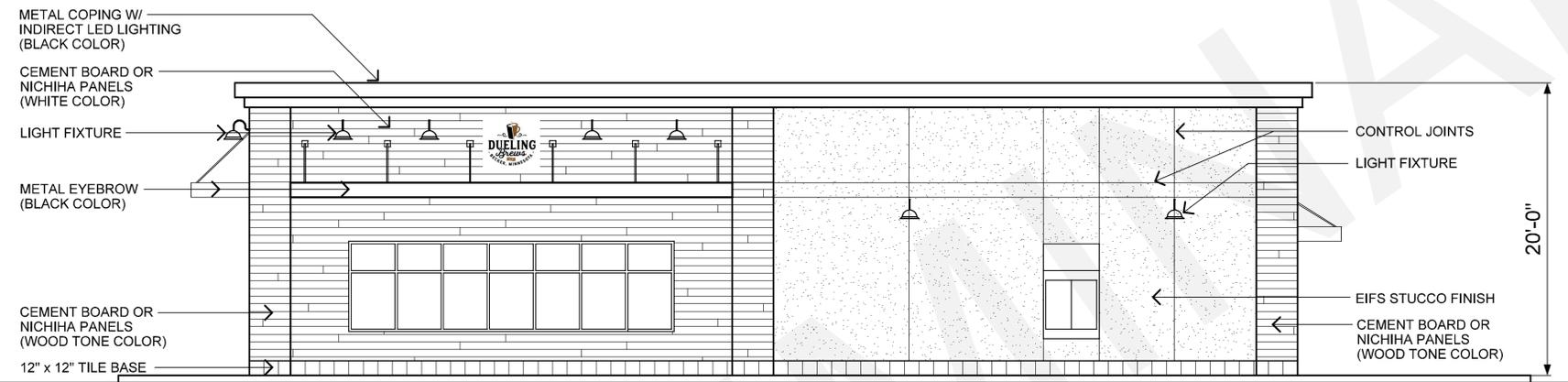
Easement: Currently, we have a 25' wide drainage and utility easement on the NW side of the lot, next to Country Lumber. We are proposing a reduction of that 25' easement to 10' or the minimum possible if it cannot be down to 10'. Gaining an additional 15' into our usable space would allow the building and parking lot to be used to its fullest potential. Our goal is to also have 2 drive thru's on this building, one on each end, which will require a bypass lane on each end as well. With the reduction, incorporating 2 bypass lanes on each end of the building will be much more attainable. Without the reduction, we may not continue with 2 drive thru's on this building.

Exhibit C



FRONT ELEVATION (BANK STREET)

SCALE: " = 1'-0"



SIDE ELEVATION (COFFEE DRIVE THRU)

SCALE: " = 1'-0"

RESOLUTION PC 22-10

A RESOLUTION RECOMMENDING APPROVAL FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A SHOPPING CENTER LOCATED ON PID 60-497-0105

WHEREAS, Jessica Treptau of JT2 properties, applicant and owner, duly filed an application to the City of Becker requesting the approval of a conditional use permit on the property located on PID 60-497-0105; and,

WHEREAS, the property is legally described as:

Lot 1, Block 1, Bank Street Addition, according to the plat thereof on file and of record in the office of the Registrar of Titles, Sherburne County, Minnesota.

WHEREAS, the subject property is zoned Community Commercial (C-COM); and,

WHEREAS, the C-COM zoning district allows shopping centers via a conditional use permit; and,

WHEREAS, application procedures for a conditional use permit have been properly followed; and,

WHEREAS, a public hearing was duly held on May 23, 2022 in the City Council Chambers, Becker City Hall, 12060 Sherburne Ave, Becker, MN 55308; and,

WHEREAS, notice of the time, date, place and purpose of the aforementioned hearing was duly given as required by statute,

NOW THEREFORE BE IT RESOLVED, the City of Becker Planning Commission hereby adopts the Findings of Fact as followed:

- A.** That the conditional use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted. *The use is allowed via conditional use permit in the Community Commercial zoning district in which this property is located. The subject lot was recently created through the Bank Street Addition plat. The use will be a fitting addition to the development along Bank Street.*
- B.** That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area; *There are two vacant lots in the vicinity, also zoned C-COM. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties.*
- C.** Will be provided adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. *The proposed development will provide adequate utilities, access roads, drainage, and other necessary facilities. The proposal is conditioned to work in conjunction with City of Becker Public Services regarding the*

connection of the utilities into the existing stubbed services. Drainage is required to be directed away from the MNDOT right-of-way. Grading plans will be reviewed and approved by city staff for connection to city storm sewer. The applicant is required to follow attached conditions addressing this finding.

- D.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. *Conditions outlined below will address adequate off-street parking for the proposed use of the shopping center. Site design will be conditioned to be approved by the City Engineer and City Planner.*
- E.** Has taken or will have taken adequate measures to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. *The applicant is required to follow attached conditions addressing this finding. Best practices must be utilized in the construction of this proposal.*
- F.** Will provide proper facilities which would eliminate any traffic congestion or traffic hazard which may result from the proposed use. *The applicant is in conversations with utility providers in the preparation of an application for reduction of the drainage and utility easement along the west property line to allow for the drive-through design as shown in the application materials. The site design will be conditioned to be approved by the City Engineer and City Planner, regardless of the results of the easement reduction to ensure proper flow and stacking onsite and in relation to the access to Bank Street.*
- G.** Fills a need that is demonstrated. *The use is listed as a conditional use within the City Code under the C-COM zoning district. The proposal meets the purpose of this zoning district in providing space for retail and service uses that serve the whole community and cater to the whole range of goods and services by the resident population.*
- H.** Is or will be in compliance with the Land Use Plan adopted by the Council. *The subject parcel is slated for commercial use in the future land use plan adopted via the Becker 2040 Comprehensive Plan. The primary use of the structure will be Commercial. The Comprehensive Plan outlines commercial goals for the City for revitalization of stagnant areas. This property has been vacant and development of a modern shopping center will meet this goal.*
- I.** Will not result in adverse effects on the public health, safety and welfare nor will it create additional pollution potential for ground and surface waters; *The civil plans, include site design for drainage, will be reviewed and approved by City Staff to ensure the proposal will not result in adverse effects. The applicant is required to follow attached conditions addressing this finding.*
- J.** In the case of interim uses, the date or event that will terminate the use can be identified with certainty. *Not applicable as this is not an interim use in City Code.*

- K.** In the case of interim uses, permission of the use will not impose additional costs on the public if it is necessary for public to take the property in the future. *Not applicable as this is not an interim use in City Code.*

NOW THEREFORE BE IT FURTHER RESOLVED, that the Becker Planning Commission, based on the findings put forth in this resolution, hereby recommends granting of a Conditional Use Permit for a shopping center to be located at the property legally described above, subject to the following conditions:

1. The Conditional Use Permit upon written notice being provided by the City to the Permittee but without further action by the Planning Commission or City Council, shall expire if the permit holder fails to initiate such conditional use permit and fulfill each and every condition attached thereto within (1) year from the date of its authorization, unless a petition for an extension of time up to (1) year in which to complete or utilize the use that has been granted by the Council. Such an extension shall be requested in writing and filed with the City at least thirty (30) days before the expiration date of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Council and acted upon by the Council.
2. Revocation: The City Council shall revoke a Conditional use permit when it determines that the terms and conditions of the permit, as issued, are no longer being complied with. A certified copy of an order of the City revoking a Conditional use permit shall be filed with the County Recorder for recording.
3. All applicable City Code and Zoning Regulations shall be adhered to.
4. All deliveries to the property shall not disturb the private enjoyment or peace of surrounding properties nor interrupt regular traffic flows.
5. All other appropriate and applicable measures, including but not limited to Federal, State and Local requirements, shall be taken by the applicant to eliminate any traffic congestion or traffic hazard which may result from delivery of materials or goods or customer traffic.
6. The property owner/applicant or contractor must take adequate measures to prevent or control offensive odor, fumes, dust, and vibration, so that none will constitute a nuisance, during all associated demolition or construction activities.
7. Safety precautions and protocols must be in place during all construction, demolition, or renovation related activities as to prevent disruption to the enjoyment of or prevent injury to, including residents of the other properties in the immediate vicinity. Additionally, these safety precautions and protocols must protect public health, safety and welfare.
8. All pollutants or other damaging bi-products, resulting from construction, demolition, or renovation, must be disposed of in a manner aligned with all applicable federal, state and local codes in order to eliminate adverse effects on public health, safety and welfare. Additionally, all pollutants or other damaging bi-products, resulting from construction,

- demolition, or renovation, must be disposed of in a manner that does not create additional pollution potential for ground or surface waters.
9. Exterior lights, including illuminated signs, must not be located, placed, or installed that would in any manner cause a disturbance to neighboring properties.
 10. Proper signage must be displayed for traffic flow and direction in relation to the drive-through.
 11. A drainage and utility easement extinguishment application, separate from this approval, will be required to be submitted, reviewed, and approved through appropriate local, state, and/or federal processes for a reduction or extinguishment of any existing easements.
 12. Civil Plans will be required to be submitted upon application for the initial building permit of the shopping center. Plans must be reviewed and approved by appropriate City Staff and City consultants.
 13. Civil Plans must demonstrate proper treatment/rate control for drainage and overflow connection to the storm sewer. The plan must be approved by City Staff and City Engineer.
 14. Landscaping and hardscaping are required. All landscaping and hardscaping plans must be approved by the City Staff and City Engineer.
 15. A traffic circulation plan/signing is required so that vehicular stacking is possible within the parking lot. The plan must be approved by City Staff and City Engineer.
 16. Final site design, including but not limited to drainage, drive-throughs, lighting, surfacing, and bypass lanes, must be submitted to and approved by City Staff and City Engineer.
 17. Sign permits shall be obtained, where applicable.
 18. Property shall be developed in accordance with state law, the uniform building codes, and all fire codes.
 19. A liquor license must be obtained, where applicable, prior to operation. Requirements for a liquor license must be met per local, state, and federal laws, including City of Becker Chapter 5.
 20. Operations must not create traffic congestion and obstructions on Bank Street.
 21. Parking shall be provided at a minimum ratio of five (5) spaces for every 1000 square feet of floor area.
 22. Future development, including but not limited to building permits, must include notification and comments from Minnesota Department of Transportation due to the proximity of the proposal to Highway 10.

23. Per Minnesota Department of Transportation, this project must not result in an increased rate of water directed to the MNDOT right-of-way.

24. All other appropriate and necessary permits must be legally and properly obtained before any applicable work, including but not limited to demolition, renovation, or construction, begins.

Mary Jo Cobb _____

Amy Stanger _____

Rick Hendrickson _____

Mike Doering _____

Justin Robinson _____

Whereupon said resolution was declared duly adopted by the Becker Planning Commission on the 23rd day of May, 2022.

Attest:

Mary Jo Cobb, Chairperson

Greg Lerud, City Administrator