

City of Becker
Planning
Commission

Becker City Hall, Council
Chambers

12060 Sherburne Avenue

Monday, August 29, 2022

**6:00
PM**

Agenda

- 6:00 pm**
1. Call Meeting to Order
 2. Agenda Review and Adoption
 3. Approval of Minutes of July 25, 2022
 4. Continuance of Public Hearing - Becker Schools Renovations and Additions
 5. Call for Public Hearing - Chapter 11 (Zoning) Ordinance Amendments to incorporate THC Products
 6. Other
 7. Adjourn

Regarding Public Hearings: Anyone interested in a scheduled public hearing is encouraged to attend and comment at the Public Hearing. If you are unable to attend and wish to comment, please provide written comment to Mary Roe at P.O. Box 250, Becker, MN 55308 or by e-mail to planner@ci.becker.mn.us. Comments must be received by 4:30 p.m. the day of the scheduled Planning Commission meeting.

For general questions please call (763) 200-4239. Thank you!

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

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

MEMBERS PRESENT: MaryJo Cobb, Rick Hendrickson, Mike Doering, Amy Stanger

ABSENT: Justin Robinson

OTHERS PRESENT: Jacob Sanders – Community Development Director, Mary Roe – City Planner, Caryn Dunderi – Administrative Assistant, Chris Lindbloom – Becker Police Lieutenant, Tarvin Robertson – Community Member, Greg Veldman – Community Member, Ray Clark – Community Member, Jeremy Schommer – Avalon Homes, Craig Wensmann – Bogart Pederson & Associates, Rick Schreier – Owner of Becker Collision & Glass, Dean and Julie Wall – Owners of Becker Screen Print and Embroidery, Charles and Colleen Degrio – Community Members, Seth Wight – Xcel Energy Land Use Liaison

Cobb called the meeting to order at 6:00 p.m.

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

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried.

A motion was made by Hendrickson/Doering to approve the minutes from June 27, 2022

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion carried.

PUBLIC HEARING – REZONE OF A 10 ACRE PARCEL FOR AVALON HOMES, INC.

Cobb opened the public hearing at 6:01 p.m.

Mary Roe presented a full application to rezone a 10-acre parcel from Public to Residential Multi-Family (R-3). Staff drafted Resolution 22-12 recommending an ordinance that reflects the proposed rezoning.

Chairperson Cobb asked for public comment; Roe clarified that this public hearing relates to the rezoning for the designated land use for a planned unit development with twenty-two lots, two apartment buildings, and underground parking. Community member Tarvin Robertson asked if there were any subsidies provided to Avalon Homes to rezone the land; Community Development Director, Jacob Sanders, replied no. Robertson inquired if the rezoning would affect the tax base and Sanders stated that there is no tax abatement; he went on to say that this was a vacant property that has not brought in any taxes in the past.

Community member Gregg Veldman shared his concerns regarding the increase of traffic flow on Sherburne Ave when this development is built. Roe responded that while preliminary traffic counts and flow are reviewed by the City Engineer, ultimately requirements and regulations along Sherburne Ave. are handled by the County as it is a County road. Sanders said traffic counts, relating to this project, had

preliminarily been conducted and the results did not show that the planned unit development would add a tremendous traffic load; he added that circulation off of Bradley Blvd is also being looked at by the County, City engineers, and City staff. Sanders said that if traffic counts substantially increase, the appropriate jurisdiction has the ability to conduct a study that may include changes to accommodate circulation and flow.

Veldman asked if the 10-acre parcel had ever been considered to be zoned for single family homes. Sanders stated the property had been designated in the City's future land use map as high density residential, and this application is proposing for it to be rezoned as such. Roe said a request for proposal had been sent out in April 2021, and the property had been marketed as high density residential to match the land use designation. She added the zoning proposal from Avalon Homes meets the long-term goal of the City's comprehensive plan.

Veldman asked the commissioners if they had concerns about the planned unit development to which Doering answered he had none and added the City of Becker has a large need for high density housing. Hendrickson stated that Sherburne County had previously completed a housing study and the results showed Becker has a shortage of apartments and townhomes. Veldman asked if there were any other concerns from police or wastewater management; Roe said any project in the City requires consulting and approval from public works and engineering and the following public hearings would address these comments. Lieutenant Chris Lindbloom stated the police department does not have major concerns about this planned unit development regarding increase of crime or traffic accidents.

Veldman expressed concern about the low number of people who were notified about this public hearing. Sanders explained that state statute requires a mailed notification to residents within 350 feet of the property involved in the proposed CUP. He went on to say that notice was also printed in the local newspaper and listed on the City of Becker's website.

Community member Ray Clark addressed the Planning Commission and voiced his opinion that the 10-acre parcel should not be zoned R3.

Cobb asked for any further discussion.

Hearing no further discussion, a motion was made by Hendrickson/Doering to close the public hearing at 6:41 p.m.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Doering/Hendrickson to approve PC Resolution 22-12 recommending an ordinance to add section 11.12, subdivision 8, (31) rezoning property from public (PUB) to residential multi-family (R-3).

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion carried.

<p>PUBLIC HEARING – CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR AVALON HOMES, INC.</p>

Cobb opened the public hearing at 6:44 p.m.

Roe presented a proposed conditional use permit (CUP) for a planned unit development (PUD) within the confines of a 10-acre parcel. She explained that R-3 requires a CUP and staff is recommending the approval of PC Resolution 22-13 recommending approval of a conditional use permit for a planned unit development to be known as Avalon Homes. Roe read through the conditions within the CUP.

Robertson asked if the PUD would have covenants or an HOA in which Jeremy Schommer, owner of Avalon Homes, responded that there would be covenants and an HOA, which will be recorded in the title work.

Cobb asked for any other comments; Hendrickson proposed tabling the decision for the proposed PUD to gather more public input. Schommer stated that any delay in the approval process would be detrimental to the time frame of the project and potentially disrupt the financing of the development. Sanders explained that if the CUP was denied, PC would have to establish findings as why it was denied. Doering reiterated that PC's job is to make sure that any proposed CUP meets City code and the conditions set in place on that permit. Hendrickson explained he would like to extend the public hearing as this is the chance for the public to voice their opinions and engage in discussion with Commissioners and Staff. Sanders explained that to continue the public hearing without deciding on PC Res 22-13, a vote would need to be held with a majority vote supporting the continuation of the public hearing. Sanders asked how Staff should proceed to notify the public if a continuation was approved in which Hendrickson answered social media. Hendrickson added that he would like all public hearing notices to be posted on social media going forward.

A motion was made by Hendrickson to extend the public hearing for a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) for Avalon Homes, Inc. in a special PC meeting.

Stanger made a suggestion to include a date. Cobb asked for further discussion. Schommer expressed concerns on whether he would be able to proceed with this project if the timeline was to be delayed by the extension of any decision-making meetings.

A motion was made by Hendrickson/Stanger to amend the motion for a special PC meeting on August 9, 2022.

AYE: Hendrickson, Stanger

NAY: Cobb, Doering

Motion failed due to lack of a majority vote.

Hearing no further discussion, a motion was made by Doering/Hendrickson to close the public hearing at 7:47 p.m.

Sanders asked PC if public hearing notification requirements was a topic they would like Staff to research. Hendrickson answered that yes, that topic would be discussed on a later date.

A motion was made by Doering/Hendrickson to approve PC Resolution 22-13 recommending approval of a conditional use permit for a planned unit development to be known as Avalon Estates.

Discussion: Hendrickson stated he will be voting in favor of this resolution because it meets the requirements and there are no reasons it violates statute.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

PUBLIC HEARING – PRELIMINARY AND FINAL PLAT OF AVALON HOMES, INC.

Cobb opened the public hearing at 7:50.

Roe presented a complete application for a preliminary and final plat to be known as Avalon Estates. She explained that the plat is for the previously discussed PUD and that platting of the property is part of the purchase agreement that is also required for any PUD in City Code. Staff is recommending a motion and second to approve PC Resolutions 22-14 and 22-15, recommending the preliminary and final plat approval of Avalon Estates.

Roe said that the platting of this 10-acre parcel for the use of a development will support the City's long term comprehensive land use plan. She added that the conditions that were applied to the rezoning and planned unit development CUPs, also apply to the preliminary and final platting of Avalon Estates. Roe asked for an amendment to strike condition of approval number six, in favor of number eleven. Roe requested another amendment on PC 22-15, striking provision number eight as it was a duplicate condition of approval.

Cobb asked for any further discussion.

Hearing no further discussion, a motion was made by Hendrickson/Doering to close the public hearing at 8:05 p.m.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Doering to approve PC Resolution 22 -14 recommending approval of the preliminary plat of Avalon Estates.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Doering to approve PC Resolution 22-15 recommending approval of the final plat of Avalon Estates.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Doering to amend his motion to say as amended for PC Resolution 22-15 recommending approval of the final plat of Avalon Estates.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Doering to amend his motion to say as amended for PC Resolution 22-14 recommending approval of the preliminary plat of Avalon Estates.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR NORTHERN STATES POWER CO.

Cobb opened the public hearing at 8:07 p.m.

Roe presented a complete application for a CUP for Northern States Power Company for the portion of their transmission rebuild project. Roe explained that due to Xcel and the City of Becker's franchise agreement, Xcel has the ability to rebuild and rework their existing lines. She went on to say that this project is an update with more modern poles. Roe stated there are three properties that the transmission lines cross that the DNR has classified as Minnesota Wildlife and Scenic Overlay, which requires a CUP by state statute. Roe said that Xcel owns these properties so there are no easements to be granted from private property owners.

Seth Wight, Xcel Energy Land Use Liaison, addressed PC explaining the original transmission lines were constructed in the 1950's and need to be upgraded for the distribution for the needs of today.

Cobb asked for any further discussion.

Hearing no further discussion, a motion was made by Hendrickson/Doering to close the public hearing at 8:15 p.m.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Stanger to approve PC Resolution 22.16 recommending approval of a conditional use permit pursuant to MN Statute 6105.0170 to rebuild portions of a transmission line located within the Minnesota Department of Natural Resources Wild and Scenic Overlay.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

PUBLIC HEARING – C-HWY LOT COVERAGE ORDINANCE REVISION

Cobb opened the public hearing at 8:16 p.m.

Sanders reminded PC of previous discussions regarding revising lot coverage in the C-HWY zoning district from 75% to 85%. Sanders stated that while the City engineer cautioned increased lot coverage in an area with no existing public storm water facilities, and the Public Works Director was comfortable with 85% lot coverage for lots less than an acre in size in this zoning district due to the sandy nature of the soil and the uniquely old, narrow lots. Sanders added that 85% lot coverage was very rare in other communities, with standards falling in the 25-50% range. Sanders said staff recommends approval

for PC Resolution 22-17 recommending an ordinance amending Section 11.41, Subdivision 5 of the City of Becker Zoning Ordinance Chapter 11.

Cobb asked for any further discussion.

Hearing no further discussion, a motion was made by Doering/Stanger to close the public hearing at 8:24 p.m.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

A motion was made by Hendrickson/Doering to approve PC Resolution 22-17 recommending an ordinance amending Section 11.41, Subdivision 5 of the City of Becker Zoning Ordinance Chapter 11.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

CHAPTER 7 & 10 GRASS AND WEEDS ORDINANCE CHANGE

Chris Lisson, Public Works and Parks Assistant Director, explained that public works is looking to define grass and weed ordinances in Chapters 7 & 10 changing the maximum grass height from six inches to eight inches. Lisson reported that Public Works Committee thought this change was acceptable and wanted input from PC before presenting the idea to City Council.

A motion was made by Hendrickson/Stanger recommending changes to Chapter 7 and Chapter 11 increasing the height restriction for grass and weeds.

AYE: Cobb, Hendrickson, Doering, Stanger

NAY:

Motion Carried

OTHER

Roe reported to PC that staff has been talking with legal and administration on how to address recent TCH law changes in the State. Roe stated that one option that has been proposed is to create a moratorium on the sale of any product containing THC in the City of Becker.

Motion to adjourn by Stanger/Doering

Meeting adjourned at 8:35 p.m.

Submitted by: Caryn Dunderi



August 29, 2022

Memorandum

TO: Planning Commission

FROM: Mary Roe – Senior Planner

SUBJECT: **Public Hearing Continuance: Becker Public Schools Additions and Renovations**

Background

Applicant, ICS, and landowner, Becker Public School District #726, have made application to the City of Becker for a conditional use permit for additions and renovations for the school campus. These renovations and additions include the Becker Intermediate, Middle, and Primary schools, as well as the turf-field project and site stormwater. These projects were made possible by voters approving the referendum this past fall.

City Staff has reviewed the submitted application and is recommending that a traffic study be conducted to address the early childhood education facility addition. The traffic flow that the project will create, and the existing conditions, will need to be reviewed under the traffic study to ensure that the project meets the standards for findings set forth in City Code Chapter 11, Section 11.14, Subdivision 4 (Exhibit A) for conditional use permits.

A continuance of the public hearing to a date certain would allow time for the applicant and landowner to conduct the study and for staff to review. Staff has prepared a letter of extension per Minnesota Statute 15.99 Subdivision 3(f) to be issued upon continuance to ensure that processing times are met.

Staff Recommendations/Requests:

Motion and a second continuing a public hearing scheduled on August 29, 2022 for a conditional use permit for additions and renovations to the Becker School campus, to be held at the September 26, 2022 Planning Commission meeting.

Exhibit A

Excerpt from Becker City Code Chapter 11, Section 11.14 Conditional Use Permits, Building Permits, Mining Permits Subdivision 4 Standards for Findings.

Subd. 4. **Standards for Findings** The Planning Commission shall consider the application with regard to possible adverse effects of the proposed conditional use and interim use and what conditions may be necessary to reduce any adverse effects. The Planning Commission shall review each of the Standards of Findings and no Conditional Use Permit or Interim Use Permit shall be recommended by the Planning Commission unless said Commission shall find:

- A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
- 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;
- C. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;
- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- E. That adequate measures have been or will be taken 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;
- F. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use;
- G. The demonstrated need for the proposed use;
- H. The proposed use is in compliance with the Land Use Plan adopted by the Council.
Source: Ordinance 8, 2nd series, Effective Date: 12-5-95
- I. The use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters; *Effective date: August 10th, 2009; Source: Ordinance 139 2nd Series.*
- J. In the case of interim uses, the date or event that will terminate the use can be identified with certainty; *Effective Date: August 10th, 2009; Source: Ordinance 139 2nd Series.*
- 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. *Effective Date: August 10th, 2009; Source: Ordinance 139 2nd Series.*



August 29, 2022

Memorandum

TO: Planning Commission

FROM: Mary Roe – Senior Planner

SUBJECT: **Call for Public Hearing: Additions to Chapter 11 relating to THC Products**

Background

A new law was enacted at the end of the 2022 legislative session that adopted new standards for edibles and beverage products containing THC extracted from hemp. These changes took effect on July 1st. The law enacts some requirements for labeling and testing, but the law provides no parameters regulating production, compliance checks, or sales of products that contain THC products. The law does not prohibit cities from enacting local regulations. The city code does not have any restrictions specific to THC.

At the August 16, 2022 City Council meeting, City Council’s consensus was to create an ordinance addressing the new law. Staff is recommending additions be made to City of Becker Code Chapter 11, Land Use Regulation, to address uses and zoning that may arise from the newly enacted law.

Staff Recommendations/Requests:

Motion and a second to call for a public hearing at the next regular Planning Commission Meeting on September 26, 2022 to discuss additions to Chapter 11 relating to THC products as allowed by the new state law.