

**CHISAGO COUNTY  
PLANNING COMMISSION OFFICIAL PROCEEDINGS  
August 3, 2023**

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 3, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and, Diane Sander, Office Manager.

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, Eric Leivian, Chip Yeager, John Sutcliffe, and Chris DuBose. Absent: James McCarthy and Jolene Wille. A quorum was established.

**Approval of Agenda – Motion** by Dave Whitney to approve the agenda as presented; second by Eric Leivian. **Motion passed** 5-0.

**Approval of Minutes – Motion** by John Sutcliffe to approve the July 6, 2023 regular meeting minutes as presented; second by Chris DuBose. **Motion passed** 5-0. Chris DuBose suggested a correction to page three of the special work session minutes; "...5:1 depth-to-width ratio or reducing the 500' dimensional standard to ~~420'~~ 400' in order to maintain the required 5:1 depth-to-[width] ratio." **Motion** by Chris DuBose to approve the July 20, 2023 special work session minutes as amended; second by Eric Leivian. **Motion passed** 5-0.

**Receive all Materials and Submittals into Record - Motion** by Dave Whitney to accept all materials and submittals into the record; second by Chris DuBose. **Motion passed** 5-0. Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda items 6a and 8a. Copies of all correspondence and meeting materials were made available for the public.

**Public Hearings – New Applications**

**Make Properties, LLC and Mark & Carrie Rand** – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Make Properties which would create one new lot (proposed Lot 2, Block 1) and re-plat one lot (proposed Lot 1, Block 1) in order to adjust the shared property boundary. The 29.44± acre subject site was located at 1127 and 1225 Stark Road / CSAH 10 in Fish Lake Township in the Agricultural (AG) District. Both subject parcels had been previously developed. Gervais added that both proposed parcels met and exceeded the AG District dimensional standards and that the proposed plat included the necessary dedication of Right-of-Way for the upcoming Stark Road / CSAH 10 road improvement project.

The Technical Review Committee met on July 12, 2023 and no concerns were identified. The Fish Lake Town Board met on July 10, 2023 and recommended approval with no conditions. The 120-day review period was scheduled to expire on November 3, 2023. Staff recommended approval of the request with draft Findings of Fact and conditions. Applicants Keith Koecher and Marty Melby were present to address questions and concerns.

Chair Yeager opened the public hearing and sought comment. With no members of the audience wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed** 5-0. Chair Yeager asked the Planning Commission if they had any questions or comments. **Motion** by Chris DuBose to approve Resolution No. PC2023-0801, a resolution of the Planning Commission of Chisago County, Minnesota,

recommending approval of the Preliminary Plat of Make Properties, as presented; second by Dave Whitney.  
**Motion passed 5-0.**

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.

**Public Hearings – Continued Hearings – None**

**Old Business**

**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. Gervais reminded the Commission that it had conducted the requisite public hearing on June 1, 2023 and subsequently continued the public hearing to July 6, 2023, extended the review period by an additional 60 days, and instructed the applicant to provide specific updated materials for further review and consideration at the Commission's July 6, 2023 meeting. At the July 6, 2023 meeting, the Commission closed the public hearing and tabled consideration of the CUP at the applicant's request.

Gervais shared that staff received an updated written narrative and updated site renderings from the applicant on July 25, 2023; however, 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

Gervais noted that while the updated narrative described some of the above listed items, the applicant was instructed to provide plans illustrating these items. The primary reason for the required plans was to ensure that all parties had a shared understanding of the proposal and so that staff and County officials were able to conduct a thorough analysis of the proposal.

Gervais reviewed details of the updated written narrative and site renderings for the Commission, noting that staff had identified several concerns, including:

- The site renderings showed a 12' wide drive-through lane whereas the written narrative described it as being 10' wide.
- The site renderings and written narrative still included use of an intercom system. Further, the applicant inaccurately addressed the required setbacks in his written narrative. As previously explained to the Commission, it would be impossible for the proposed intercom system to meet all required setbacks nor could the Commission allow an intercom system which did not meet the required setbacks.
- The site renderings showed employee parking immediately in front of the garbage area. Staff suggested 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 showed two residential parking spaces located on the east side of the building. Staff noted the following concerns with this parking area:
  - The southern end of the parking area access was shown as being approximately 6' on the subject site and approximately 6' on the neighboring property. While the applicant had explained that he was "currently purchasing this [neighboring] property on contract for deed...", this property was currently fee owned by another party and, further, the neighboring property was not included in the request for CUP.
  - The parking area included two parking spaces with a combined width of 17'. While the Zoning Ordinance did not provide specifications for parking stalls, staff cautioned that this design was extremely narrow and would be challenging for larger vehicles.
  - Based on the parking area dimensions and design, it appeared that vehicles would not be able to turn around within the parking area and would be required to back out directly onto Stark Road / CSAH 10. Backing out onto Stark Road / CSAH 10 raised questions about traffic safety.
- The written narrative described that the applicant still intended to use Reclaimed Asphalt Pavement (RAP) for parking lot surfacing purposes. Staff noted 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 stated that the applicant was currently purchasing [the neighboring] property on contract for deed, and as things progressed and developed, he intended on unifying this property with the current business lot. Staff noted that this property (located immediately east of the subject site) was currently fee owned by another party and that this property was not included in the request for CUP. If the applicant intended to utilize this neighboring property for purposes of this CUP request (assuming the CUP is approved), the applicant would be required to Amend the CUP to include both properties / legal descriptions.

Gervais explained that the extended review period was scheduled to expire on August 31, 2023, which meant that the Commission needed to take action at the August 3, 2023 meeting. Gervais reviewed the Commission's options and shared that staff had provided two resolutions for the Commission's consideration, with one resolution supporting denial of the CUP for Drive-Through Business and approving the CUP for Accessory Residential Unit and one resolution supporting approval of both proposed uses.

Chair Yeager asked the Planning Commission if they had any questions or comments. Chris DuBose indicated had no concerns with the proposed residential unit but had concerns with the proposed drive-through. DuBose listed his concerns which included: the parking appeared to be too tight for the site along with the entry and exit being side by side, the use of RAP instead of blacktop, the lack of any landscaping / a landscaping plan, and the proposed use of an intercom system. Chair Yeager expressed concern that entrance

to the parking lot was on the west and the exit was on the east (opposite of standard configuration) making turning movements counter intuitive. Yeager added that if the entry and exit were marked on the parking lot surface, the markings would most likely be covered during the winter months. Dave Whitney asked if the applicant was interested in waiving the review period in order to continue working on his proposal. Applicant Joe Beaulieu indicated he would be willing to waive the review period since the parking lot was complex and he could address his clerical errors between the narrative and site renderings. Chair Yeager indicated that there were more concerns than just the parking lot that needed to be addressed. Mr. Beaulieu discussed his assumption of property boundaries for the parking lot (in relation to the proposed residential parking) and reviewed his concept for landscaping and adjustments to the low elevations on the property along with his intent to purchase the neighboring property to accommodate the parking lot. Mr. Beaulieu inquired if the residential unit could be approved allowing him to move forward with that component of the CUP, while the drive-through business component would be on hold while he continued to address the Commission's concerns. Director Schneider suggested that it would be unusual for the County to approve part of a CUP request and table the other part, but it could be an option explored with legal counsel. Clarification and discussion were held on the use of the adjacent property for the parking lot and the property not being included in the CUP request. The Commission and staff discussed the need to Amend the CUP, if approved, if a second property were to be incorporated. Gervais expanded on the Amendment process, explaining that it would require a new public hearing, public hearing notice and property owner notification, and review process. The Commission and staff then discussed whether or not there would be a mandatory wait time between applications, with Gervais explaining that adding a second parcel would be a significant change and the applicant would likely not be required to wait for reapplication. John Sutcliffe indicated he supported the CUP for Accessory Residential Unit and suggested that the applicant reapply for the Drive-Through Business CUP once the property boundary issue was complete.

**Motion** by Chris DuBose to approve a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing 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; second by Dave Whitney. **Motion passed** 5-0.

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.

**Motion** by Chris DuBose to approve a resolution of the Planning Commission of Chisago County, Minnesota, recommending denial of a Conditional Use Permit allowing a Drive-Through Business on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with the understanding that the applicant could resubmit a request for CUP at a later date, with Findings of Fact as presented; second by John Sutcliffe. **Motion passed 4-1**, with Dave Whitney voting against. Director Schneider clarified that the recommendation of denial would not prohibit the proposed coffee shop but, rather, the components of the proposed drive-through.

Mr. Beaulieu expressed confusion and asked for clarification on the denial. Mr. Beaulieu indicated he had worked with the County Highway Department on the parking lot design. Schneider summarized the Planning Commission's discussion and motions relating to the proposed uses. Schneider added that the updated written narrative and site renderings were substantially better than the original documents but that the applicant still had not provided all required elements. Mr. Beaulieu responded that his site renderings and written narrative provided all of the requested information, adding that he had seen worse parking lot entry/exit situations than what he was proposing and he expressed concern with the timeline for resubmittal.

**New Business – None**

**Communications and Reports** – None.

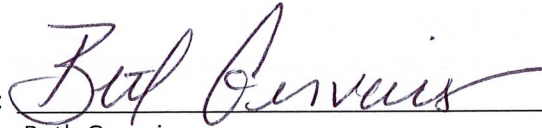
**Miscellaneous** – None

**Adjourn Meeting** – **Motion** by Eric Leivian to adjourn the meeting; second by John Sutcliffe. **Motion passed** 5-0.  
The meeting was adjourned at 8:02 p.m.



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Chip Yeager  
Chair

ATTEST:



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Beth Gervais  
Land Services Coordinator