



Meeting Agenda
City of Mora, Planning Commission
5:30 p.m. Monday, April 8, 2024
Mora City Hall

Mora City Hall
101 Lake Street S
Mora, MN 55051
Kanabec County,
Minnesota

City of Mora Code of Ordinances, Chapter 32: The role of the Planning Commission is to serve the City Council in an advisory capacity on matters relating to citizen requests for action, zoning changes and review, Comprehensive Plan reviews, capital improvement reviews, and other actions as deemed necessary to carry out the functions of a pro-active Planning Commission.

1. Call to Order
2. Roll Call: ☐ Jody Anderson ☐ Sheldon Shepard ☐ Lance Strande
 ☐ Sara Treiber ☐ Tim Dahlberg
3. Adopt Agenda *(No item of business shall be considered unless it appears on the agenda for the meeting. Board members may add items to the agenda prior to adoption of the agenda.)*
4. Minutes
 - a. Approve minutes from March 11, 2024
5. Open Forum
(Individuals may address the committee about any item not contained on the regular agenda. There is a maximum of fifteen (15) Minutes set aside for open forum. A maximum of three (3) minutes is allotted per person. The Planning Commission will take no official action on items discussed at the forum, with the exception of referral to staff for future report.)
6. Public Hearings:
 - a. Conditional Use Permit request to allow *open sales lot* at 820 Hwy 65 S
 - i. Recommend approval/denial/table of request (Resolution PC2024-0411)
7. New Business:
 - a. None
8. Old Business:
 - a. None
9. Reports *(In addition to the items listed below, each board and staff member will be given the opportunity to share information.)*
10. Adjournment
The next meeting of the Planning Commission is scheduled for **5:30 p.m. Monday, May 13, 2024.**

City of Mora Planning Commission
Meeting Minutes
5:30 p.m. Monday, March 11, 2024
Mora City Hall, 101 Lake St, Mora, MN 55051

Pursuant to due call and notice thereof Chair Sheldon Shepard called to order the regular meeting of the Planning Commission at 5:30 p.m. Monday, March 11, 2024, in the Mora City Hall Council Chambers.

- 2. Roll call:** Present: Sheldon Shepard, Tim Dahlberg, Jody Anderson, Lance Strande
Absent: Sara Treiber
Staff present: Community Development Director Kirsten Faurie, City Administrator Glenn Anderson
Guests: Jennifer Yates, Jackson Yates
- 3. Adopt Agenda:** MOTION made by Dahlberg, seconded by J. Anderson, and unanimously carried to adopt the agenda as presented.
- 4. Approval of Minutes:** MOTION made by Dahlberg, seconded by Strande and unanimously carried to approve the February 12, 2024 minutes as presented.
- 5. Open Forum:** No one spoke during open forum
- 6. Public Hearings:**
 - a. Conditional Use Permit request to allow a dog training and kennel at 129 Forest Ave E:**

Shepard opened the public hearing at 5:31 p.m. Faurie introduced the CUP request. Jennifer Yates presented details about her proposed business, The Responsible Dog, LLC. The business will be primarily for dog training with a board-and-train option. Yates presented a floor plan which specified areas for training, areas for boarding/grooming, and indoor and outdoor dog potty areas.

Shannon and Nate Rubischko are the owners of the building at 125 Forest Ave. East. S. Rubischko owns Asolare Yoga and Wellness, and rents to tenants including Linda's Hair Design and Prizm Tattoo. Shannon voiced concerns of sound traveling through the shared walls and potential health impacts of the dog urine and feces.

Jessica Schrupp asked about the previous auto shop that operated at 129 Forest Ave. E and if there were noise issues at that time.

Linnea Haasken of Haasken Dental at 130 Forest Ave. E. noted her apprehension about the affect barking dogs would have the anxiety of dental patients, as well as dogs passing by using their property as a potty area.

Jennifer Yates discussed their possible future CUP request to add a living space in the back of the building in order to watch over any boarded dogs. J. Anderson asked Faurie if this was an allowed use. Faurie explained that her interpretation of the city's codes are that a living space could be permitted through a CUP if the living space were secondary in use. The area in that building previously used as a living space was an unapproved residential space.

Mary Olson of East Central Veterinarians voiced her support of the Yates' proposal, speaking to Jennifer's skills and patience with dogs and children. Olson said Yates' had moral integrity, was responsible, and made good decisions. Olson also shared about the history of 129 Forest Ave. E, which was the home of East Central Veterinarians when she began her

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career. Olson noted that a dog training facility would be a needed and welcome business in the city of Mora. She respected the city was also being responsible by discussing any issues of pet waste and noise, but based on her experience in that location did not think noise would be a problem.

A woman who did not share her name spoke about the demand for dog training businesses in the area.

Nate Rubischko expressed concern about shared walls and if the dog training business would be appropriate in that location and asked for clarification about where potty areas would be.

Shepard reminded those present that this is a conditional use permit that can be revoked if the conditions are not met. Faurie noted that CUPS run with the land without a time limit. If a time limit were imposed, the city could instead grant an interim use permit.

Linnea Haasken asked if there would be a limit to the number of dogs served at the location.

Jodi Bakke said that if too many dogs at one time were served, it would become unsafe but she trusted the Yates to make sound decisions about what a safe number would be.

Jennifer Yates clarified that a safe number of dogs depends on the individual dogs (size, behavior, experience, etc.)

Jackson Yates said that for a class, there may only be 15 dogs present at one time, but if they hosted an event such as a rally or show, there could be a much larger number of dogs present at one time.

Richard Gossen said he felt such a facility was not appropriate in town and a kennel would be more appropriate for the country. He encouraged the city to license dogs.

Shepard closed the public hearing at 6:02 p.m.

Faurie acknowledged the written letters/comments received regarding the CUP. Ten expressed support, six expressed concern mostly surrounding noise and pet waste.

J. Anderson expressed support for new businesses, but also wanted to protect the existing businesses. She was interested in seeing a limit of 15 animals being served at one time for training, and was opposed to overnight kenneling in the B-1 District.

After seeing more details of the plan, Shannon Rubischko noted she was feeling more comfortable with the proposal.

Shepard noted he was comfortable with permitting both the training and kenneling because of the city's ability to revoke the permit if necessary.

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MOTION made by Dahlberg, seconded by Strande, that the commission was interested in approving both training and kenneling as a use. Motion passed 3-1 with J. Anderson opposed, noting she only opposed the overnight boarding.

Faurie reviewed each of the conditions drafted in Resolution No. PC2024-0311. The commission noted a correction to number 6, that dog potty areas should be limited to the *southwest* and east sides of the building.

The commissioners then discussed conditions. Discussion continued on what might be an appropriate limit for the number of dogs, noise mitigation, potty areas, etc. The Commission discussed the buildings square footage, safety, and how a limit on the number of dogs for different uses might be enforced.

The Planning Commission discussed if the permit should be issued as an Interim Use Permit or Conditional Use Permit. After discussion the members felt an Interim Use Permit would be overly restrictive.

MOTION made by Dahlberg, seconded by J. Anderson to approve Resolution No. PC2024-0311 with the correction to condition number 6, changing “south” to “southwest.” Motion approved unanimously.

7. New Business: None

8. Old Business:

- a. Code Review regarding parking minimums: The commission decided to postpone discussion of parking minimums to a future meeting.

9. Reports: None.

10. Adjournment: MOTION to adjourn by J. Anderson, seconded by Dahlberg, and unanimously carried to adjourn the Planning Commission meeting at 6:54 p.m. The next regular meeting of the Planning Commission is scheduled for **5:30 p.m. Monday, April 8, 2024.**

Commission Chair

Attest: _____
Kirsten Faurie
Community Development Director



MEMORANDUM

TO: Planning Commission
 FROM: Kirsten Faurie, Community Development Director
 SUBJECT: Public Hearing - Conditional Use Permit to allow an *open sales lot* located in the B-2 General Business District
 DATE: April 8, 2024

SUMMARY

The Planning Commission will conduct a public hearing to consider a request for a Conditional Use Permit to allow an *open sales lot* at 820 Hwy. 65 S. located in the B-2 General Business District.

SITE & APPLICATION INFORMATION

Applicant:	Brian Gore
Property Owner:	MRM Investments, LLC (sold to Brian Gore via Contract for Deed)
Location:	820 Hwy. 65 S., Mora MN
Current Zoning:	B-2 General Business District
Adjacent Zoning:	North: B-2 General Business District South: B-2 General Business District East: R-2 Manufactured Home Park District West: B-2 General Business District
Comp. Plan Designation:	Commercial
Date Application Complete:	March 25, 2024
Public Hearing Conducted:	April 8, 2024
60-Day Review Period:	May 24, 2024

DISCUSSION

Brian Gore has submitted a request for a Conditional Use Permit (CUP) to allow an *open sales lot* at 820 Hwy. 65 S. The City Code defines *OPEN SALES LOT* as: *Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed within a building.*

Gore currently operates his business, Mega Fishing Outlet, at the location and is requesting the CUP in order to operate a flea market at the site. Gore has indicated he intends to rent out the parking lot of his property to vendors for the flea market (see attached site plan), and use signage to direct shoppers to park on Edgewood Lane. Gore had indicated this would be during weekends.

Some further details of the flea market plan are unknown, including:

- Hours of operation, exact days of operation
- If vendor booths will be permanent or temporary structures (permanent booths, tents, etc.)
- Exact plans for lighting, storage, bathrooms, garbage collection
- The types of wares being sold, and if there would food vendors, live animal sales, or any other products that might require additional licensing or conditions
- Safety: How vendors and shoppers would be protected from vehicle traffic coming in and out of adjacent parking lots and using the frontage road.

Minimum parking:

The site currently has 50 marked parking spaces. Zoning Code Section 150.503 (Minimum Parking Requirements), Subd. C (Commercial Uses) includes the following parking minimums:

- Retail Store: Four (4) parking spaces for each one thousand (1,000) square feet of gross floor area
- Open sales/rental lot: One (1) space for every two thousand five hundred (2,500) square feet of land which is to be used for sales and display area

Staff estimates the following parking would be required for this site:

- | | | | |
|---------------------------------------|--|---|-------------------------|
| • Retail store (Mega Fishing Outlet): | $4 \times (5,100 \text{ ft}^2 \div 1,000 \text{ ft}^2)$ | = | 20 spaces |
| • Open Sales lot (flea market): | $1 \times (17,000 \text{ ft}^2 \div 2,500 \text{ ft}^2)$ | = | <u>7 spaces</u> |
| | | | TOTAL: 27 spaces |

If it can be demonstrated by a property owner through market studies or other means that the required off-street parking requirement is excessive and lesser requirements justifiable, the City Council may reduce the number of required spaces by passage of a resolution following review by the Planning Commission.

Possible code violations:

The city has received complaints from community members who believe someone or multiple persons may be using the property at 820 Hwy. 65 S. as a residence, either in the building or in the camper parked in the rear of the building. Residential uses are only allowed in the B-2 district as a secondary use with a conditional use permit. This location does not have a CUP for residential use, therefore, any use of the property as a residence at this time would be a violation of city code.

The city attorney advised if this CUP were to be approved, to add a condition that no one lives there and that Mr. Gore allows the city to inspect the property before issuance and to allow inspections on reasonable notice during the term of the permit.

Comments:

A public hearing notice was published in the March 28, 2024 edition of the *Kanabec County Times* and notices were mailed to all property owners within 350 feet of the subject property.

As of April 3, 2024, staff received one letter in opposition to a flea market in that location, specifying concern about the appearance of a flea market and the negative impact it would have on value of nearby property.

A request for comments was distributed to city staff. Concerns identified by staff included trash pickup, availability of parking, potential existing code violations, and the increased traffic on back roads.

FINDINGS

Zoning Code Section 150.036 (Conditional Uses), Subd. E (Standards) states that, "In considering an application for Conditional Use Permit, the Planning Commission shall make its recommendation upon the finding that the application complies with each of the standards set forth below and, where applicable, any conditional standards for specific uses set forth in the provisions of a specific zoning district." The city shall not grant a Conditional Use Permit without making certain findings. The criteria required for the granting of Conditional Use Permits are listed below with proposed findings for the Planning Commission's consideration.

Criteria #1 The use is consistent with the purposes and intent of the Zoning Code and the purposes and intent of the zoning district in which the applicant intends to locate the proposed use.

Finding #1 The Zoning Code identifies the proposed use of an OPEN SALES LOT as a Conditional Use within the B-2 District. The proposed use is consistent with the intent of the zoning district.

Criteria #2 The use is in keeping with the Comprehensive Plan and the policies thereof.

Finding #2 The Comprehensive Plan Land Use Map identifies the subject site as Commercial. The Comprehensive Plan goals include promoting growth and diversification of Mora's local economy. The proposed use complies with the Comprehensive Plan designation and policies.

Criteria #3 The use will not cause undue traffic congestion or hazards.

Finding #3 (The Planning Commission will discuss to determine their finding regarding Criteria #3)

Criteria #4 The use will be adequately served by public utilities and all other necessary public facilities and services.

Finding #4 The property is served by municipal water and sewer, and other necessary public services.

Criteria #5 The structure and the site shall have an appearance that will not have an adverse effect upon adjacent properties.

Finding #5 (The Planning Commission will discuss to determine their finding regarding Criteria #5)

Criteria #6 The use will be sufficiently compatible by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

Finding #6 The proposed use of the facility and site plan does not require any screening from residentially used or zoned properties.

Criteria #7 The use will not jeopardize the public's health, safety or general welfare.

Finding #7 There is no evidence to suggest that the proposed use will jeopardize the public's health, safety or general welfare.

OPTIONS

1. Recommend approval of the Conditional Use Permit with conditions as presented or amended.
2. Recommend denial of the Conditional Use Permit, providing specific reasons for the recommendation of denial for the written record.
3. Make no recommendation at this time, deciding to either continue the public hearing for additional public comment or table the request for further consideration.

STAFF RECOMMENDATION

Staff recommends tabling the request until the May 13 Planning Commission meeting and request the applicant provide more detail and address any questions of the commission.

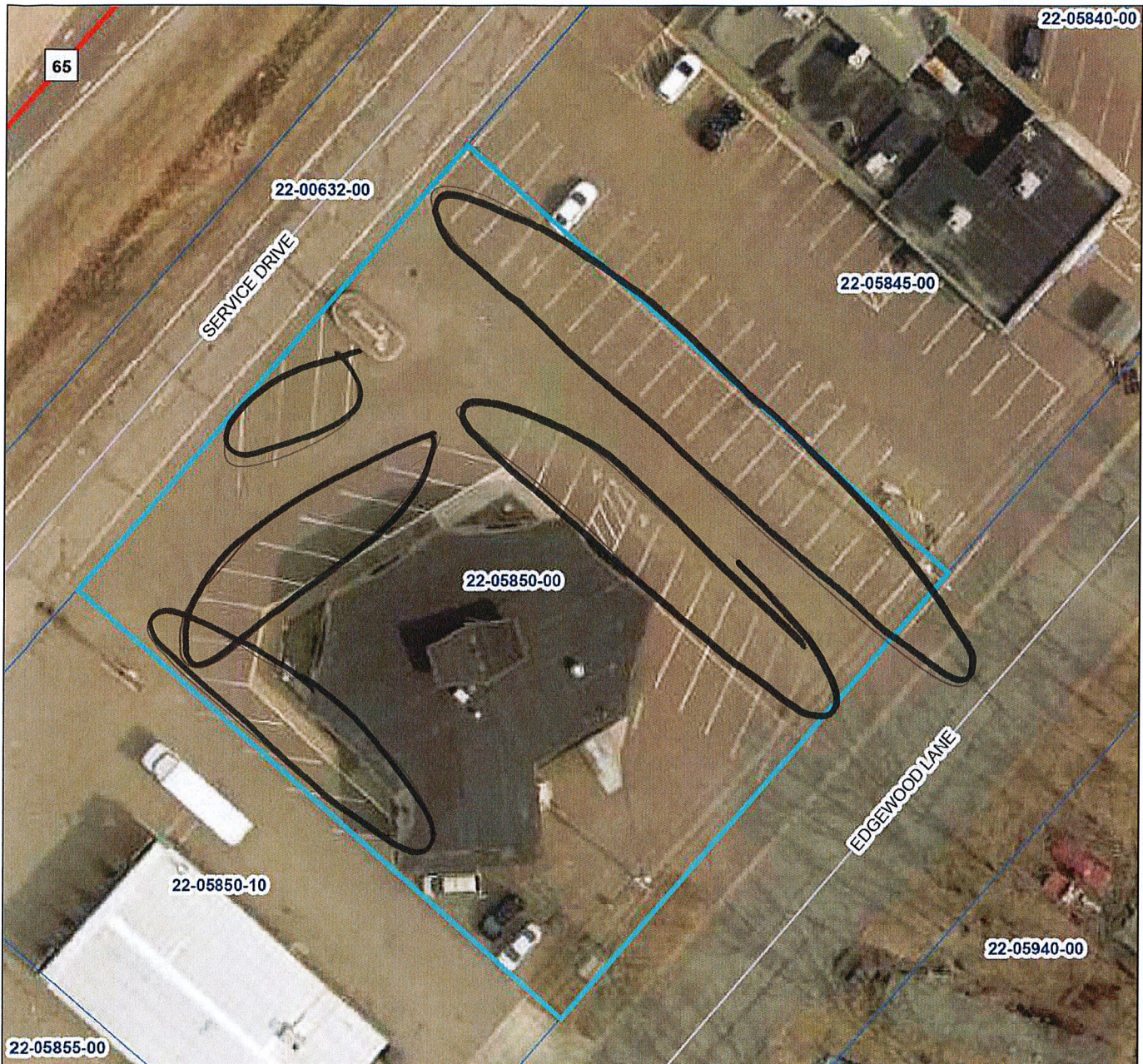
ACTION REQUESTED

Motion to table the request until the May 13 Planning Commission meeting.

ATTACHMENTS

1. Subject Property map
2. Site Plan
3. Proposed Resolution No. PC 2024-0411





Parcel ID	22-05850-00	Alternate ID	n/a	Owner Address	BRIAN GORE (C/D)
Sec/Twp/Rng	14-39-24	Class	233-Commercial Preferred		5906 BIRCH ST
Property Address	820 HWY 65	Acreage	n/a		NORTH BRANCH MN 55056
	MORA				

District 22 CITY OF MORA
Brief Tax Description VALLEY LANE ADDITION
LOTS 10 11 12 & LOT 13 EX SWLY
36' BLK 1
(Note: Not to be used on legal documents)

Date created: 3/15/2024
Last Data Uploaded: 3/15/2024 11:00:38 AM

Developed by  Schneider
GEOSPATIAL

RECEIVED

MAR 18 2024

Parking spaces
will be the spaces
rented out to vendors
for the flea market

Parking will be on Edgewood Lane, and I will put out signs directing
visitors to where to park.

RESOLUTION NO. PC2024-0411

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN *OPEN SALES LOT* TO BE
LOCATED AT 820 HIGHWAY 65 IN THE B-2 (GENERAL BUSINESS) DISTRICT AS REQUESTED BY
BRIAN GORE**

WHEREAS, Brian Gore (applicant), and MRM Investments, LLC (property owner), submitted an application dated received March 14, 2024 and considered complete on March 25, 2024 for a Conditional Use Permit to allow an *open sales lot* to be located at 820 Hwy. 65 S. in the B-2 General Business District; and

WHEREAS, the property upon which the request is being made is located at 820 Hwy. 65 S. and is legally described as:

PID 22-05850-00

Lots Ten (10), Eleven (11), and Twelve (12), and that part of Lot Thirteen (13) lying Northeasterly of the Southwesterly 36 feet of said Lot 13, as measured at right angles to and parallel with the Southwesterly line of said Lot 13, all in Block One (1), Valley Lane Addition. Kanabec County, Minnesota.

WHEREAS, notice was provided and on April 8, 2024 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Community Development Director and invited members of the public to comment; and

WHEREAS, the Planning Commission has made the following findings as required by Zoning Code §150.036 Conditional Uses, Subd. E Standards:

Criteria #1 The use is consistent with the purposes and intent of the Zoning Code and the purposes and intent of the zoning district in which the applicant intends to locate the proposed use.

Finding #1 The Zoning Code identifies the proposed use of an OPEN SALES LOT as a Conditional Use within the B-2 District. The proposed use is consistent with the intent of the zoning district.

Criteria #2 The use is in keeping with the Comprehensive Plan and the policies thereof.

Finding #2 The Comprehensive Plan Land Use Map identifies the subject site as Commercial. The Comprehensive Plan goals include promoting growth and diversification of Mora's local economy. The proposed use complies with the Comprehensive Plan designation and policies.

Criteria #3 The use will not cause undue traffic congestion or hazards.

Finding #3

Criteria #4 The use will be adequately served by public utilities and all other necessary public facilities and services.

Finding #4 The property is served by municipal water and sewer, and other necessary public services.

Criteria #5 The structure and the site shall have an appearance that will not have an adverse effect upon adjacent properties.

Finding #5

Criteria #6 The use will be sufficiently compatible by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

Finding #6 The proposed use of the facility and site plan does not require any screening from residentially used or zoned properties.

Criteria #7 The use will not jeopardize the public's health, safety or general welfare.

Finding #7 There is no evidence to suggest that the proposed use will jeopardize the public's health, safety or general welfare.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, AS FOLLOWS:

That the Planning Commission recommends approval of the Conditional Use Permit with the following conditions. Violation of any of the following conditions shall constitute grounds for revocation of the Conditional Use Permit:

1. The Conditional Use Permit shall be utilized and all conditions shall be met within one year of recording or the Conditional Use Permit shall become null and void.
2. The applicant shall apply for and obtain a building permit prior to any structural improvements.
3. The applicant shall apply for and obtain a sign permit prior to installing any new or replacement signage. Signage shall be in compliance with Zoning Code sections 150.210-150.227.
4. No persons shall be permitted to use the property as a residence; the property shall be inspected by the city prior to issuance of the CUP to ensure compliance. The city shall be allowed to continue inspections upon reasonable notice during the term of the permit.

Adopted by the Planning Commission of the City of Mora, Minnesota, this 8th day of April 2024.

Jody Anderson _____
Sheldon Shepard _____
Sara Treiber _____

Lance Strande _____
Tim Dahlberg _____

Sheldon Shepard
Chair

ATTEST:

Kirsten Faurie
Community Development Director