



Meeting Agenda  
City of Mora Planning Commission  
Monday, December 12, 2022  
5:30 PM 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:**

Jake Mathison  
Sheldon Shepard  
Sara Treiber  
Lance Strande  
VACANT

**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. Approval of Minutes**

- a. Approval of Minutes from September 12, 2022
- b. Approval of Minutes from September 26, 2022 Special Meeting

**5. Open Forum**

**6. Old Business: none**

**7. Public Hearings:**

- a. 719 Hwy 65 Rezoning Request

**8. New Business**

- a. 719 Hwy 65 Rezoning Request
- b. 2023 Planning Commission Calendar

**9. Verbal 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 regular meeting is scheduled for **5:30 p.m. Monday, January 9, 2023.**



**City of Mora Planning Commission  
Minutes  
September 12, 2022 – 5:30 pm  
Mora City Hall**

Commission Chair Jake Mathison called to order the regular meeting of the Planning Commission at 5:30 p.m. Tuesday, September 12, 2022, in the Mora City Hall council chambers.

**2. Roll call:**

Commissioners present: Jake Mathison, Sheldon Shepard, Sara Treiber, Lance Strande

Commissioners absent: None

Staff present: City Administrator Glenn Anderson, Community Development Director Kirsten Faurie

**3. Adopt Agenda:** MOTION made by Treiber, seconded by Strande and unanimously carried to adopt the agenda as presented.

**4. Approval of Minutes:** MOTION made by Shepard, seconded by Strande and unanimously carried to approve the Aug. 8, 2022 minutes as presented.

**5. Open Forum:** No one spoke during open forum

**6. Old Business:** None

**7. Public Hearings:**

- a. **706 Summit Lane Conditional Use Permit for Duplex:** Faurie introduced the background of the CUP application. Faurie explained staff met with Steve Kelling of Kelling Capital, LLC in February to discuss construction of a duplex. At the time, Staff mistakenly told Kelling the area was zoned R-3 where a duplex is a permitted use. Kelling purchased the property and began site work. Kelling requested a building permit which has not yet been issued. When staff reviewed the project in August it was discovered the site was actually in the R-1 district where duplexes are not a permitted use, but are an allowed use via a Conditional Use Permit. Staff asked Kelling to pause on the project and submit a Conditional Use Permit application.

Mathison asked how the mistake came about by city staff. Neither Anderson nor Faurie were present in the initial conversation with Kelling Capital to know exactly what took place.

At 5:37 p.m. Mathison opened the public hearing to consider the CUP request.

Erick Orton of 709 Summit Lane expressed he did not want a duplex at the site or rental.

Zachary Chaffee of 710 Summit Lane spoke and expressed concern about the site work causing water and rock to run onto his property; concerns about the building being constructed too close to his property line. Did not want a duplex there.

Michael McCormick of 610 Acorn Lane said he did not want a duplex at the site. McCormick stated rentals caused concern for him and he would rather see duplexes

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built in other areas such as nearby trailer parks.

Eric Scobee of 700 Summit Lane said he moved into the neighborhood assuming it would be a good place for him to start a family. He did not want renters; was concerned about damage to tree roots along the property line.

Zachary Chaffee questioned if the work needed a permit for watershed planning before site work began.

Steve Kelling non-verbally confirmed a question from Trieber that the proposed duplex would likely be rented.

Lorene Pletcher of 720 Summit Lane was concerned about off-street parking. Trieber informed Pletcher that the site plan included two garages. Pletcher said she didn't want a large house in the neighborhood and wanted it to stay a family area.

Irvin Erickson of 708 Acorn Lane expressed a desire to keep the area single family homes without a duplex. Erickson expressed concern about rentals and tidy external appearances. Erickson said it was his personal observation that rentals drew more law enforcement activity.

Tony Samuelson of 701 Summit Lane said it was a close-knit, family neighborhood and a rental brought trepidation. He worried construction of a duplex could negatively affect his property value.

Kathy Eklund of 703 Summit Lane spoke against construction of a duplex. She did not have a problem with rental properties, but liked that the neighborhood was quiet and was concerned a duplex would be too large for the lot.

McCormick also spoke expressing that it took time to feel comfortable with new neighbors and the turnover of renters at the duplex would cause unease.

With no other comments, Mathison closed the public hearing at 5:51 p.m.

**8. New Business:**

- a. **Conditional Use Permit: 706 Summit Lane Duplex:** Faurie told the commissioners city staff had no concerns about construction of the duplex but did suggest conditions to granting the CUP including using erosion and sediment control, and installing separate water service lines after the initial line to isolate sides of the duplex.

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Kelling described the process and stated staff was enthusiastic of new development when he first consulted with them in February. Kelling said the duplex was designed as senior housing similar to the duplexes he previously developed in St. Andrews Field on the north side of Mora. Kelling expressed a desire to develop more housing near the intersection of 9<sup>th</sup> Street and Hwy. 65.

Kelling expounded each side of the proposed duplex would be two bed, two bath and approx. 1,000 square feet. They are single level with no stairs and appeal to those 55 years of age and over.

Shepard asked if the city could legally deny the duplex and expressed a desire to keep the area single-family homes.

Treiber explained duplexes were a conditional use in the R-1 district; meaning it is an allowed use if the project meets certain criteria. Denying the CUP based on reasons outside of those criteria may open the city to legal trouble. The criteria and conditions are set by city and state zoning code.

Members of the audience had questions; Anderson asked those present to please contact him directly if they have any other questions about the duplex that he may respond to them with answers.

MOTION by Shepard to table discussion and set a special meeting for 5:30 p.m. Monday, Sept. 26, 2022. Seconded by Strande and motion carried unanimously.

Mathison thanked those who came to speak and providing feedback to the commission.

- 9. Verbal Reports:** Staff and the planning commission discussed consulting with the city attorney about if anything about the 706 Summit Lane CUP or how it may be decided could open the city to lawsuit.
- 10. Adjournment:** MOTION to adjourn by Treiber, seconded by Strande, and unanimously carried to adjourn the Planning Commission meeting at 6:30 p.m.

A special meeting of the Planning Commission will be held at 5:30 p.m. Monday, Sept. 26, 2022 for the purpose of considering the 706 Summit Lane Conditional Use Permit application for a duplex in R-1.

The next regular meeting of the Planning Commission is scheduled for 5:30 p.m. Wednesday, October 5, 2022.

**City of Mora Planning Commission  
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\_\_\_\_\_  
Commission Chair

Attest: \_\_\_\_\_  
Kirsten Faurie,  
Community Development Director

DRAFT

**City of Mora Planning Commission – SPECIAL MEETING**

**Minutes**

**September 26, 2022 – 5:30 pm**

**Mora City Hall**

Commission Chair Jake Mathison called to order the regular meeting of the Planning Commission at 5:30 p.m. Tuesday, September 26, 2022, in the Mora City Hall council chambers.

**2. Roll call:**

Commissioners present: Jake Mathison, Sheldon Shepard, Sara Treiber, Lance Strande

Commissioners absent: None

Staff present: City Administrator Glenn Anderson, Community Development Director Kirsten Faurie

**3. Adopt Agenda:** MOTION made by Treiber, seconded by Strande and unanimously carried to adopt the agenda as presented.

**4. 706 Summit Lane Conditional Use Permit for Duplex in R-1:**

The Commissioners resumed discussion of the Conditional Use Permit application to build a duplex in an R-1 district. Anderson and Faurie explained guidance from the city attorney and League of MN Cities indicated that if a CUP application satisfied the conditions set by zoning ordinance, the city had little legal basis to deny the CUP. Staff also answered questions about water runoff; erosion/sediment control conditions are included as part of the resolution.

MOTION made by Shepard, seconded by Treiber and unanimously carried to approve RESOLUTION NO. PC2022-091 recommending approval of the CUP to allow a duplex at 706 Summit Lane R-1 with the conditions as presented.

**5. Adjournment:** MOTION to adjourn by Strande, seconded by Treiber, and unanimously carried to adjourn the Planning Commission meeting at 5:38 p.m.

The next regular meeting of the Planning Commission is scheduled for 5:30 p.m. Wednesday, October 5, 2022.

\_\_\_\_\_  
Jake Mathison  
Commission Chair

Attest: \_\_\_\_\_  
Kirsten Faurie  
Community Development Director







# MEMORANDUM

TO: Planning Commission  
FROM: Kirsten Faurie, Community Development Director  
SUBJECT: Public Hearing to Consider a Rezoning Request– 719 Highway 65  
MEETING DATE: December 12, 2022

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## SUMMARY

The Planning Commission will conduct a public hearing in consideration of a request to rezone a property from B-2 General Business District to R-3 Multiple Dwelling District.

## SITE INFORMATION

Property Owners: Andrew and Teresa A. Kelling  
Applicants: Steve Kelling  
Location: 719 Highway 65  
Current Zoning: B-2 General Business District  
Proposed Zoning: R-3 Multiple Dwelling District  
Adjacent Zoning: North: B-2 General Business District  
South: R-1 Single Family Residential District  
East: B-2 General Business District  
West: R-3 Multiple Dwelling District  
2021 Comp Plan Designation: Residential/Commercial Transition  
Size of Subject Area: 3.67± Acres

## BACKGROUND INFORMATION

The property located at 719 Highway 65, is currently zoned B-2 General Business District and the property owners have requested the property be rezoned to R-3 Multiple Dwelling District. If the rezoning is approved, Steve Kelling has indicated to staff it is his intent to construct multi-family dwellings on the property. The property is adjacent to existing multi-family dwellings to the west.

Per Zoning Code § 150.038 it is the responsibility of the Planning Commission to make a recommendation and the City Council to make its determination on the request for rezoning based on the objective findings and established policies of the city. To assist the commission and council in their decision making, staff has provided proposed findings:

- Criteria #1 The proposed rezoning is consistent with the goals, objectives and policies of the Comprehensive Plan.
- Finding #1 *The 2021 Comprehensive Plan Land Use Map currently designates the subject area as “residential/commercial transition” and the proposed rezoning is consistent with this use. The proposed rezoning meets the Comprehensive Plan housing goal to “Encourage the development and maintenance of a broad variety of housing types to provide the full range of housing opportunities at different sizes, densities, and price ranges.” High and*

*medium density residential areas are generally considered compatible with major transportation thoroughfares.*

Criteria #2      The proposed rezoning is compatible with the overall character of existing development in the immediate vicinity of the affected property.

*Finding #2      Existing multi-family development immediately to the west, and R-1 Single Family Residential zoning to the south makes the proposed rezoning compatible with the character of the surrounding area.*

Criteria #3      The proposed rezoning will not have an adverse effect on the value of adjacent properties.

*Finding #3      There is no evidence to suggest that the proposed rezoning will have any adverse effect on the value of adjacent properties.*

Criteria #4      The subject area proposed for rezoning is adequately served by public facilities and services.

*Finding #4      The subject area is currently served by municipal water, sewer, electric and all other public facilities and services.*

A public hearing notice was published in the Kanabec County Times on December 1<sup>st</sup> and 8<sup>th</sup>, and notices were sent to all property owners within 350' of the subject properties. Staff received one phone call with concerns if development would have a negative environmental impact on the low lands to the south; staff did not receive any written opposition to the request as of December 9, 2022.

#### OPTIONS & IMPACTS

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1. Recommend approval of the rezoning
2. Recommend denial of the rezoning
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. The review period for this request expires on January 20, 2023.

#### RECOMMENDATION

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Motion to recommend approval of the rezoning of 719 Highway 65 from B-2 General Business District to R-3 Multiple Dwelling District.

#### ATTACHMENTS

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1. Location map
2. Resolution No. PC2022-1201







RESOLUTION NO. PC2022-1201

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,  
RECOMMENDING APPROVAL OF THE REZONING OF 719 HIGHWAY 65 FROM B-2 GENERAL BUSINESS  
DISTRICT TO R-3 MULTIPLE DWELLING DISTRICT AS REQUESTED BY THE PROPERTY OWNERS**

WHEREAS, Andrew and Teresa A. Kelling, property owners, and Steve Kelling, applicant, submitted an application dated received November 10, 2022 and considered complete on November 21, 2022 for the rezoning of one property from B-2 General Business District to R-3 Multiple Dwelling District; and

WHEREAS, the subject site is located at 719 Highway 65; and

WHEREAS, the subject site, with adjacent public right-of-way, is 3.67± acres in size and includes properties legally described as:

*PID 22.00310.50  
The East 330 feet of the North 485 feet of the Southeast Quarter of the  
Northeast Quarter (SE 1 /4 of NE 1/4)  
Section 11, Township 39, Range 24,  
Kanabec County, Minnesota*

WHEREAS, notice was provided and on December 12, 2022, 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 considered several criteria for rezoning and made the following findings:

- |             |   |
|-------------|---|
| Criteria #1 | The proposed rezoning is consistent with the goals, objectives and policies of the Comprehensive Plan.  |
| Finding #1  | <i>The 2021 Comprehensive Plan Land Use Map currently designates the subject area as “residential/commercial transition” and the proposed rezoning is consistent with this use. The proposed rezoning meets the Comprehensive Plan housing goal to “Encourage the development and maintenance of a broad variety of housing types to provide the full range of housing opportunities at different sizes, densities, and price ranges.” High and medium density residential areas are generally considered compatible with major transportation thoroughfares.</i> |
| Criteria #2 | The proposed rezoning is compatible with the overall character of existing development in the immediate vicinity of the affected property.  |
| Finding #2  | <i>Existing multi-family development immediately to the west, and R-1 Single Family Residential zoning to the south makes the proposed rezoning compatible with the character of the surrounding area.</i>  |
| Criteria #3 | The proposed rezoning will not have an adverse effect on the value of adjacent properties.  |
| Finding #3  | <i>There is no evidence to suggest that the proposed rezoning will have any adverse effect on the value of adjacent properties.</i>   |

Criteria #4      The subject area proposed for rezoning is adequately served by public facilities and services.

*Finding #4      The subject area is currently served by municipal water, sewer, electric and all other public facilities and services.*

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, that the Planning Commission hereby recommends approval of the rezoning of 719 Highway 65 from B-2 General Business District to R-3 Multiple Dwelling District as requested by the property owners.

Adopted by the Planning Commission of the City of Mora, Minnesota,  
this 12<sup>th</sup> day of December, 2022.

Sheldon Shepard      \_\_\_\_\_  
Lance Strande        \_\_\_\_\_  
Jake Mathison        \_\_\_\_\_

Sara Treiber            \_\_\_\_\_  
(Vacant)                \_\_\_\_\_

\_\_\_\_\_  
Jake Mathison  
Chair

ATTEST: \_\_\_\_\_  
Kirsten Faurie  
Community Development Director





## City of Mora Planning Commission

### 2023 Meeting Schedule

Meetings will be held at 5:30 p.m. on the Monday before the second Tuesday of each month unless otherwise specified with an asterisk.

(Land Use Application Deadlines shown in grey- generally Fridays unless otherwise specified)

# 2023

#### January 9

December 22

#### February 13

January 27

#### March 13

February 24

#### April 10

March 24

#### May 8

April 21

#### June 12

May 26

#### July 10

June 23

#### August 7

July 21

#### September 11

August 25

#### October 2\*

(moved due to Columbus Day/Indigenous Peoples' Day)

September 15

#### November 13

October 27

#### December 11

November 24

#### JANUARY

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#### FEBRUARY

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#### MARCH

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#### APRIL

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#### SEPTEMBER

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#### OCTOBER

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#### NOVEMBER

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#### DECEMBER

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Adopted: 11/\_\_/22