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**The meeting was held in-person, with participation via Zoom also available.**

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Doug Parker, Justin Sykora, Christian Dawson, Sally Doherty, Roger Bowman. Absent were James Langan, Scott Patten, Kuchen Hale (excused). A quorum was present.  
**ALSO IN ATTENDANCE** – City Administrator Ron Moorse, City Clerk Julie Yoho
4. **APPROVAL OF AGENDA** –  
**Motion/Second Parker/Sykora To approve the agenda for the October 4, 2021 Planning Commission meeting. Passed 6-0.**
5. **APPROVAL OF MINUTES** –  
**A. Motion/Second Parker/Sykora to approve the minutes of the August 30, 2021 Planning Commission meeting. Passed 5-0-1 (Bowman abstain).**
6. **REPORTS AND PRESENTATIONS** - None
7. **PUBLIC HEARINGS** –
  - A. Jan Woodfill Variance at 4242 River Road  
Chair Kopitzke opened the public hearing at 7:04 pm.  
Administrator Moorse provided a summary: The application is to enable an addition to the house over a portion of the existing garage. The property currently has a two-story house that is substandard in terms of its setback from River Road and its setback from the Ordinary High Water Line (OHWL) of the St. Croix River. The house backs up to a long steep slope. The proposal does not require grading or vegetation removal and does not change the setbacks of the house. The existing house is a two story house with a one-story garage. The applicant is proposing a 12-foot wide expansion of the second floor of the house above a portion of the garage. The expansion would not be any closer to River Road or to the OHWL of the St. Croix River, and the height of the addition would not exceed the existing height of the house.  
Jan Woodfill, applicant, stated that there will be no vegetation cutting, no excavation. She provided photos taken from the river to show the amount of tree cover at the home. The house is not visible from the river.  
No other comments were received  
**Motion/Second Bowman/Parker to close public hearing. All aye, Passed 6-0.**  
Public hearing closed at 7:07pm.  
Chair Kopitzke stated the variance is a minimal request. The applicant noted the setback hasn't changed since 1941.  
**Motion/Second Doherty/Kopitzke to recommend approval of the variance application at 4242 River Road with findings and conditions listed. All aye, passed 6-0.**  
**Findings**
    1. The subject property and surrounding properties are zoned Rural Residential and are in the Lower St. Croix Bluffland and Shoreland Management Overlay District
    2. The existing house is substandard in terms of its setbacks from the centerline of River Road and from the OHWL of the St. Croix River
    3. The proposed addition would be located within the existing setbacks
    4. The house backs up to a steep bluff
    5. The unique and difficult characteristics of the site were not caused by the property owner.
    6. The proposal would not disrupt the existing natural vegetation
    7. With the proposed addition, the house will not be increased in height, which is below the 35 foot maximum allowed height.**Conditions**

- 59 1. The addition shall be constructed according to the plans provided with the variance application,  
60 subject to revisions as required or approved by the City.
- 61 2. Existing vegetative screening shall be maintained.
- 62 3. The setback variance granted shall be the actual setback from the existing residence to the  
63 centerline of River Road and to the OHWL of the St. Croix River.

64  
65 B. Rise Conditional User Permit application

66 Chair Kopitzke opened the public hearing at 7:11 pm.

67 The application is for a conditional use permit for a cooperative warehousing use on lots 4 and 5 of the  
68 new Afton Business Park subdivision.

69 Bob Kirmis, City Planner, provided more information about the amendment regulating this activity.  
70 According to the Zoning Ordinance, “cooperative commercial warehousing” is a type of warehousing  
71 which serves only commercial businesses and provides commercial storage space greater than 350 square  
72 feet and up to 10,000 square feet. The Ordinance further states that such use provides amenities which  
73 are suitable for business operations and includes, but is not limited to, electricity, lights, climate control  
74 and a minimum 10 percent office space requirement.

75 The proposed cooperative commercial warehousing facility is to be constructed in two phases. In total, 12  
76 buildings and 129 storage units within such buildings are proposed. Phase 1 is to be comprised of seven  
77 buildings and 86 total storage units while Phase 2 development includes five buildings and 43 units.

78 The two lots which comprise the subject site overlay 11.02 acres of land. The western 240 feet of Lot 5,  
79 the south lot, lies within the Floodplain Overlay District. The western boundary of Lot 5 also borders a  
80 wetland.

81 The subject site is zoned I-IC, Light Industrial. According to the Zoning Ordinance, “warehousing” is  
82 allowed in the City’s industrial zoning districts subject to conditional use permit processing. According  
83 to a recently approved Zoning Ordinance amendment, “cooperative commercial warehousing,” such as  
84 that proposed by the applicant is, by definition, a type of warehousing and therefore allowed in the I-1C  
85 zoning district by conditional use permit.

86 Doherty asked if the applicant is in agreement with the 20 conditions listed.

87 Administrator Moore replied that they are willing to work any of them.

88 Parker asked if the fire dept has been consulted. Are there limits on what can be stored there?

89 Administrator Moore stated the fire dept. will be consulted prior to council meeting. Code covers  
90 materials that can be stored

91 Alan K, engineer for applicant, stated he has been in discussion with Ron over the conditions mentioned,  
92 no issues with them.

93 Resident asked about chain link fencing. Could it be more attractive.

94 No other comments were received.

95 **Motion/Second Parker/Doherty to close public hearing. Passed 6-0.**

96 Hearing closed at 7:25 pm.

97 Sykora asked about the septic system, it is small and will have to be pumped to front of property.

98 Alan replied that not each building has a bathroom, septic is located where the best soils are. Final design  
99 still to be determined.

100 Doherty asked if there are set hours for use? Is there security in off hours?

101 Jeremy Haynes, applicant rep, stated security is via video camera. From 8:00 – 5:00 will have staff  
102 present. The office is accessible to tenants.

103 Doherty would like to set hours for activity on site so that they are not disruptive. Would like to have the  
104 applicants propose hours for city review.

105 Kopitzke asked about condition 5 to prohibit independent business.

106 Bob Kirmis stated the intent of the industrial zone is not a mall of businesses.

107 Alan stated that these most likely are all independent businesses.

108 Administrator Moore stated that retail is not allowed; office or warehouse is. Clarify language.

109 Sykora stated he would like to see no turf, encourage native landscaping.

110 Dawson asked about location of fencing. (Goes around pavement, screening on outside of fence)

111 Doherty would like a condition to specify hours of use and operation. Doesn’t want a surprise.

112 Bowman noted there are several trucking yards and industrial buildings in that area. Have we had  
113 complaints? (No)  
114 Jeremy Hynes stated they generally don't have much activity at night, most are during business hours  
115 across their other sites.

116 Sykora would add to favor native plants, no irrigation, native to region preferred.  
117 Kopitzke prior to approval of CUP applicant provide information on hours of operation and access.  
118 Moose will request prior to council meeting to have the information for review.

119 **Motion/Second Kopitzke/Sykora to recommend approval of the Rise conditional use permit**  
120 **application at lots 4 and 5 of the new Afton Business Park subdivision, including the vacation of the**  
121 **drainage and utility easement that overlays the shared property line between lots 4 and 5, which are**  
122 **to be combined. With recommendations listed below; and add text requiring native landscaping;**  
123 **add item "applicant to provide information on hours of use and site functions prior to the next**  
124 **council meeting".**

- 125 1. Prior to the recording of the conditional use permit, Lots 4 and 5, Block 1 of the Afton Business  
126 Park subdivision which comprise the subject site shall be legally combined into a single parcel  
127 of land. The applicant shall provide proof of the required lot combination from Washington  
128 County in the form of a completed County lot combination application and a survey which  
129 illustrates the combined parcels.
- 130 2. Prior to the recording of the conditional use permit, the drainage and utility easement which  
131 overlays the shared property line between Lots 4 and 5, Block 1 of the Afton Business Park  
132 subdivision shall be vacated.
- 133 3. The applicant shall provide additional information related to site functioning and business  
134 operations (amenities, possible 24-hour staffing, security measures etc.).
- 135 4. Buildings within the warehousing facility shall only provide commercial storage space for  
136 commercial businesses. Residential "self-storage" is prohibited.
- 137 5. No active, independent business uses shall be conducted within the warehousing facility.
- 138 6. A minimum of 10 percent of the proposed total building area in the warehousing facility shall  
139 be devoted to office space.
- 140 7. The City Engineer shall determine that the proposed driveway location and width are  
141 acceptable.
- 142 8. Vegetation within buffer yards shall not be dependent upon irrigation (in order to maintain  
143 plant health).
- 144 9. The Lower Saint Croix Valley *Fire Department shall determine that the proposed building*  
145 *separation distances are acceptable.*
- 146 10. Individual storage spaces within the warehousing facility shall be greater than 350 square feet  
147 in size and not exceed 10,000 square feet.
- 148 11. The applicant shall clarify the intended height of the proposed chain link perimeter fencing.  
149 The height of such fencing shall not exceed six feet.
- 150 12. All signs to be erected upon the site shall comply with the applicable sign provisions of the  
151 City's Zoning Ordinance (Sections 12-210, 12-211 and 12-212).
- 152 13. At the terminus of the two dead end parking lots, designated vehicle turnaround areas shall be  
153 provided.
- 154 14. Building exteriors shall be finished in an exterior insulated finishing system (EIFS) or insulated  
155 metal wall panels with an appearance similar to EIFS, on the sides without overhead doors.
- 156 15. The submitted building elevations shall be modified to specify proposed exterior finish  
157 materials (in compliance with the preceding building material requirements as provided in the  
158 Ordinance).
- 159 16. Sample building elevations "in color" shall be provided which illustrate intended finish material  
160 colors.
- 161 17. If the exterior trash container area is to be the sole location for the collection of waste on the  
162 site, it shall be constructed as part of Phase 1 development. Alternatively, the applicant may  
163 provide an interim Phase 1 trash collection plan which is subject to review and approval by the  
164 City.

- 165 18. A photometric lighting plan shall be submitted which demonstrates compliance with the  
166 following requirements:  
167 A. Any light fixture intended to illuminate the site shall contain a cutoff which directs the  
168 light at an angle of ninety (90) degrees or less. Exposure of the light source shall not  
169 be permitted in view of adjacent property or public right-of-way.  
170 B. The maximum height above the ground grade for light fixtures mounted on a pole is  
171 twenty-five (25 feet).  
172 C. No light sources shall be located on the roof unless said light enhances the architectural  
173 features of the building and is approved by the Zoning Administrator.  
174 19. No outside storage of vehicles, equipment or materials shall be allowed upon the subject site.  
175 20. Issues related to stormwater management shall be subject to comment and recommendation by  
176 the City Engineer.  
177 21. Issues related to wetland impacts shall be subject to comment and recommendation by the City  
178 Engineer and the Valley Branch Watershed District.  
179 22. Issues related to grading, drainage and utilities shall be subject to comment and  
180 recommendation by the City Engineer.  
181 23. Comments of other City Staff.

182 **Passed 6-0**

183  
184 C. Andrew Talbott application for an Amendment to Zoning Code

185 Chair Kopitzke opened the public hearing at 7:54 pm

186 Moose provided a summary of the application: The Talbott's operate a produce farm on their 20-acre  
187 property at 13197 10<sup>th</sup> Street. They sell their produce through a CSA. They have requested an ordinance  
188 amendment to enable them to have a commercial kitchen in their accessory building so they can produce  
189 value-added agricultural products such as preserves and salsa, using the produce grown on their farm.  
190 The ordinance amendment allows a farm kitchen as a permitted accessory use to a farm, adds definitions  
191 of "Farm Kitchen, Accessory" and "Value-Added Agricultural Product", and provides performance  
192 standards for a Farm Kitchen, Accessory.

193 Andrew Talbott, applicant, was present for questions.

194 Alisa Lenzo, neighbor to back of property. Would like to know if there will be any smells or noises from  
195 this.

196 Andrew Talbott replied there will be no heavy equipment or smells.

197 Paula Nevaro other neighbor to the back, asked if items will be sold at the property.

198 Andrew Talbott replied yes, through the CSA, no more traffic than there currently is.

199 **Motion/Second Bowman/Doherty to close the public hearing. Passed 6-0.**

200 Hearing closed at 8:00pm

201 Bowman suggested revising item #1 to limit to what is being processed to what is grown on Afton  
202 property – clarify the language.

203 Doherty suggested under "definitions" strike the "waste" portion; under accessory item #1 strike  
204 "percentage"; add "key ingredients grown on Afton property". Would like it to be inclusive and general .

205 Bob Kirmis suggested "majority of food prepared shall be grown on the farm".

206 Doherty roadside farm stand is defined already, and requires an Administrative Permit (capitalize in text).

207 Dawson stated that if this is allowed in FF, a 1000' kitchen could be more impactful on 5 acres than 20.

208 Administrator Moose stated this property is in RR as an accessory to a farm.

209 Doherty asked where the sq foot number came from.

210 Moose stated the size of the proposed kitchen is 450 sq ft.

211 Doherty would like to strike size; why limit.

212 Moose stated the larger it gets, the greater the impacts. If larger we can require a conditional use permit.

213 Doherty stated she would like to have flexibility for the farm to do what they want to do, while allowing  
214 the city to address items if there is a problem.

215 Moose permitted use as an accessory if under 1200 sq ft.; if it is larger, require a CUP.

216 Sykora would like to have a percentage in the language in regards to Afton grown ingredients. .

217 Doherty suggested language "majority of foods prepared shall include ingredients grown in Afton".

218 **Motion/Second Doherty/Sykora to recommend approval of the Andrew Talbott application for a**  
219 **Zoning Code amendment to allow a farm kitchen as an accessory use to a farm, with**  
220 **changes/additions of items as discussed:**  
221 - **Strike percentage and add “majority of foods prepared shall include ingredients grown in**  
222 **Afton”.**  
223 - **strike “waste” under definitions.**  
224 **Passed 6-0.**  
225

226 D. Floodplain Ordinance Amendment

227 Chair Kopitzke opened the public hearing at 8:35pm

228 Administrator Moorse explained the process: The upgrade of the flood levee in the downtown Old Village  
229 area now provides flood protection beyond the 100 year flood level. When the levee was certified by the  
230 Army Corps of Engineers, the City applied to the Federal Emergency Management Agency (FEMA) for a  
231 Letter of Map Revision to revise FEMA’s floodplain map to no longer show the properties now protected  
232 by the levee as being in the 100 year floodplain. FEMA has now approved the Letter of Map Revision.  
233 This means these properties are no longer required to obtain flood insurance, and if they choose to obtain  
234 flood insurance the cost is much lower. The final step in implementing the Letter of Map Revision is an  
235 amendment to the City’s floodplain ordinance to reflect the Letter of Map Revision. The ordinance  
236 amendment also includes minor language updates to correct a cross reference and delete archaic language  
237 regarding flood proofing requirements.

238 Kim Myers, asked about proposed house and if it would be located on the levee. How does this impact  
239 that building site.

240 Administrator Moorse stated the building site is not on the levee, but the Corps has concerns about house  
241 being that close to levee and Kells creek. The concern was how they could access the levee to repair if  
242 needed. The house location is not part of levee, but impacts space to get in there.

243 No other comments were received

244 **Motion/Second Doherty/Parker to close the public hearing. All aye, Passed 6-0.**

245 Public hearing closed at 8:47pm

246 Bowman asked if we want to do the whole village.

247 Sykora stated that by doing this, we allow people a choice to have flood insurance, and lower rates if they  
248 chose to have it.

249 Bowman stated he is concerned about future development changing because its no longer considered  
250 floodplain.

251 Parker stated he is concerned about the house potentially being built there if it impacts FEMA’s decision  
252 to certify that portion of the levee.

253 Dawson noted this item is for approval of the map revision.

254 **Motion/Second Doherty/Sykora to recommend approving the Floodplain Ordinance Amendment to**  
255 **reflect the approval of a Letter Of Map Revision by FEMA. Passed 5-1 (Parker nay).**  
256

257 **8. NEW BUSINESS –**

258 A. Expiration/Extension of member terms

259 Administrator Moorse stated that six members have expired terms. They can serve until replaced or  
260 reappointed or request to be removed from the commission.

261 Sykora asked about attendance and noted the importance of commitment.  
262

263 Chair Kopitzke requested that when there are ordinance amendments and changes, the commission would  
264 like to have more review time and see twice.

265 Bob Kirmis stated it is common to have a planning commission look at a draft, then develop for a public  
266 hearing.  
267

268 **9. OLD BUSINESS –**

269 A. Update on City Council actions

270 Administrative Moorse provided a summary of the September 21, 2021 City Council meeting.

271  
272 **10. ADJOURN**  
273 **Motion/Second Dawson/Parker To adjourn. Roll call: all aye, Passed 6-0.**

274  
275 Meeting adjourned at 9:12 pm

276  
277  
278 Respectfully submitted by:

279  
280 JY  
281 Julie Yoho, City Clerk

282  
283  
284 To be approved on November 1, 2021 as (check one): Presented:  X  or Amended: \_\_\_\_\_

285  
286