

**CLEARWATER PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 16, 2024**

Call to Order: 7:00 p.m. at Clearwater City Hall/Pledge of Allegiance/Roll Call

- Chair Schindele called the Clearwater Planning Commission meeting to order Monday, September 16, 2024, at 7:00 p.m. in the Council Chambers. The Pledge of Allegiance was recited. Members present were Schindele, Thomes, Mol, Luhmann, and Scott. A quorum was present. Other attendees included City Planner Kevin Shay, City Administrator Annita Smythe, and other members of the public.

1. Approval of Agenda

- **MOTION** by Scott to approve Agenda as presented, seconded by Luhmann, all voted aye. **MOTION CARRIED.**

2. Approval of Minutes from April 15, 2024 Special Joint Meeting

- **MOTION** by Luhmann to approve the minutes as presented, seconded by Thomes, all voted aye. **MOTION CARRIED.**

3. Approval of Minutes from April 15, 2024 Regular Meeting

- **MOTION** by Thomes to approve the minutes as presented, seconded by Scott, all voted aye. **MOTION CARRIED.**

4. City Code Text Amendment for Fencing

a. Staff Memo

- Administrator Smythe summarized her staff memo, explaining the proposed text amendment and the reasons the applicant is requesting this amendment.

b. Public Hearing

- Chair Schindele opened the public hearing at 7:03 p.m.
- Applicant Renae Kelly explained that she owns a vacant lot next to Spring Street Park. Because of the proximity to the park, people are trespassing on her property to cut through to the park from Main Street. These include children on foot and sometimes people on ATVs, which is causing a safety hazard for her family. She had removed the old house that was formerly on the property due to its age and poor condition.
- There were no comments from the public.
- Public hearing was closed at 7:06 p.m.

c. Committee Discussion and Consideration of Draft Ordinance 2024-07

- Member Scott stated he was confused by this request and noted it was too bad the house was torn down before the fence went up. Smythe noted that, per the city attorney, authorization for accessory uses ends when the principal use is removed, so the timing doesn't really solve the issue.
- Member Luhmann stated she understands the concerns, but if the amendment applies city-wide, the city could end up with fences everywhere. Member Mol asked her to articulate why this is a concern. Luhmann explained that there were reasons for the original ordinance and the city didn't want fences everywhere around vacant lots.

- Member Thomes asked if the property could be fenced if owned by the property next door. Smythe explained that the land next door has a different owner and that this and other options had been explored first.
- Chair Schindele noted the same concern as Luhmann, and stated there would be fences all over the place.
- Member Luhmann pointed out that the city had spent a lot of time over the last few years working on the fence ordinance and thought it should remain intact.
- Member Thomes stated she understands the need and would also be concerned about trespassers on the property.
- Member Mol stated he didn't see an issue so long as all other fence ordinance provisions were followed.
- d. Resolution PZ24-03 – Recommendation on Ordinance 2024-07**
- **MOTION** by Luhmann to recommend against adopting Ordinance 2024-07, seconded by Scott. Voting aye – Luhmann, Scott, Schindele. Voting nay – Thomes, Mol. **MOTION CARRIED 3-2.**
- The stated findings against the application were that it opens the door for all vacant lots to have fencing.

5. Cannabis Amendments to City Code

a. Staff Memo

- Smythe explained the purpose of the proposed ordinance and provided some background on the new state laws. She referred Members to the city attorney's report for more details.

b. City Attorney Report

- The city attorney's report was included in the materials and explained the different types of cannabis products that the proposed ordinance would regulate.

c. Public Hearing

- Chair Schindele opened the public hearing for the zoning portion of the proposed ordinance at 7:18 p.m.
- Resident Butch Donat asked why the city is considering this ordinance now instead of in January 2025, noting that there are still some "dry" townships for liquor. Smythe explained that the city council had directed staff to complete an ordinance as soon as feasible and that state law allows some early-adopter groups to apply for licensing right now.
- An unknown resident suggested that the ordinance include a buffer zone around churches. Smythe noted that the city attorney had included in the ordinance all of the buffers outlined in the statute. She is not sure if additional ones can be added. She also pointed out that the state law does not allow the city to ban legal cannabis products.
- Smythe further explained that the city council wanted to allow businesses to offer legal products, and that the city may benefit due to the local option sales tax. Member Luhmann added that the city council also wanted to have regulations that limit where cannabis activities can occur. Without the ordinance, there are no limits.
- Member Scott asked if the ordinance could be tabled until an answer could be obtained about a buffer around churches.
- Business owner Lori Johnson asked why the city would want to limit the opportunities of their local businesses, noted that cannabis products are highly regulated, must follow strict rules outlined by the state, and must obtain licensing from the state. She stated businesses that follow the rules should have a right to be open.

- City Planner Shay also pointed out that the ordinance makes cannabis a conditional use, so each applicant would have to first come before the Planning Commission before opening.
- Resident Donat stated he is also concerned about lounges. There was a side discussion about how lounges would operate.
- Public hearing was closed at 7:25 p.m.
- d. Committee Discussion and Consideration of Draft Ordinance 2024-08**
- Member Scott reiterated his request to add a buffer for churches. Planner Shay stated that the board could add that as a suggested change subject to the city attorney weighing in on whether it's allowed.
- Member Scott asked where lounges would be. It was explained that they would be similar to a bar, where users could gather in a place where cannabis is allowed per statute.
- e. Resolution PZ24-04 – Recommendation on Ordinance 2024-08**
- **MOTION** by Luhmann to recommend approval of Ordinance 2024-08 without any changes, seconded by Thomes.
- Member Mol asked if personal users would be impacted by the ordinance. It was explained that the ordinance only regulates business users.
- Voting aye – Luhmann, Thomes, Mol, Schindele. Voting nay – Scott. **MOTION CARRIED 4-1.**

6. Preliminary Plat - JCubed

a. City Planner Memo

- Member Scott asked where the sewer connection is located. Jeff Madejczyk on behalf of developer stated that the water and sewer connections are both along the northwest property line.
- City Planner Shay outlined the project, explaining that the request is for a plat to subdivide Outlot A into 6 lots. There is no site plan submitted yet, and plat approval includes the condition that the site plans also require separate approval. Lot sizes and proposed setbacks are consistent with city code requirements.
- Administrator Smythe explained that there is also a city stormwater pond proposed as part of the project, which allows the city to manage it under the Wellhead Protection Plan. Member Scott asked if it was lined. Mr. Madejczyk stated that it would be lined.

b. Public Hearing

- Chair Schindele opened the public hearing at 7:36 p.m.
- An area resident stated that he didn't receive mailed notice of the proposed plat. Staff confirmed that his property is located outside of the 350 foot notice area.
- A resident asked if the lots would be sold. Developer Jeff Johnson stated that some of the lots would be sold for commercial development.
- Someone asked why this property could have an access on T.H. 24 when the cold storage project was not allowed one. Smythe explained that MnDot's access control begins south of County Road 7. This property does not have access control, however, the access would only be a right-in/right-out only access, per MnDot's comments.
- Someone had questions about the T.H. 24 project. They were referred to MnDot's project manager.
- Developer Lori Johnson noted that there is also a trail easement on the property for the city's proposed trail.
- Audience members had questions about what type of businesses would go there. The developers explained that it is planned for commercial/retail businesses. There are deed

restrictions from Kwik Trip that place some limits, however, the plan is to determine what businesses are needed for the community. Smythe noted that the property is zoned C4 – Highway Commercial, which includes businesses that benefit from highway access, such as retail businesses.

– The public hearing was closed at 7:45 p.m.

c. Committee Discussion and Consideration of Preliminary Plat – Jcubed

– Member Luhmann favors the proposal.

– Member Thomes stated she preferred this proposal with six free-standing lots over a strip-mall.

– Member Mol referenced the Comprehensive Plan, and stated it would be nice to grow the retail business sector south of I94 so families could access businesses without having to cross the bridge.

d. Resolution PZ24-05 – Recommendation on Preliminary Plat – Jcubed

– **MOTION** by Luhmann to recommend approval of Resolution PZ24-05, seconded by Mol, all voted aye. **MOTION CARRIED.**

7. Next Meeting Date – Monday, October 21, 2024 at 7:00 p.m. (tentative)

– The board is tentatively scheduled to meet Monday, October 21, 2024, at 7:00 p.m. The board will not meet if there are no items to discuss.

8. Adjournment

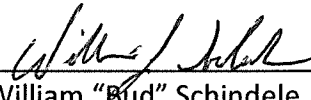
– **MOTION** to adjourn by Luhmann, seconded by Thomes, all voted aye. **MOTION CARRIED.** Meeting adjourned at 7:48 p.m.

ATTEST



Annita M. Smythe
City Administrator/Zoning Administrator

APPROVED



William "Bud" Schindele
Planning Commission Chair