

**WORKSESSION  
AGENDA REPORT**  
Agenda Item #2

**TO:** Joe Kohlmann, City Administrator  
**FROM:** Kate Thunstrom, Community Development Director  
**SUBJECT:** Zoning Code Amendment, Interim Use Permit (IUP) Ryan Sunram  
**DATE:** September 14, 2021

---

**TWO ITEMS BEING CONSIDERED:**

1. A Zoning Code Amendment.
  - a. This would add the Agritourism in the Business Park (BPK) Zoning district as an interim use.
  - b. There are two BPK districts in the City. The property in question and property along 233-235<sup>th</sup> and St. Francis Blvd
  - c. BPK districts were specifically selected in relationship to Hwy access, land size and availability, location to public infrastructure and ability to extend infrastructure.
  
2. IF the Zoning Code is Amended then the IUP is considered
  - a. IUP application for Agritourism has been requested.
  - b. It is being considered for a time of 5 years then would be required to request again
  - c. Types of activities proposed: Sunflowers, pumpkin patch, petting zoo, food trucks, farmers market, light show
  - d. Application deadline for a decision is October 12, 2021

**CONCERNS AND QUESTIONS ON IUP (IUP #'s from attachment and in Staff report):**

1. **Porta Potties**
  - a. **Concern: Smell, how often they will be cleaned, people not using them or not enough of them available**
  - b. IUP #9 Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
  - c. IUP #15 The permanent porta potty remaining on the site shall be serviced at least once per week.
  
2. **Hwy 47**
  - a. **Concern: traffic staging, 241<sup>st</sup> intersection and left-hand turns, controls, speed**
  - b. IUP #6 The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
  - c. Response: MnDOT has determined this type of use should not substantially affect MN 47.

### 3. 241<sup>st</sup> Avenue

- a. **Concern: Dust, maintenance, condition, parking, staging, headlights, safety for children coming from school busses.**
- b. IUP #5 The proposed use shall not negatively affect traffic flow on 241stAve NW. If it does, the applicant shall address the issue immediately to the City's satisfaction.
- c. IUP #6 The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
- d. IUP #7 Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.

### 4. Overflow traffic

- a. **Concern: parking on 241<sup>st</sup>, using driveways to turn around**
- b. IUP #3 A turnaround large enough to accommodate emergency vehicles should be provided at the end of the gravel driveway.
- c. IUP #4 All vehicle parking should be accommodated internally – no parking along 241st Ave NW is permitted.

### 5. Parking lot headlights

- a. **Concern: lights will shine into residential windows**
- b. IUP- as part of site plan applicant has agreed to build a berm with tree plantings to assist in breaking up lighting.

### 6. Lighting

- a. **Concern: lights and glare in residential property**
- b. IUP #8 Outdoor lighting serving the site shall be dark sky compliant and shall comply with the regulations listed in Section 10-71-04 Exterior Lighting.

### 7. Hours of Operation

- a. **Concern: hours of operation will be to late into the evening, keep noise and issues in area later than residents want**
- b. IUP #2 Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year's Eve.

### 8. Signage

- a. **Concern: people will not know what do to, where to go or how to move about the project**
- b. IUP #14 A plan for seasonal directional signs shall be administratively approved.



**9. Noise**

- a. **Concern: late or loud music**
- b. IUP# 17 The applicant shall establish a plan to have on file with the IUP that provides for a proactive response to nuisance-related complaints.
- c. IUP #2 Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year's Eve.

**10. Electrical needs**

- a. **Concern: that generators will be used**
- b. Applicant intends on bringing in electrical service

**11. Garbage**

- a. **Concern: garbage will stink and blow around**
- b. IUP #11 The operator shall remove waste and litter and dispose of gray water regularly so as to not become a nuisance. Public trash cans shall not be used to dispose of waste generated by the operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.

**12. Gate and Security on property**

- a. Concern: that people will be on site all year with no purpose to be there.
- b. IUP: applicant has identified that he intends to build a gate to prevent people from being onsite outside of activities.

**13. Concerns of Safety in Neighborhood**

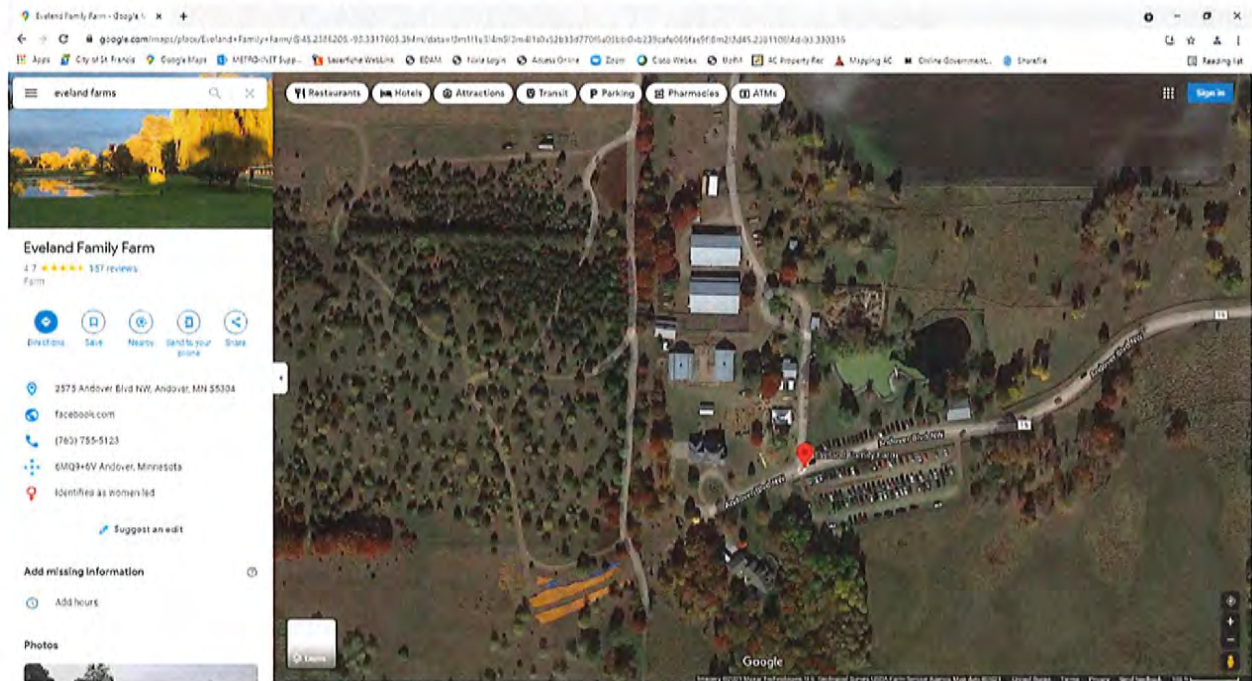
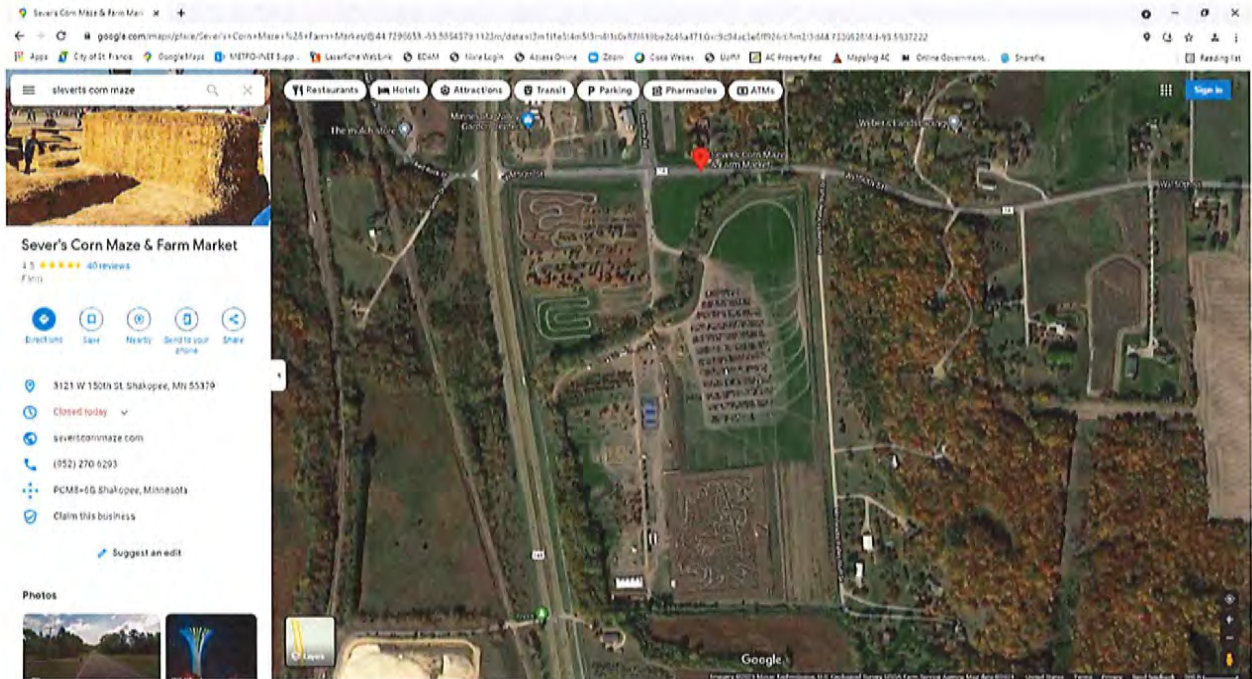
- a. Concern: people will wonder onto other properties, bring unknown people into the area, jeopardize overall safety.
- b. IUP: Rapid Response plan, contact 911

**14. Rapid Response Plan**

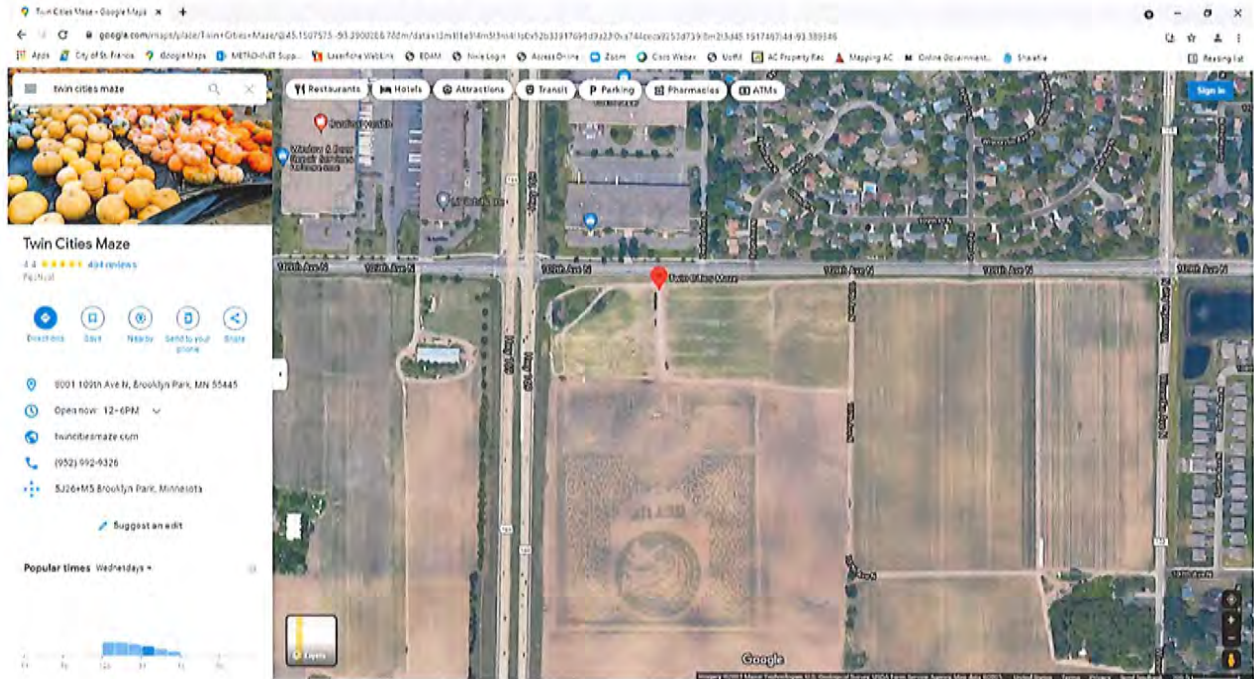
- a. **Concern: who to call and when**
- b. IUP: # 17 The applicant shall establish a plan to have on file with the IUP that provides for a proactive response to nuisance-related complaints.
  - i. Staff will work with Mr. Sunram after the approval of the IUP and create a plan for notification and response to issues both immediate and overall notification of ongoing status.

**Examples of other Agritourism locations in Metropolitan area:**

Examples of other Agritourism locations in Metropolitan area:







**ATTACHMENTS:**

Interim Use Permit to be recorded

GIS location Map

Zoning Map

Council Staff Packet dated September 7, 2021

(Reserved for Recording Data)

---

CITY OF ST. FRANCIS  
ANOKA COUNTY, MINNESOTA

**INTERIM USE PERMIT AT PINs 30-34-24-41-0001 AND 30-34-24-43-0001**

1. **PERMIT.** Subject to the terms and conditions set forth herein, the CITY OF ST. FRANCIS hereby grants an Interim Use Permit to allow the following use: agritourism.
2. **PROPERTY.** This Interim Use Permit is for the following described property in the City of St. Francis, Anoka County, Minnesota:

< Insert legal description >

3. **CONDITIONS.** This Interim Use Permit is issued subject to construction in accordance with the approved plans submitted with the application and the following conditions:
  1. Ordinance 284 amending the zoning code to allow agritourism as an interim use in BPK districts shall be effective prior to the recording of this document.
  2. Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year’s Eve.
  3. A turnaround large enough to accommodate emergency vehicles should be provided at the end of the gravel driveway.
  4. All vehicle parking should be accommodated internally – no parking along 241st Ave NW is permitted.
  5. The proposed use shall not negatively affect traffic flow on 241st Ave NW. If it does, the applicant shall address the issue immediately to the City’s satisfaction.

6. The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
  7. Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.
  8. Outdoor lighting serving the site shall be dark sky compliant and shall comply with the regulations listed in Section 10-71-04 Exterior Lighting.
  9. Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
  10. Local and state health and liquor regulations shall be met if food or beverages are served.
  11. The operator shall remove waste and litter and dispose of gray water regularly so as to not become a nuisance. Public trash cans shall not be used to dispose of waste generated by the operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.
  12. Applicant shall actively market the site for uses consistent with the Comprehensive Plan's designation of the area as business park.
  13. Food trucks on the site shall follow requirements for mobile food units in Code Section 10-68-12.
  14. A plan for seasonal directional signs shall be administratively approved.
  15. The permanent porta potty remaining on the site shall be serviced at least once per week.
  16. The office shall be no larger than 1,000 square feet.
  17. The applicant shall establish a plan to have on file with the IUP that provides for a proactive response to nuisance-related complaints.
4. **TERMINATION OF PERMIT.** The City may revoke the permit following a public hearing for violation for the terms of this permit.
  5. **LAPSE.** The Interim Use Permit shall lapse 5 years from the date of approval of the IUP or when the property is sold, whichever occurs first. If the property has not been sold within 5 years, the applicant may apply to renew this IUP through a public hearing process.
  6. **CRIMINAL PENALTY.** Both the owner and any occupant of the subject property are responsible for compliance with this Interim Use Permit. Violation of the terms of this Interim Use Permit is a criminal misdemeanor.
  7. **RECORDING.** This Interim Use Permit shall be recorded against the title to the Property.

**Dated: September 7, 2021**

**CITY OF ST. FRANCIS**

BY: \_\_\_\_\_

Steven D. Feldman, Mayor

(SEAL)

AND \_\_\_\_\_

Joe Kohlmann, City Administrator

STATE OF MINNESOTA )

: ss

COUNTY OF ANOKA )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 2021, by **Steven D. Feldman**, Mayor, and by **Joe Kohlmann**, City Administrator, of the **CITY OF ST. FRANCIS**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

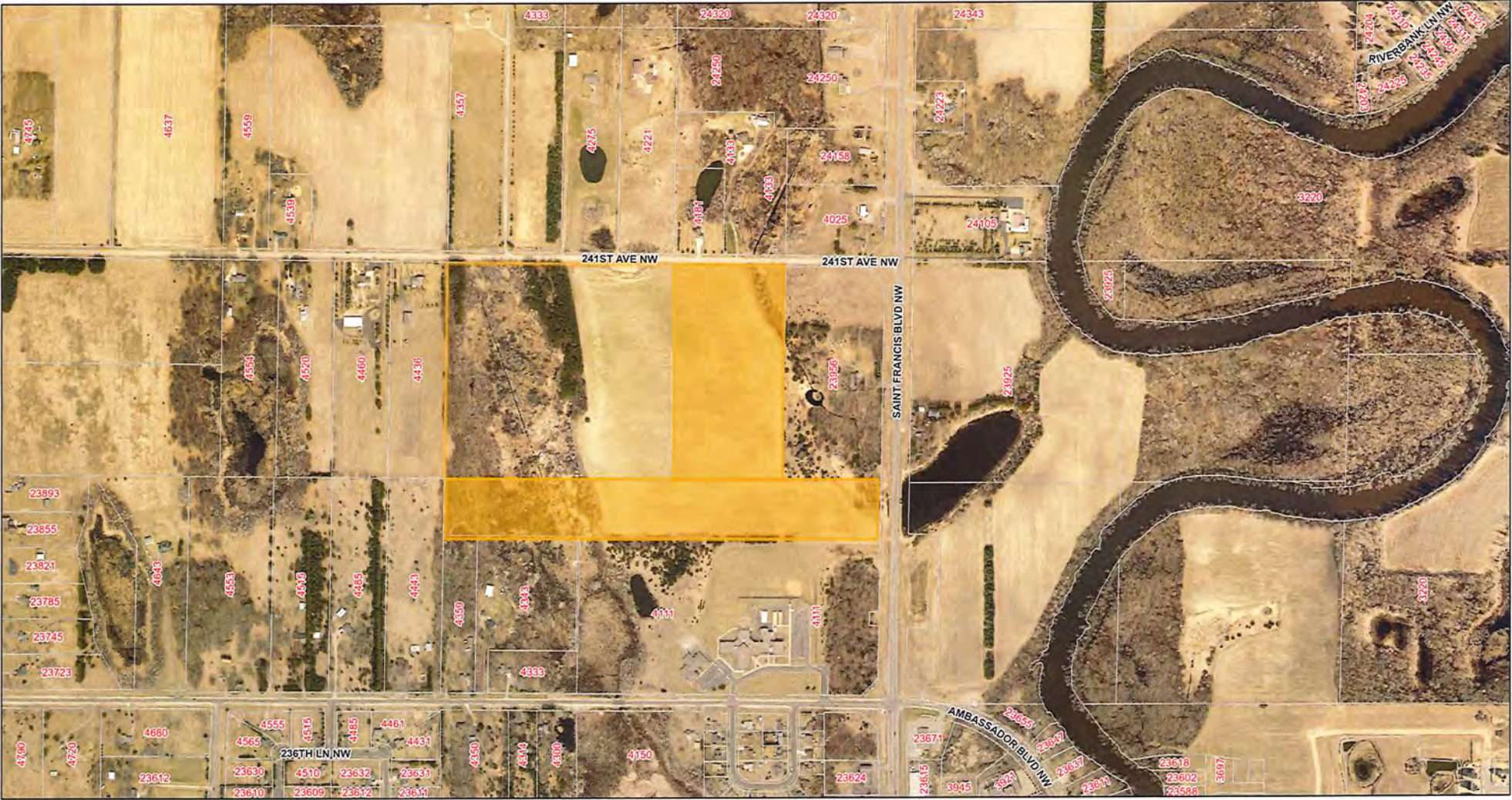
\_\_\_\_\_  
Notary Public

[Notary Seal]

**This Instrument Drafted By:**  
Hoisington Koegler Group, Inc.  
123 North Third Street Suite 100  
Minneapolis, MN 55401  
(612) 338-0800

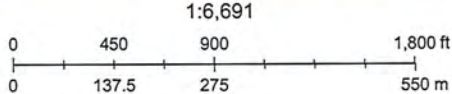


# City of St Francis, MN



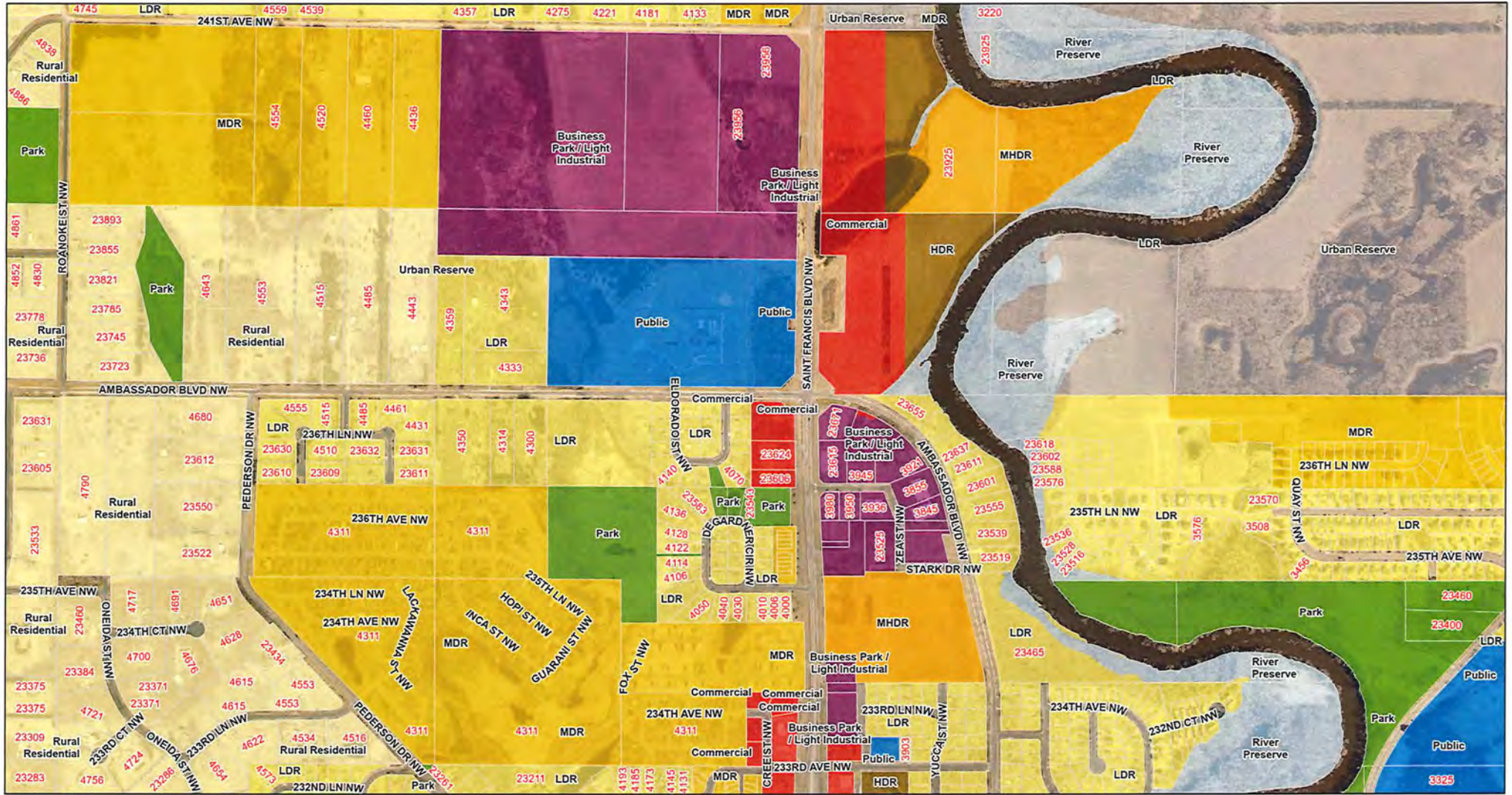
September 8, 2021

- Address Labels
- Road Labels
- Parcels
- St. Francis City Boundary





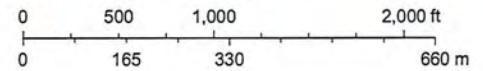
# City of St Francis, MN



September 8, 2021

- |                   |                              |                                |                           |
|-------------------|------------------------------|--------------------------------|---------------------------|
| Address Labels    | Rural Residential            | High Density Residential       | Public/Institutional      |
| Road Labels       | Low Density Residential      | Commercial                     | River Preserve            |
| Parcels           | Medium Density Residential   | Business Park/Light Industrial | St. Francis City Boundary |
| Proposed Land Use | Med/High Density Residential | Park/Open Space                |                           |
|                   | Urban Reserve                |                                |                           |

1:8,080





Hoisington Koegler Group Inc.

*Creating Places that Enrich People's Lives*

## CITY COUNCIL REPORT

**TO:** City of St. Francis City Council  
**FROM:** Beth Richmond, Consulting Planner  
**DATE:** September 1, 2021  
**SUBJECT:** Zoning Code Amendment; Interim Use Permit (IUP)  
**APPLICANT:** Ryan Sunram  
**LOCATION:** West of Hwy 47 and south of 241st Ave NW (PINs 30-34-24-41-0001 and 30-34-24-43-0001)  
**MEETING DATE:** September 7, 2021  
**COMP PLAN:** Business Park/Light Industrial  
**ZONING:** BPK Business Park

### OVERVIEW

Ryan Sunram has submitted a zoning code amendment and Interim Use Permit (IUP) application to allow the eastern ~30 acres of the site (3 parcels) located north of the school district building, south of 241st Ave NW and east of Highway 47 to be used for agritourism. The proposed agritourism use is intended by the applicant to be a temporary use as a way of earning revenue on a portion of the property while it is being marketed for and developed as a more permanent business park use(s).

As agritourism is not a use that is currently clearly permitted within the City, the applicant has requested a zoning code amendment to allow the use as an interim use in the BPK district.

### PLANNING COMMISSION

The Planning Commission reviewed the IUP request at a public hearing on July 21, 2021 and its regular meeting on August 18, 2021. Members of the public were present at both meetings to provide comment on the proposed request. Concerns were raised about traffic and related dust from additional vehicle use of 241<sup>st</sup>, noise, odor from portable restrooms, and other potential impacts.

Commissioners tabled the request at the July 21 meeting and requested additional information regarding landscaping and screening along 241<sup>st</sup> and portable restroom operation. Commissioners also noted that MnDOT comments related to this request should be received prior to their second review.

After gathering the information requested by the Planning Commissioners, the application was reviewed for a second time on August 18, 2021. Concerns from the July 21 public hearing were again emphasized in addition to other potential impacts. After discussion, the Planning Commission recommended for approval of the IUP request with conditions as stipulated in the Planning Commission report and an additional condition that requires the applicant to work

Hoisington Koegler Group Inc.  
 123 North Third Street, Suite 100  
 Minneapolis, Minnesota 55401  
 (612) 338-0800 Fax (612) 338-6838 [www.hkgi.com](http://www.hkgi.com)



City Council Report – Agritourism IUP Request – September 7, 2021

with staff to prepare a rapid response plan aimed at responding to resident complaints in an effective and timely manner.

## TIMELINE

As noted, this application requires approval of a zoning code amendment prior to action on the Interim Use. The September 7, 2021 City Council meeting is the 1<sup>st</sup> reading of the zoning code amendment. If Council is supportive, the following timeline will apply:

### **September 7 – 1<sup>st</sup> Reading**

September 20 – 2<sup>nd</sup> Reading

September 24 – Publish for Comment

October 24 - Effective

## ACTION

Given Planning Commission’s recommendation of approval for the request, a draft ordinance and resolution have been prepared for your consideration. Action on the zoning code amendment is necessary prior to action on the Interim Use.

### **Suggested Motions:**

1. *Move to approve the 1<sup>st</sup> reading of Ordinance 284 allowing agritourism uses as an interim use in the BPK zoning district.*
2. *Move to adopt Resolution 2021-47 approving an Interim Use Permit to allow the a property zoned BPK Business Park to be used on an interim basis for agritourism subject to the conditions and findings of fact as identified by Staff.*

*\*Note that this Resolution includes a condition making it contingent upon the Ordinance taking effect.*

## ATTACHMENTS

- Draft Ordinance 284
- Draft Resolution 2021-47
- Draft Interim Use Permit
- July 21, 2021 Planning Commission Packet
- August 18, 2021 Planning Commission Packet

ORDINANCE NO. 284, SECOND SERIES

CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
ANOKA COUNTY

AN ORDINANCE AMENDING CITY CODE SECTIONS 10-23-01, 10-44-02, AND PART 10-66-00 TO INCLUDE AGRITOURISM AS AN INTERIM USE IN THE BPK DISTRICT

WHEREAS, the Planning Commission on July 21, 2021, opened and closed a duly noticed public hearing; and

WHEREAS, the Planning Commission on July 21, 2021 and August 18, 2021 considered the ordinance, the contents of the staff report, public testimony, and other evidence available to the Commission; and made recommendations for consideration by the City Council; and

WHEREAS, the City Council on September 7, 2021 and September 20, 2021, has considered the recommendations of Staff and the Planning Commission, the ordinance, the contents of the staff report, public testimony, and other evidence available to the Council.

THEREFORE, THE CITY COUNCIL OF THE CITY OF ST. FRANCIS ORDAINS:

**Section 1.** City Code Section 10-23-01 of the St. Francis Code of Ordinances is hereby amended by adding the underlined language as follows:

**Agritourism:** Activities conducted seasonally for profit associated with an agriculture-related or themed use and offered to the public or to invited groups for the purpose of visitation, recreation, enjoyment, or active involvement in an agriculture-related or themed use. Seasonal activities may include, but are not limited to corn mazes, pumpkin patches, and hayrides.

**Section 2.** City Code Section 10-44-02 of the St. Francis Code of Ordinances is hereby amended by adding the underlined language as follows:

**10-44-02 - Uses**

A. Table 10-44-1 Principal Use Table – Business and Industrial Districts

Use Type	Zoning District				
	B-1	B-2	BPK	I-1	I-2
Natural Resources or Agriculture					
<u>Agritourism</u>			I		
General agricultural uses	I	I	I	I	P

**Section 3.** City Code Part 10-66-00 of the St. Francis Code of Ordinances is hereby amended by adding the underlined language and deleting the strikethrough language as follows:

**10-66-00 Principal Uses – Agriculture**

**10-66-01 Agritourism**

- A. If the owner of the agritourism use is not the owner of the property on which it is operated, then the owner of the property shall have a letter on file with the City of St. Francis stating her/his permission for the use to occur and her/his acknowledgement of the standards required for the use.
- B. The responsible road authority and law enforcement agency shall be notified of such use at the proposed location.
- C. A plan for seasonal directional signs shall be administratively approved.
- D. All structures and portions of the parcel used for agritourism, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- E. Adequate parking for employees and customers shall be provided on site and approved by the Zoning Administrator.
- F. Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
- G. Local and state health and liquor regulations shall be met if food or beverages are served.
- H. Hours of operation shall be limited to 8 a.m. to 10 p.m.
- I. Any outdoor lighting shall be arranged so as to reflect the light away from adjoining property and right-of-way.
- J. Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.
- K. The use shall be adequately managed for traffic, particularly during high traffic/high usage periods.

**~~10-11-012~~ – Commercial Animal Feedlots**

- A. All feedlots shall adhere to Minnesota Rules, Ch. 7020 as may be amended.
- B. All facilities and structures included in this use shall be located at least 500 feet from all property lines, including the road right-of-way. The first 100 feet adjacent to the road right-of-way and any residential dwelling shall be vegetation.

**10-11-023 – Commercial Horse Stables**

- A. The provisions of Section 8-3, Animals of the City Code are considered and determined to be satisfied.
- B. No more than 10 horses shall be boarded on the site at any time.
- C. The use accesses an arterial or collector road, as shown within the Comprehensive Plan.



D. All animal waste shall be disposed of in conformance with local, state, and federal laws.

**10-11-034 – Forestry, Nurseries, Greenhouses, and Tree Farms, including Retail Sales**

- A. The use shall be screened from all abutting residential districts in accordance with Part 10-73-00. All structures shall be set back at least 100 feet from any residential property line.
- B. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
- C. Loading areas shall be fully screened from adjacent residential districts.
- D. Hours for retail sale of product to customers shall be limited to 7:00am to 10:00pm unless extended by the City Council.

**Section 4.** This Ordinance shall take effect and be enforced thirty days after publication.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 2021.**

APPROVED:

\_\_\_\_\_  
Steven D. Feldman, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Wida, City Clerk

Published in the Anoka County Herald \_\_\_\_\_, 2021.

**CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
ANOKA COUNTY**

**RESOLUTION 2021-47**

**A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW  
AGRITOURISM USES ON A SITE ZONED BPK BUSINESS PARK**

**WHEREAS**, the applicant, Ryan Sunram, has requested an Interim Use Permit to allow agricultural uses on the property; and

**WHEREAS**, the property is legally described in Exhibit A; and

**WHEREAS**, the site is guided for Business Park/Light Industrial use; and

**WHEREAS**, the site is zoned BPK Business Park; and

**WHEREAS**, agritourism is an interim use within the BPK District; and

**WHEREAS**, on July 21, 2021, after published and mailed notice in accordance with Minnesota Statutes and the City Code, the Planning Commission held a public hearing, at which time all persons desiring to be heard concerning this application were given the opportunity to speak thereon; and

**WHEREAS**, on August 18, 2021, the Planning Commission recommended approval of the requested Interim Use Permit; and

**WHEREAS**, the City Council of the City of St. Francis, on September 7, 2021, considered the requested Interim Use Permit and how it might affect public health, safety, or welfare and found that with the noted conditions the project will not negatively impact the public health, safety, or welfare.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of St. Francis hereby approves the requested Interim Use Permit for agritourism uses on a lot zoned BPK Business Park based on the following findings of fact:

- 1) The proposed agritourism use is an interim, or temporary, use in the BPK district until the site can be developed for a higher, better use in accordance with the City Zoning Code and the Comprehensive Plan.
- 2) The proposed land use request is consistent with the City's Comprehensive Plan.
- 3) The proposed land use request is consistent with the City's amended Zoning ordinance upon its approval and publication.
- 4) The traffic generated by the proposed use can be accommodated by the existing street network.
- 5) The proposed use will not be served by City services.

6) The proposed use will not impose additional unreasonable costs on the public.

**BE IT FURTHER RESOLVED** that approval of the Interim Use Permit for agritourism uses on a lot zoned BPK Business Park shall be subject to the following conditions:

- 1) Ordinance 284 amending the zoning code to allow agritourism as an interim use in BPK districts shall be effective prior to the recording of this document.
- 2) The Interim Use Permit shall lapse 5 years from the date of approval of the IUP or when the property is sold, whichever occurs first. If the property has not been sold within 5 years, the applicant may apply to renew this IUP through a public hearing process.
- 3) Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year’s Eve.
- 4) A turnaround large enough to accommodate emergency vehicles should be provided at the end of the gravel driveway.
- 5) All vehicle parking should be accommodated internally – no parking along 241st Ave NW is permitted.
- 6) The proposed use shall not negatively affect traffic flow on 241st Ave NW. If it does, the applicant shall address the issue immediately to the City’s satisfaction.
- 7) The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
- 8) Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.
- 9) Outdoor lighting serving the site shall be dark sky compliant and shall comply with the regulations listed in Section 10-71-04 Exterior Lighting.
- 10) Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
- 11) Local and state health and liquor regulations shall be met if food or beverages are served.
- 12) The operator shall remove waste and litter and dispose of gray water regularly so as to not become a nuisance. Public trash cans shall not be used to dispose of waste generated by the operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.
- 13) Applicant shall actively market the site for uses consistent with the Comprehensive Plan’s designation of the area as business park.
- 14) Food trucks on the site shall follow requirements for mobile food units in Code Section 10-68-12.
- 15) The applicant shall provide legal proof of ownership of the property.
- 16) Applicant shall provide the full legal description of the subject properties in Word format.
- 17) The applicant shall comply with any comments regarding access or roadway status from MnDOT.
- 18) A plan for seasonal directional signs shall be administratively approved.
- 19) The permanent porta potty remaining on the site shall be serviced at least once per week.
- 20) The office shall be no larger than 1,000 square feet.



- 21) The applicant shall establish a plan to have on file with the IUP that provides for a proactive response to nuisance-related complaints.
- 22) Applicant shall be responsible for obtaining all required permits from city, county, state, and federal agencies.
- 23) The applicant is responsible for all fees related to the review of this application.
- 24) All fees and financial obligations shall be received by the City prior to the releasing of the Interim Use Permit for recording.
- 25) The applicant shall record the approval document(s) with the County Recorder in accordance with Section 10-31-03 of the City Code.

Approved and adopted by the City Council of the City of St. Francis on the 7<sup>th</sup> day of September, 2021.

---

Steven D. Feldman, Mayor

---

Attest: Jennifer Wida, City Clerk

**This Instrument Drafted By:**  
Hoisington Koegler Group, Inc.  
123 North Third Street Suite 100  
Minneapolis, MN 55401  
(612) 338-0800

**EXHIBIT A**

**Legal Description**

< Insert legal description >

(Reserved for Recording Data)

---

CITY OF ST. FRANCIS  
ANOKA COUNTY, MINNESOTA

**INTERIM USE PERMIT AT PINs 30-34-24-41-0001 AND 30-34-24-43-0001**

1. **PERMIT.** Subject to the terms and conditions set forth herein, the CITY OF ST. FRANCIS hereby grants an Interim Use Permit to allow the following use: agritourism.
2. **PROPERTY.** This Interim Use Permit is for the following described property in the City of St. Francis, Anoka County, Minnesota:

< Insert legal description >

3. **CONDITIONS.** This Interim Use Permit is issued subject to construction in accordance with the approved plans submitted with the application and the following conditions:
  1. Ordinance 284 amending the zoning code to allow agritourism as an interim use in BPK districts shall be effective prior to the recording of this document.
  2. Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year’s Eve.
  3. A turnaround large enough to accommodate emergency vehicles should be provided at the end of the gravel driveway.
  4. All vehicle parking should be accommodated internally – no parking along 241st Ave NW is permitted.
  5. The proposed use shall not negatively affect traffic flow on 241st Ave NW. If it does, the applicant shall address the issue immediately to the City’s satisfaction.



6. The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
  7. Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.
  8. Outdoor lighting serving the site shall be dark sky compliant and shall comply with the regulations listed in Section 10-71-04 Exterior Lighting.
  9. Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
  10. Local and state health and liquor regulations shall be met if food or beverages are served.
  11. The operator shall remove waste and litter and dispose of gray water regularly so as to not become a nuisance. Public trash cans shall not be used to dispose of waste generated by the operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.
  12. Applicant shall actively market the site for uses consistent with the Comprehensive Plan's designation of the area as business park.
  13. Food trucks on the site shall follow requirements for mobile food units in Code Section 10-68-12.
  14. A plan for seasonal directional signs shall be administratively approved.
  15. The permanent porta potty remaining on the site shall be serviced at least once per week.
  16. The office shall be no larger than 1,000 square feet.
  17. The applicant shall establish a plan to have on file with the IUP that provides for a proactive response to nuisance-related complaints.
4. **TERMINATION OF PERMIT.** The City may revoke the permit following a public hearing for violation for the terms of this permit.
  5. **LAPSE.** The Interim Use Permit shall lapse 5 years from the date of approval of the IUP or when the property is sold, whichever occurs first. If the property has not been sold within 5 years, the applicant may apply to renew this IUP through a public hearing process.
  6. **CRIMINAL PENALTY.** Both the owner and any occupant of the subject property are responsible for compliance with this Interim Use Permit. Violation of the terms of this Interim Use Permit is a criminal misdemeanor.
  7. **RECORDING.** This Interim Use Permit shall be recorded against the title to the Property.

**Dated: September 7, 2021**

**CITY OF ST. FRANCIS**

BY: \_\_\_\_\_

Steven D. Feldman, Mayor

(SEAL)

AND \_\_\_\_\_

Joe Kohlmann, City Administrator

STATE OF MINNESOTA )

: ss

COUNTY OF ANOKA )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 2021, by **Steven D. Feldman**, Mayor, and by **Joe Kohlmann**, City Administrator, of the **CITY OF ST. FRANCIS**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

\_\_\_\_\_  
Notary Public

[Notary Seal]

**This Instrument Drafted By:**  
Hoisington Koegler Group, Inc.  
123 North Third Street Suite 100  
Minneapolis, MN 55401  
(612) 338-0800



**CITY OF ST. FRANCIS**

BY: \_\_\_\_\_

Steven D. Feldman, Mayor

(SEAL)

AND \_\_\_\_\_

Joe Kohlmann, City Administrator

STATE OF MINNESOTA )

: ss

COUNTY OF ANOKA )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 2021, by **Steven D. Feldman**, Mayor, and by **Joe Kohlmann**, City Administrator, of the **CITY OF ST. FRANCIS**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

\_\_\_\_\_  
Notary Public

[Notary Seal]

**This Instrument Drafted By:**  
Hoisington Koegler Group, Inc.  
123 North Third Street Suite 100  
Minneapolis, MN 55401  
(612) 338-0800

# PLANNING REPORT

**TO:** City of St. Francis Planning Commission  
**FROM:** Beth Richmond, Consulting Planner  
**DATE:** August 11, 2021  
**SUBJECT:** Sunram IUP – tabled from July 21<sup>st</sup> Meeting  
**MEETING DATE:** August 18, 2021

---

## Overview

Ryan Sunram has submitted a zoning code amendment and Interim Use Permit (IUP) application to allow the eastern ~30 acres of the site (3 parcels) located north of the school district building, south of 241st Ave NW and east of Highway 47 to be used for agritourism. The proposed agritourism use is intended by the applicant to be a temporary use as a way of earning revenue on a portion of the property while it is being marketed for and developed as a more permanent business park use(s).

As agritourism is not a use that is currently clearly permitted within the City, the applicant has requested a zoning code amendment to allow the use as an interim use in the BPK district. The Planning Commission is requested to review the zoning code amendment and associated interim use permit application, hold a public hearing, and make a recommendation to the City Council.

## July 21<sup>st</sup> Planning Commission Meeting

A public hearing was held regarding this application on July 21, 2021. A number of property owners attended the July 21<sup>st</sup> public hearing and voiced questions and concerns in regards to the proposed agritourism use. Concerns were raised about traffic and related dust from additional vehicle use of 241<sup>st</sup>, noise, and odor from portable restrooms.

The Planning Commission closed the public hearing and discussed the request. Commissioners tabled the application and requested that additional information regarding landscaping/screening along 241<sup>st</sup>, portable restroom operation be provided by the applicant, along with comments from MnDOT regarding traffic at the 241<sup>st</sup> and Hwy 47 intersection.

## Landscaping/Screening

The site is located adjacent to and across the street from single-family homes. City Code requires that whenever a non-residential interim use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided.

Originally, the applicant had provided a landscaping plan showing a 40' wide landscape buffer of apple trees along the northern property line to screen the parking area from the residential properties to the north. Commissioners requested revisions to the plan that would include a berm and coniferous trees to provide year-round screening.

In response, the applicant revised the screening along 241<sup>st</sup> to include two offset rows of evergreen trees to create a 60' deep landscaping screen with a four foot high berm centered in the middle of the screening buffer. The evergreens proposed to be included in the landscaping screen are Norway Spruce, Black Hills Spruce, and Austrian Pine. These trees are considered hardy and are compatible with the area's Hardiness Zone (Zone 4).

## Restrooms

The applicant had indicated that no permanent restroom facilities would be located on site. Instead, the agritourism use would be accommodated by portable restrooms as needed. At the July meeting, Commissioners requested additional detail from the applicant regarding how the portable restrooms would be serviced and stored.

The applicant revised the operating plans to specify that temporary porta-pottys and washing stations will be brought in to serve the agritourism use. At least three of these restrooms will be handicap accessible. The restrooms will be serviced regularly in order to control odor and will be removed from the site when not in use. One permanent porta-potty will stay onsite full time for use by staff or personnel working on the site. The applicant is proposing a gate on the agritourism site between the parking area and the driveway to the south. This "permanent" restroom will be located on the interior side of the locked gate and will be serviced according to OSHA requirements. Staff recommends adding a condition that states that the permanent porta potty will be serviced at least once per week.

## MnDOT Comments

MnDOT reviewed the proposed request and provided the following comment:

MnDOT "has no comments to make on the Sunram IUP. The estimated traffic levels should not substantially affect MN 47."

## Action

The public hearing for these requests was held at the Planning Commission meeting on July 21, 2021. No additional public hearing is needed.

The Planning Commission is requested to provide two recommendations to the City Council in relation to this application:

1. Whether or not the zoning code should be amended to allow agritourism as an interim use in the BPK district.
2. If agritourism is determined to be an acceptable interim use, then the Planning Commission should provide a recommendation to Council regarding the specific IUP application for the agritourism use on the subject site. If the IUP is recommended for approval, Staff suggests the following conditions of approval and findings of fact:

### Suggested Conditions of Approval:

- 1) The Interim Use Permit shall lapse 5 years from the date of approval of the IUP or when the property is sold, whichever occurs first. If the property has not been sold within 5 years, the applicant may apply to renew this IUP through a public hearing process.
- 2) Hours of operation shall be limited to Friday-Sunday from 8am – 8pm from April through Thanksgiving and from 4pm – 10pm daily for the winter light show from Thanksgiving to New Year's Eve.



- 3) A turnaround large enough to accommodate emergency vehicles should be provided at the end of the gravel driveway.
- 4) All vehicle parking should be accommodated internally – no parking along 241st Ave NW is permitted.
- 5) The proposed use shall not negatively affect traffic flow on 241st Ave NW. If it does, the applicant shall address the issue immediately to the City's satisfaction.
- 6) The responsible road authority and law enforcement agency shall be notified of such use at the proposed location. If traffic congestion occurs as a result of the use, the applicant shall coordinate with the responsible road authority and law enforcement agency and shall pay for additional traffic management as warranted.
- 7) Dust and noise shall be adequately controlled consistent with state statutes and shall not become a nuisance to neighboring residential uses.
- 8) Outdoor lighting serving the site shall be dark sky compliant and shall comply with the regulations listed in Section 10-71-04 Exterior Lighting.
- 9) Adequate restroom facilities shall be provided either through permanent facilities or seasonal, portable toilets.
- 10) Local and state health and liquor regulations shall be met if food or beverages are served.
- 11) The operator shall remove waste and litter and dispose of gray water regularly so as to not become a nuisance. Public trash cans shall not be used to dispose of waste generated by the operation. Gray water shall not be disposed of onto the ground or in City stormwater drains.
- 12) Applicant shall actively market the site for uses consistent with the Comprehensive Plan's designation of the area as business park.
- 13) Food trucks on the site shall follow requirements for mobile food units in Code Section 10-68-12.
- 14) The applicant shall provide legal proof of ownership of the property.
- 15) The applicant shall comply with any comments regarding access or roadway status from MnDOT.
- 16) A plan for seasonal directional signs shall be administratively approved.
- 17) The permanent porta potty remaining on the site shall be serviced at least once per week.
- 18) Applicant shall be responsible for obtaining all required permits from city, county, state, and federal agencies.
- 19) The applicant is responsible for all fees related to the review of this application.
- 20) All fees and financial obligations shall be received by the City prior to the releasing of the Interim Use Permit for recording.
- 21) The applicant shall record the approval document(s) with the County Recorder in accordance with Section 10-31-03 of the City Code.
- 22) Other conditions identified during the review process by Staff, the Planning Commission, or the City Council.

**Suggested Findings of Fact:**

- 1) The proposed agritourism use is an interim, or temporary, use in the BPK district until the site can be developed for a higher, better use in accordance with the City Zoning Code and the Comprehensive Plan.
- 2) The proposed land use request is consistent with the City's Comprehensive Plan.
- 3) The proposed land use request is consistent with the City's Zoning ordinance.
- 4) The traffic generated by the proposed use can be accommodated by the existing street network.
- 5) The proposed use will not be served by City services.
- 6) The proposed use will not impose additional unreasonable costs on the public.

**Possible Motions are provided below:**

1. Move to recommend approval/denial of the zoning code amendment allowing agritourism as an interim use in the BPK district with findings determined by the Planning Commission.
  - a. If the Planning Commission recommends denial of the zoning code amendment they should still review the IUP request to provide a recommendation to Council.
2. Interim Use Permit
  - a. Move to recommend approval of the interim use permit for agritourism on property zoned BPK with conditions and findings of fact as presented by Staff.
  - b. Move to recommend denial of the interim use permit for agritourism on property zoned BPK with Commissioners' findings of fact.
3. Table the request to the next Planning Commission meeting and provide direction to Staff and the applicant as to the additional information needed.

**Attachments**

- Updated applicant submittals
- Planning Commission Packet for July 21, 2021



# ST. FRANCIS INTERIM USE PERMIT PROPOSAL

Ryan Sunram  
ryan@sunramconstructioninc.com  
612-282-3952

DATE CREATED:  
June 11<sup>th</sup>, 2021  
DATE REVISED:  
July 29, 2021

CREATED FOR:  
St. Francis Community  
Development Department – July  
2021 Meeting

## PROJECT DESCRIPTION

### PROJECT DETAILS

St. Francis Property Phased  
Development

#### PARCELS:

303424410001, 303424420001,  
30343430001

### PROPOSAL BRIEF

Proposed phased development of St. Francis Parcels 303424410001,  
303424420001, 30343430001.

- o **Phase 1:** Interim use of Parcels 303424410001, 303424420001 as a family activity center by the name of Wisteria Farm Festivals for temporary seasonal outdoor sales. Parcel 30343430001 to be maintained as agricultural land.
- o **Phase 2:** Partial property development. Maintain Parcels 303424410001, 303424420001 as Wisteria Farm Festivals; Parcel 30343430001 developed to 26 lots for business park and light industrial use.
- o **Phase 3:** Exit of Wisteria Farm Festivals. Full property development of all parcels (303424410001, 303424420001, 30343430001) into 53 lots. *Mixed use of business park and light industrial*

## PHASE 1 AND 2 - UTILITIES NARRATIVE

UTILITY	DESCRIPTION
PARKING	35 PARKING STALLS ON IMPROVED SURFACE; OVERFLOW AVAILABLE IN GRASS
RESTROOMS	HANDICAP ACCESSIBLE RESTROOMS (3) – WISTERIA FARM FESTIVALS WILL UTILIZE PORTA-POTTYS AND WASHING STATIONS NO PERMANENT FIXTURES NOR UTILITY HOOK UPS WILL BE INSTALLED. THESE RESTROOMS WILL BE SERVICED REGULARLY TO HELP CONTROL ORDOR AND WILL BE REMOVED FROM THE SITE WHEN NOT IN USE. ONE PERMENTENT PORTA-POTTY WILL STAY ONSITE FULL TIME FOR STAFF AND PERSONEL WORKING ON SITE. THIS RESTROOM WILL BE LOCATED ON THE FESTIVAL SIDE OF THE LOCKED GATE AND WILL BE SERVICED PER OSHA REQUIREMENTS.
LIGHTING	ELECTRICAL POWER WILL BE ESTABLISHED TO THE SITE AS WISTERIA FARM FESTIVALS WORK WITH THE LOCAL PROVIDER
SHELTERS	OFFICE – PREFABRICATED WOOD SHELTER PARK SHELTERS (2) – GONDOLA STYLE, OPEN SIDED



# SSSITE SAFETY AND SECURITY

## ACTIVITY SPACE 1 & 2 NARRATIVE – WISTERIA FARM FESTIVALS

### SPR/SUMMER ACTIVITIES

- TEMPORARY SEASONAL OUTDOOR SALES
- FOOD TRUCK CONCESSIONS
- FARMER'S MARKET
- CRAFT FAIR
- PETTING ZOO
- CORN PIT
- HAY RIDE
- POTATO LAUNCHER
- MISC THEMED FESTIVALS

### FALL ACTIVITIES

- TEMPORARY SEASONAL OUTDOOR SALES
- FOOD TRUCK CONCESSIONS
- FARMER'S MARKET
- CRAFT FAIR
- CORN MAZE
- CORN PIT
- HAY RIDE
- POTATO LAUNCHER
- SUNFLOWER PATCH
- PUMPKIN PATCH

### WINTER ACTIVITIES

- TEMPORARY SEASONAL OUTDOOR SALES
- FOOD TRUCK CONCESSIONS
- DRIVE THROUGH LIGHT SHOW

## TRAFFIC PHASE 1 AND 2 - UTILITIES NARRATIVE

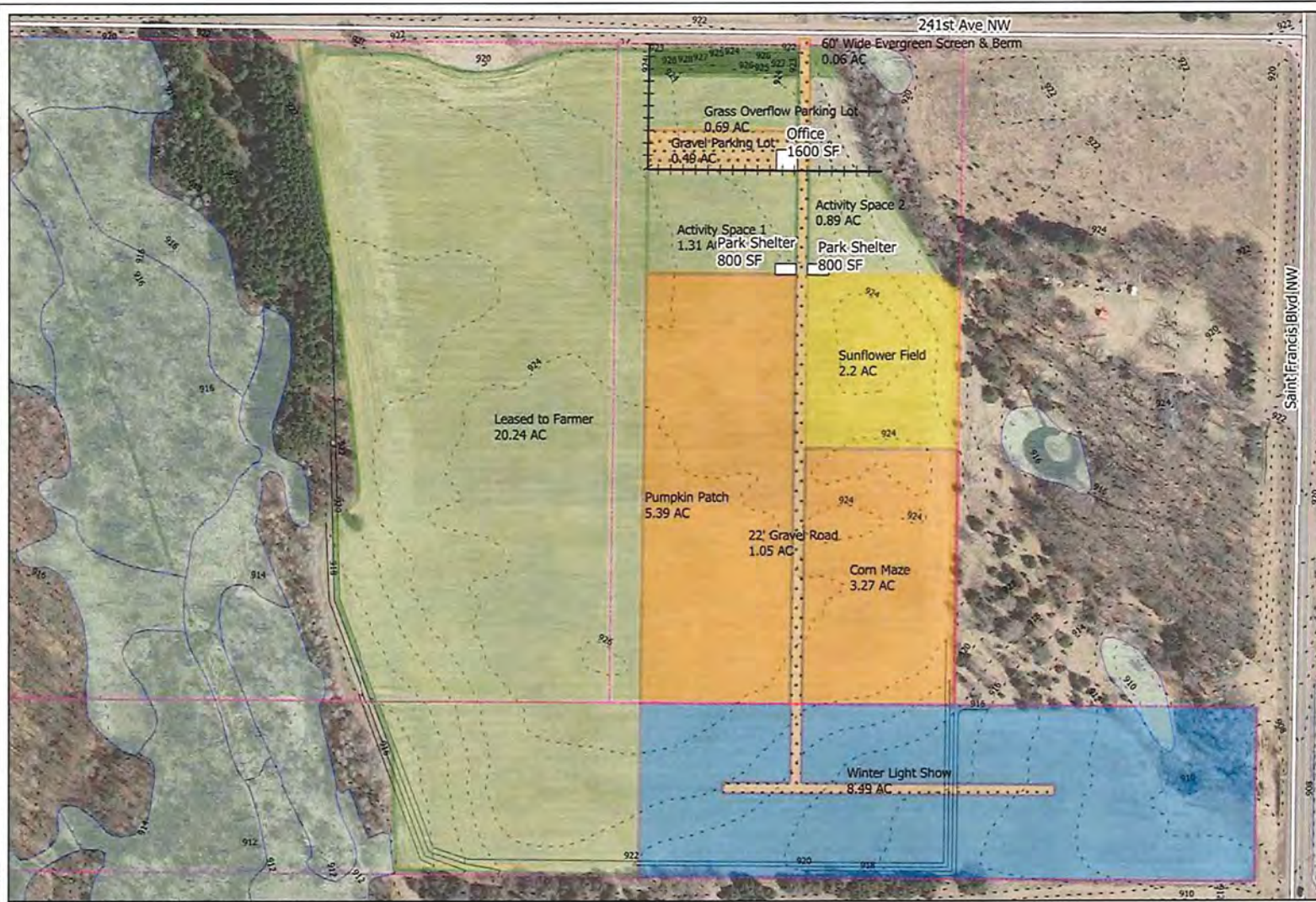
- **SPRING, SUMMER, AND FALL ACTIVITIES:**
  - All vehicular traffic will enter/exit from 241<sup>st</sup> Ave NW
  - No vehicular traffic allowed past parking lot
  - All pedestrian traffic shall enter through proposed office
- **WINTER ACTIVITIES:**
  - All vehicular traffic will enter/exit from 241<sup>st</sup> Ave NW
  - No pedestrian traffic will be allowed past vehicular gate

## INTERIM USE INFORMATION

- **SPRING, SUMMER, AND FALL ACTIVITIES:**
  - All vehicular traffic will enter/exit from 241<sup>st</sup> Ave NW
  - No vehicular traffic allowed past parking lot
  - All pedestrian traffic shall enter through proposed office
- **WINTER ACTIVITIES:**
  - All vehicular traffic will enter/exit from 241<sup>st</sup> Ave NW
  - No pedestrian traffic will be allowed past vehicular gate
- **SITE SAFETY:**
  - The Wisteria Farm Festivals parking lot and overflow parking will be fenced off from the site.
  - Pedestrian traffic will access the site through the building and vehicular traffic will access the site through gates in the fence.
  - All gates and doors will be locked when not in use.
  - The office will also be equipped with an outdoor security light.
- **PUBLIC SAFETY:**
  - A 4' tall berm will be constructed along 241<sup>st</sup> Ave. to block headlights from shining on the road and neighbouring properties from the festival site and parking lot.
  - The berm will have 2 rows of evergreen trees to provide additional screening as shown on the plans.
  - Dust and increased traffic will be closely monitored and addressed quickly if needed.

2020-10-14T09:13:40:000

C:\Users\jwheeler\Desktop\Wetland\Wetland Improvements LLC\Project\0013 Ryan Sunram\01 - St Francis MN Developments DESIGNAL GIS\2020-10-29 St. Francis Plan\Map\CE



**Legend**

MN  
 [Symbol] National Wetland Index

**Boundaries**  
 [Symbol] Phase 1 - Fence  
 [Symbol] Phase 1 - Buildings

**Phase 1 - Land Use**  
 [Symbol] Leased to Farmer  
 [Symbol] 60' Wide Evergreen Screen & Berm  
 [Symbol] Grass Overflow Parking Lot  
 [Symbol] Activity Space 1  
 [Symbol] Activity Space 2  
 [Symbol] 22' Gravel Road  
 [Symbol] Gravel Parking Lot  
 [Symbol] Corn Maze  
 [Symbol] Pumpkin Patch  
 [Symbol] Sunflower Field  
 [Symbol] Winter Light Show  
 [Symbol] Sunram Parcels

**Transportation**  
 [Symbol] MN Roads

**Topography**  
 [Symbol] Phase 1 - Grading

**Phase 1 - Grading Materials**  
 0      200      400 ft

Ryan Sunram

July 29, 2021

St. Francis Property - Phase 1 Land Use  
(Revision #1 - Planning Commission Comments)

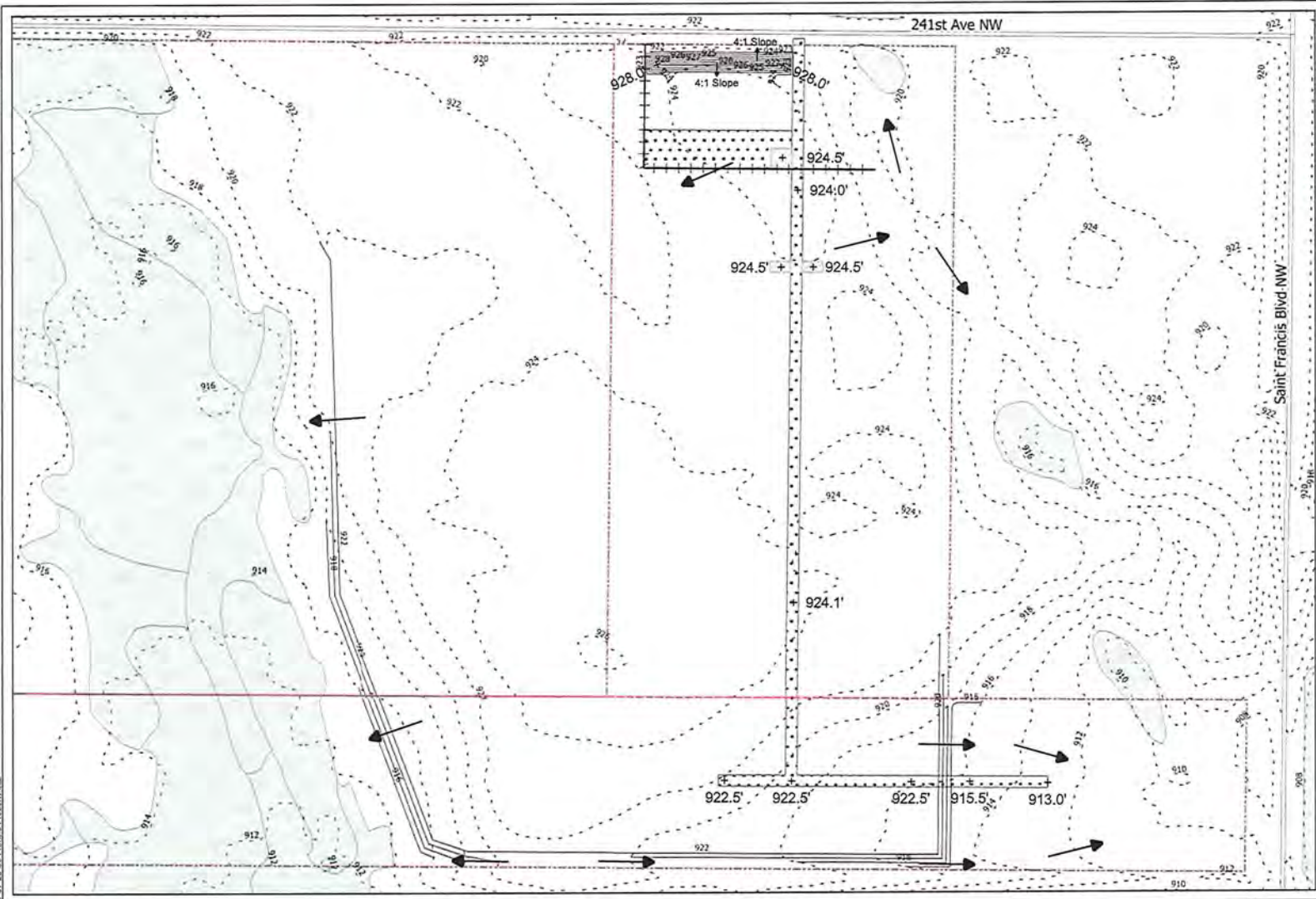
Figure #10





2020-10-14 10:13:40.000

C:\Users\Lucas\_Iso\Documents\Wetland\Improvements, LLC\Project\0013 Ryan Sunram\01 - St Francis MN  
Development\DESIGN\GIS\2021\_07\_29 St. Francis Property\doc



**Legend**

MN  
 [Shaded Area] National Wetland Index

**Boundaries**  
 [Dashed Line] Phase 1 - Fence  
 [Red Dashed Line] Sunram Parcels

**Transportation**  
 [Double Line] MN Roads

**Topography**  
 [Solid Line] Phase 1 - Grading

**Phase 1 - Grading Materials**  
 [Stippled Area] Concrete  
 [Dotted Area] Gravel  
 [Dashed Line] 2 FT Contours

[+ XXX.X'] Spot Elevation  
 [Arrow] Drainage Flow Path

N

0 200 400 ft

Ryan Sunram

July 29, 2021

St. Francis Property - Phase 1 Grading & Drainage  
(Revision # 1 - Planning Commission Comments)

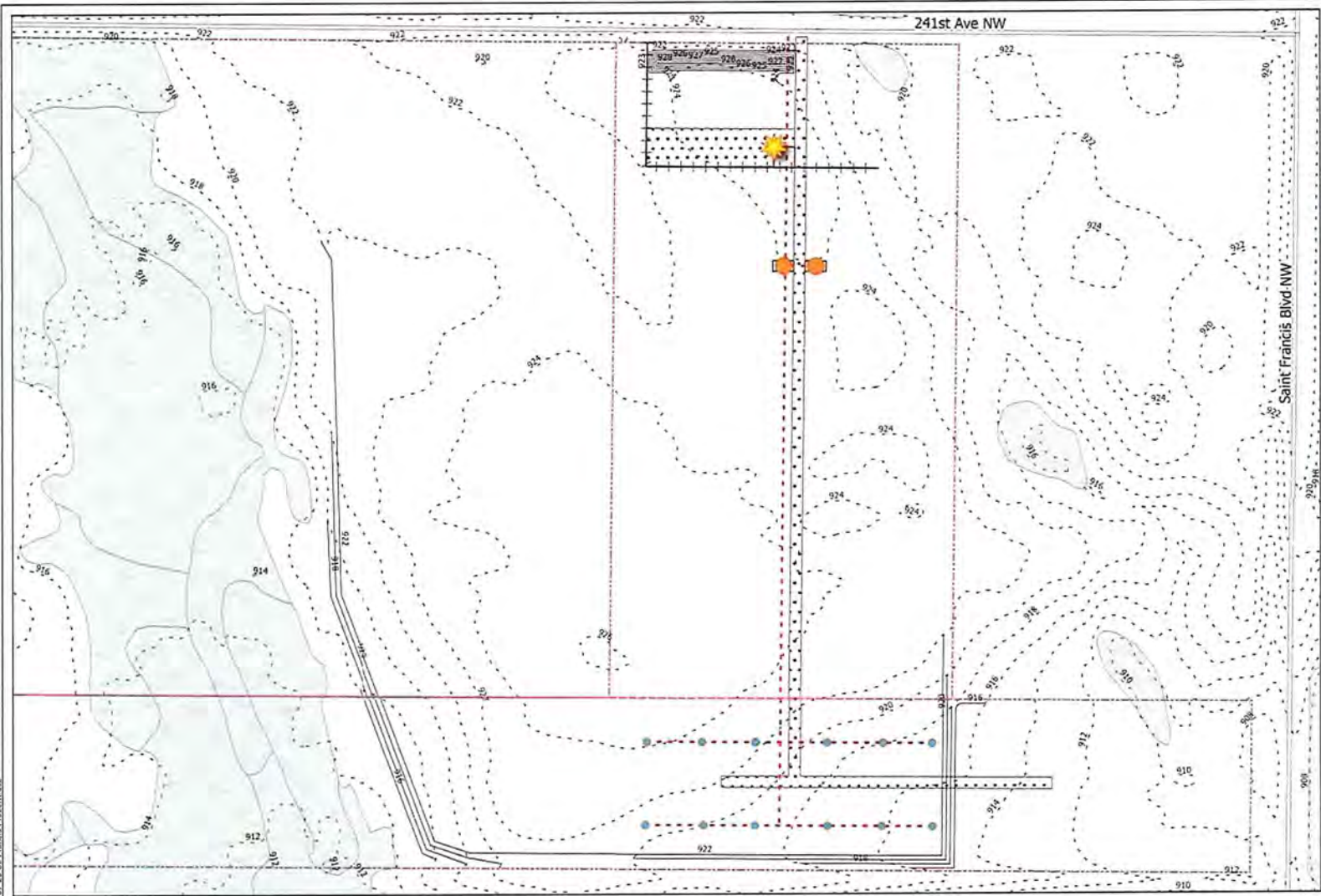
Figure #11





2005-10-14 09:13:40.000

C:\Users\jacob\Desktop\Wetland\Wetland Improvements, LLC\Project\0013 Ryan Sunram\01 - St Francis MN Developments\DESIGN\GIS\0013-07-29 St. Francis Property.dwg



**Legend**

**MN**

- National Wetland Index

**Boundaries**

- Phase 1 - Fence

**Phase 1 - Lighting**

- Security Light
- Shelter Light & Outlets
- Outdoor Receptacle

**Phase 1 - Utilities**

- Electric
- Phase 1 - Buildings
- Sunram Parcels

**Transportation**

- MN Roads

**Topography**

- Phase 1 - Grading

**Phase 1 - Grading Materials**

- Concrete
- Gravel
- 2 FT Contours

0 200 400 ft

N

Ryan Sunram

July 29, 2021

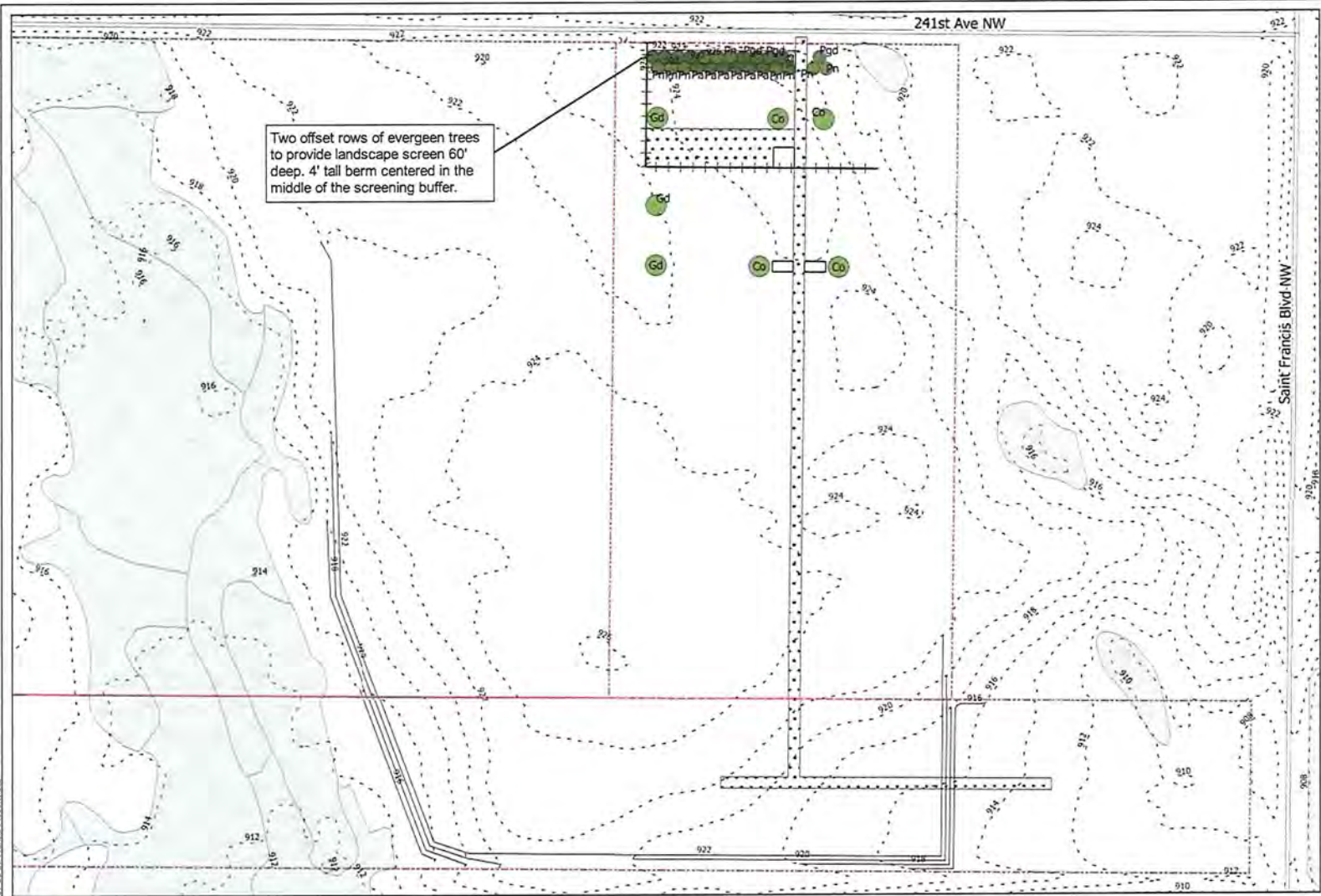
St. Francis Property - Phase 1 Utility & Lighting  
(Revision # 1 - Planning Commission Comments)

Figure #12



2020-10-14 09:13:40:000

C:\Users\jacob\OneDrive\Work\Wetland Improvements, LLC\Projects\0013 Ryan Sunram\01 - St Francis MN Development\5\_DESIGN\GIS\20210729 St. Francis Property\fig



**Legend**

MN

- National Wetland Index

**Boundaries**

- Phase 1 - Fence

**Phase 1 - Landscape Plan**

- Co - Hackberry
- Gd - Kentucky Coffeetree
- Pa - Norway Spruce
- Pgd - Black Hills Spruce
- Pn - Austrian Pine
- Phase 1 - Buildings
- Sunram Parcels

**Transportation**

- MN Roads

**Topography**

- Phase 1 - Grading

**Phase 1 - Grading Materials**

- Concrete
- Gravel
- 2 FT Contours

0 200 400 ft

Ryan Sunram

July 29, 2021

St. Francis Property - Phase 1 Landscape Plan  
(Revision # 1 - Planning Commission Comments)

Figure #13











**Legend**

MN

- National Wetland Index

**Boundaries**

- Sunram Parcels
- Phase 3 I-1 Lots

**Transportation**

- MN Roads

**Topography**

- Phase 1 - Grading
- Phase 2 - Grading
- 2 FT Contours

2020 color 7-county MnGeo  
WMS Geospatial Image Service

N

0 200 400 ft



Ryan Sunram

July 29, 2021

St. Francis Property - Phase 3 I-1 or I-2 Lots  
(Revision #1 - Planning Commission Comments)

Figure #30