



## Planning Commission Meeting Agenda

Monday, May 6<sup>th</sup>, 2024 @ 6:00 PM

Chair: Simon Stricker

City Clerk: Krista Okerman

Commission:

Deputy Clerk: Cassandra Delougherty

Joby Goerges

City Attorney: Brad Person

Steve Stricker

Roman Siltman

Sean Smuda

City of Jenkins  
33861 Cottage Avenue  
Jenkins, MN 56474  
(218) 568-4637

Join Zoom Meeting

<https://zoom.us/join>

Meeting ID: 353 029 2985

Password: 56474

Dial by location: (312) 626-6799 (US Chicago)

**NOTE:** Printed materials relating to agenda items are available for public inspection in a three-ring binder on table by Council Chamber entrance.

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval
  - a. Agenda
  - b. Minutes from the April 1<sup>st</sup>, 2024 meeting
4. Public Hearing-**APPLICATION WITHDRAWN**
  - a. Rezone Application A to RR
    - i. Open hearing for public comment
    - ii. Close public hearing
    - iii. Planning Commission deliberation
    - iv. Planning Commission action
5. Unfinished Business
  - a. New Bills Proposed at the Capitol:
    - i. Social Media Summary
    - ii. Letter Sent
    - iii. Update on Bills
  - b. Northland Properties of Cass County LLC Review
    - i. Resolution #21-12-215, dated 12-13-2021
    - ii. Report to City Council, dated 12-14-2021
    - iii. Letter to Mr. Lange, dated 12-14-2021
6. Miscellaneous/Communication
  - a. Planning & Zoning Administrator's Report
7. Adjournment

**COUNTY OF CROW WING  
CITY OF JENKINS  
MINUTES OF THE REGULAR PLANNING COMMISSION MEETING  
APRIL 1<sup>st</sup>, 2024**

**CALL TO ORDER:** The regular Planning Commission meeting was called to order at 6:00 PM by Chairman Stricker with all citing the Pledge of Allegiance.

**ATTENDANCE:** Present: Chairman Si. Stricker, Commissioners Siltman, St. Stricker, Smuda, and Deputy Delougherty. Not present was Commissioner Goerges.

**ADDITIONS/DELETIONS:** none

**APPROVALS:** The Agenda and Minutes from March 4<sup>th</sup>, 2024 Regular Meeting: **Motion to approve made by Siltman, seconded by Smuda. All present voted aye.**

**NEW BUSINESS** *a. New Bills being Proposed at the Capitol:*  
Legislation was heard Feb. 20 in the House Housing Finance and Policy Committee seeks to broadly preempt city zoning and land use authority and require residential density in many cities. Deputy Delougherty shared key points of the bill and a letter drafted by Clerk Okerman to Senator Lindsey Port and Senator Justin Eichorn on behalf of the Jenkins City Council expressing significant concerns with the proposed bills, as it takes away the City’s ability to maintain local zoning authority.  
**Consensus of the Planning Commission was to request that Council authorize the Commission to send a letter on their own behalf to Senators Lindsey Port & Justin Eichorn indicating the identical concerns of the City Council.**  
Chairman Stricker requested that a summary be prepared to share on social media to bring awareness to members of the Community regarding the proposed bills. **Commission consensus.**

**UNFINISHED BUSINESS** *a. Commercial Storage/Mini-Storage:* The Planning Commission reviewed the City’s current ordinance and land use matrix, MN Statute 514.971 definition of self-service storage facilities, as well as ordinances from other Cities regarding commercial storage and mini-storage. The Commission had discussion regarding allowing commercial storage with and without a primary/principal use on the property, as our land use matrix only allows it as an accessory use in the 3 zoning districts (C1, C2, and I1) that these structures are currently allowed. Performance standards were also discussed, with an emphasis on whether or not to have esthetic requirements.  
**Consensus of the Commission was to further research earth tones and surrounding cities performance standards.**

**MISC/COMM**

***a. Planning & Zoning Administrator Report:*** Deputy Delougherty shared permit applications that the City has received since the last meeting; a permit for new construction of a residence and shed, and 2 sign permits that were issued for one business owner.

**ADJOURNMENT** **Motion to adjourn made by Commissioner St Stricker, seconded by Smuda at 7:30pm All present voted aye.**

Respectfully submitted by Cassandra Delougherty, Deputy Clerk.

\_\_\_\_\_  
Cassandra Delougherty, Deputy Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
Krista A. Okerman, City Clerk-Treasurer

City of Jenkins  
33861 Cottage Avenue  
Jenkins, MN 56474  
PH: (218) 568-4637


Ebnet Development  
Ted & Kimberly Ebnet  
6707 Wild Acres Road  
Pequot Lakes, MN 56472

City of Jenkins,

We would like to withdraw the Rezoning and conditional use permit applications at this time, and apply for a Planned Unit Development at a later date, due to the similar requirements by the city for storm water, drainage, plating, etc.

We would like the City of Jenkins to hold on to the permit application fees and put them toward the permit application fees for the PUD application when it is received by the city.

Sincerely,



Ted & Kimberly Ebnet  
Ted 218-851-7650  
Kim 218-838-7300



AGENDA ITEM # 5a

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty  
Date: April 24<sup>th</sup>, 2024  
Subject: Missing Middle Housing Bill

**Report:** Bills SF 3303, SF 3980 and SF 3964 were discussed at the April Planning Commission Meeting held on Monday, April 1<sup>st</sup>, 2024 at 6pm. The consensus of the Planning Commission was that City staff research &/or develop a summary indicating the intentions and main points of the proposed bills. The Commission requested that such information be provided to distribute through social media in an effort to bring citizens more awareness to the bills indicated above.

A letter was sent to Senator Lindsey Port and Senator Justin Eichorn, signed by the City of Jenkins Planning Commission Chairman, on its own behalf stating the same concerns that City Council indicated.

Attached, you will find the LMC summary of the proposed bills, along with a copy of the drafted letter that was sent to Senator Lindsey Port & Senator Justin Eichorn.

**Update:** The Senate Committee heard the Bill on Multifamily Residential Development in Commercial Areas. Attached is information on the Bill.  
The Missing Middle Housing Bill has been tabled for this session, thanks to lobbyists and others testifying before the Committee on behalf of Cities like ours.

# Missing Middle Housing Bill Includes Myriad of Statewide Zoning and Land Use Preemption Provisions

## Details of the proposed legislation

HF 4009/SF 3964, the “Missing Middle Housing” bill authored by Rep. Larry Kraft (DFL-St. Louis Park)/Sen. Nicole Mitchell (DFL-Woodbury) and HF 4010/SF 3980 authored by Rep. Alicia Kozlowski (DFL-Duluth)/ Sen. Susan Pha (DFL-Brooklyn Park) will be considered by the House Housing Finance and Policy Committee.

The bills, which are likely to be combined via an amendment, contain myriad of provisions that broadly preempt city zoning and land use authority and mandate various levels of density on residential and commercial lots regardless of infrastructure capacity while also creating required administrative review processes that eliminate public input.

While there are cities in all regions of the state that have adjusted their zoning ordinances over time to accommodate varying degrees of density, these decisions were made at the local level and ensured adequate infrastructure capacity while including public input from community members impacted by these changes. While the amendment clarifies several issues the League has raised and exempts Great Minnesota cities with populations of 5,000 or less from certain requirements, the Missing Middle Housing bill combined with HF 4010/SF 3980 still eliminates the ability for cities across the state to do either by including the following provisions in the bill language that was introduced:

- Sets a base level for density allowed on any residential lot by right (or without needing to go through a discretionary review processes) regardless of size at 2 units statewide and 4 units in cities of the first class. If certain conditions are met, 8 units are allowed in second-, third-, and fourth-class cities and 10 units may be allowed per lot in cities of the first class.
- Forces administrative approvals of projects that meet the standards in the bill language and prohibits public input in the approval process.
- Limits minimum lot size requirements to no greater than 2,500 square feet for first class cities and 4,000 square feet for all other cities except for Greater Minnesota cities with populations of less than 5,000.
- Requires all cities to accept Accessory Dwelling Units on all residential lots regardless of size and allows property owners to subdivide their lots by right.
- Prohibits off-street parking from being required close to major transit stops and limits off-street parking minimum requirements to 1 spot per unit in other areas.
- Allows multifamily buildings to be built up to 150 feet tall on any lot in a commercial zoning district.
- Broadly prohibits design standards for residential development and eliminates minimum square footage and floor area ratio requirements.

Saii

# CITY OF JENKINS

33861 Cottage Avenue  
Jenkins, MN 56474

Phone: 218-568-4637

Website: [www.cityofjenkins.com](http://www.cityofjenkins.com)



April 9<sup>th</sup>, 2024

Senator Lindsey Port  
3213 Minnesota Senate Building  
St. Paul, MN 55155

Re: Bills SF 3303, SF 4601, SF 3980 and SF 3964

Dear Senator Port:

On behalf of the Jenkins Planning Commission, as well as the City of Jenkins, I would like to express significant concerns with the above-named bills. Many of these bills take away the local authority for small cities such as Jenkins. The City of Jenkins has its own land use and zoning ordinances, which has been in place since the late 1990's. This was initiated by *residents* of Jenkins and we have had an active Planning Commission since.

Some of the language in these bills would replace our local zoning authority, taking away what we have identified locally as community priorities, housing needs, infrastructure and the protection of our natural resources. Jenkins is located in the beautiful Brainerd Lakes Area where our natural resources are very important to our area. We feel circumventing the local authority will be detrimental to our ability to continue the framework that we have in place. It was, and still is, strongly felt that we know what is best for our individual community. We encourage community engagement and take pride in the local efforts of our community and City leaders to ensure the health, safety and welfare of our residents.

Thank you for your time and your consideration of our concerns.

Sincerely,

---

Simon Stricker; Jenkins Planning Commission Chairman

C: Senator Justin Eichorn  
Jenkins Planning Commission

# Senate Committee Hears Multifamily Residential Development in Commercial Areas Bill

April 22, 2024

**The bill was amended by the committee to remove two concerning provisions for cities but was tabled and did not advance.**

On April 16, the Senate State and Local Government and Veterans Committee heard SF 4254 (Sen. Lindsey Port, DFL-Burnsville), which would require cities to accept multifamily residential development by right in commercial and certain industrial areas.

The bill was amended by a delete-everything amendment (pdf), further amended during discussions, and laid over for possible omnibus bill inclusion.

While the delete-everything amendment includes the vast majority of language in House version, HF 4010 (Rep. Alicia 'Liish' Kozlowski, DFL-Duluth), which includes provisions seeking to address concerns raised by the League, SF 4254 as amended included two additional provisions that are problematic to cities.

## Amendment provisions and changes

The delete-everything amendment included a provision that would have applied building permits to the 60-day rule in Minnesota Statute, section 15.99. This means if a city did not approve or deny the permit in 60-days, a building permit could have automatically been issued without adequate inspection and review.

The other provision would have exempted a city's ability to preserve commercial property and would have required multifamily development constructed under the bill to be mixed use if the proposed development is being constructed in a "blighted area," as defined in Minnesota Statutes, section 469.002.

The League cited concerns with both provisions in testimony before the committee. During the hearing, Sen. Heather Gustafson (DFL-Vadnais Heights) offered an amendment (pdf) to remove the two provisions. The amendment was adopted after a bipartisan 9-4 vote.

Other amendments that were added to the bill prior to the it being tabled include:

- Narrowly defining "public health, safety, and general welfare" for the purposes of city approval or denial of projects to fire safety, fire, and emergency services access, "insurmountable stress on existing local infrastructure," and traffic concerns related to developments with more than 300 units.
- Exempting developments that are 100% affordable (households with incomes at or below 60% of average median income) from official controls that cities could impose on projects constructed to be mixed-use properties.





AGENDA ITEM # 5b

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty  
Date: May 2<sup>nd</sup>, 2024  
Subject: Northland CUP

**Report:** At the April 1<sup>st</sup>, 2024 Planning Commission meeting, discussion took place regarding performance standards for Commercial Storage/Mini-Storage. During that time, a question was raised surrounding conditions for approval of an approved Conditional Use Permit for Northland Properties of Cass County LLC. The Planning Commission requested a review of the CUP conditions to determine if any conditions have not yet been met.

Please see attached *Resolution #21-12-215 Approving a Conditional Use Permit for Northland Properties of Cass County LLC*, dated 12-13-21, as well as the Report to City Council and letter to Mr. Lange, both dated 12-14-21.

**Commission Action Requested:** Please review the attached documents and make a recommendation on how to proceed regarding any unmet conditions of approval.

Document No.: 965556 ABSTRACT  
01/14/2022 08:53 AM Total Pages: 2  
Fees/Taxes In the Amount of: \$46.00  
GARY GRIFFIN  
CROW WING, MINNESOTA  
County Recorder  
Deputy: sarahh

**CITY OF JENKINS  
RESOLUTION #21-12-215  
APPROVING A CONDITIONAL USE PERMIT FOR  
NORTHLAND PROPERTIES OF CASS COUNTY LLC**

**WHEREAS**, Northland Properties of Cass County LLC (“Applicant”) has submitted an application for a Conditional Use Permit for Commercial Use (Other, Not Classified) at 3691 Poualak Street in the City of Jenkins, Minnesota; and

**WHEREAS**, the property is legally described as follows:

That part of the Northeast Quarter of the Southeast Quarter, Section 34, Township 137 North, Range 29 West; Crow Wing County, Minnesota, described as follows:  
Commencing at the east quarter corner of said section; thence South 00 degrees 14 minutes 06 seconds West, assumed bearing, along the east line of said Northeast Quarter of the Southeast Quarter 757.00 feet to the south line of the north 757.00 feet of said Northeast Quarter of the Southeast Quarter of the point of beginning of the tract to herein described; thence North 89 degrees 49 minutes 51 seconds West along said south line 507.09 feet; thence North 58 degrees 27 minutes 44 seconds West 180.61 feet; thence South 83 degrees 43 minutes 01 second West 161.14 feet; thence South 01 degree 39 minutes 24 seconds East 373.40 feet to the easterly right-of-way line of State Trunk Highway Number 371; thence South 22 degrees 01 minute 18 seconds East along said easterly right-of-way line 287.77 feet to the south line of said Northeast Quarter of the Southeast Quarter; thence South 89 degrees 56 minutes 39 seconds East along said last described south line 700.19 feet to the east line of said Northeast Quarter of the Southeast Quarter; thence North 00 degrees 14 minutes 06 seconds East along said east line 562.37 feet to the point of beginning.

Subject to and together with easement described in Document Number 901337. Also, subject to easements, restrictions and reservations of record.

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on October 4, 2021, and has recommended approval to the City Council; and

WHEREAS, further Planning Commission review took place on December 6, 2021 and recommendation was made to the City Council; and

WHEREAS, the City Council for the City of Jenkins considered the Planning Commission's recommendations at its October 12, 2021 and December 13, 2021 meetings.

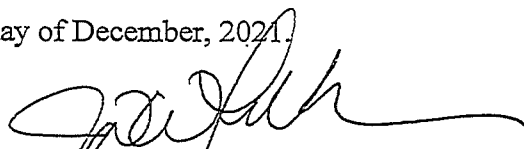
**NOW, THEREFOR, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF JENKINS, CROW WING COUNTY, MINNESOTA,** that it does hereby approve the request of Northland Properties of Cass County LLC for a Conditional Use Permit, based upon Subdivision Ordinance Section XI, 11.4 which provides the standards for granting a Conditional Use Permit. The City Council's Findings related to the standards are as follows:

1. The subject property is zoned C-2 Commercial.
2. The property is not serviced by municipal water or wastewater systems
3. Use(s) are not identified in the land use matrix, however commercial use (other not classified) is listed as a Conditional Use in the C2 district
4. The surrounding land uses consist of commercial property.
5. Notification requirements for the CUP application were met.
6. Per the submitted site plan, the applicant is proposing two onsite signs.
7. Landscaping and screening will need to be addressed per the performance standards of the C2 district.
8. A separate sign application would need to be submitted and approved
9. A separate land use application would need to be submitted and approved.

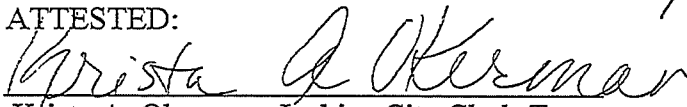
**FURTHER BE IT RESOLVED** that the following conditions of approval of the Conditional Use Permit shall be met:

1. Approval would be contingent on submitted, approved, and installed landscaping plan per the identified performance standards in the ordinance.
2. Install screening for the outdoor landscaping material(s).
3. Property owner would need to provide a parking plan with an adequate number of parking stalls determined by the Planning Commission or Council. Note: onsite parking spaces shall not be used for storage.
4. All required land use and sign permits would need to be submitted and approved by the city.
5. All fees are paid.

Adopted by the Jenkins City Council this 13<sup>th</sup> day of December, 2021.

  
\_\_\_\_\_  
Jon W. Lubke, Mayor

ATTESTED:

  
\_\_\_\_\_  
Krista A. Okerman, Jenkins City Clerk-Treasurer



AGENDA ITEM # 5bii

### REPORT TO CITY COUNCIL

**Prepared by:** Krista Okerman

**Date:** December 14, 2021

**Subject:** Lange CUP

**Report:** As directed the Planning Commission reviewed the Lange CUP due to the County denying access onto County Road 145, which was one of the conditions of approval. Attached is the new site plan that was submitted by Mr. Lange, which shows only one access onto Poulack Street. After reviewing the site plan, the Planning Commission unanimously recommended approval of the new site plan and CUP with the following new/amended conditions:

1. Due to the County denying access to County Road 145, the new site plan is approved showing one access on to Poulack Street thus eliminating Condition #2 and Finding #'s 6 and 9.
2. All other conditions and findings to apply.

Thus the final findings of facts and conditions for the CUP are recommended as follows:

#### FINDINGS:

1. The subject property is zoned C-2 Commercial.
2. The property is not serviced by municipal water or wastewater systems
3. Use(s) are not identified in the land use matrix, however commercial use (other not classified) is listed as a Conditional Use in the C2 district
4. The surrounding land uses consist of commercial property.
5. Notification requirements for the CUP application were met.
6. Applicant is proposing 2 accesses (local and county road "Old Highway 371")
7. Per the submitted site plan, the applicant is proposing 2 onsite signs.
8. Landscaping and screening will need to be addressed per the performance standards of the C2 district.
9. Driveway access to a county road requires permit and approval from county.
10. A separate sign application would need to be submitted and approved
11. A separate land use application would need to be submitted and approved.

#### CONDITIONS:

1. Approval would be contingent on submitted, approved, and installed landscaping plan per the identified performance standards in the ordinance.
2. Property shall provide a copy of an approved county driveway permit.
3. Install screening for the outdoor landscaping material(s).
4. Property owner would need to provide a parking plan with an adequate number of parking stalls determined by the Planning Commission or Council. Note: onsite parking spaces shall not be used for storage.
5. All required land use and sign permits would need to be submitted and approved by the city.

**Action requested:** The City Council can approve, deny or table this agenda item. If the motion is to table the item, staff would like further direction. If the motion is for approval, I have attached a Resolution to be filed with Crow Wing County.

# CITY OF JENKINS

33861 Cottage Avenue  
Jenkins, MN 56474

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Phone: 218-568-4637

Website: [www.ci.jenkins.mn.us](http://www.ci.jenkins.mn.us)



December 14, 2021

Mr. Nathan Lange  
Northland Properties of Cass County  
6549 County 126 NE  
Longville, MN 56655

Dear Mr. Lange:

I am returning your check #2028 for \$1,740.00. This check was for your building permit, which I have not received yet. We do not generally calculate and accept the permit fees until we have the permit on hand.

The Planning Commission and City Council have reviewed your updated site plan due to the County denying access to you onto County Road 145. Both unanimously approved the new site plan. Following are the new Findings and Conditions of approval:

#### **FINDINGS:**

1. The subject property is zoned C-2 Commercial.
2. The property is not serviced by municipal water or wastewater systems
3. Use(s) are not identified in the land use matrix, however commercial use (other not classified) is listed as a Conditional Use in the C2 district
4. The surrounding land uses consist of commercial property.
5. Notification requirements for the CUP application were met.
6. Per the submitted site plan, the applicant is proposing 2 onsite signs.
7. Landscaping and screening will need to be addressed per the performance standards of the C2 district.
8. A separate sign application would need to be submitted and approved
9. A separate land use application would need to be submitted and approved.

#### **CONDITIONS:**

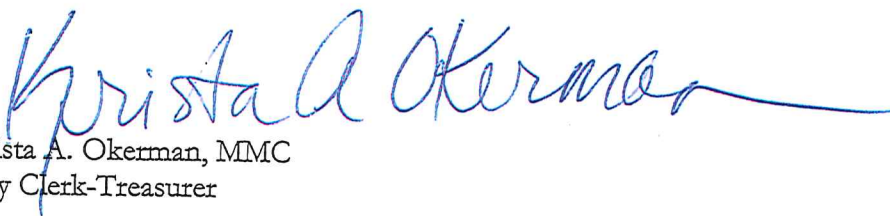
1. Approval would be contingent on submitted, approved, and installed landscaping plan per the identified performance standards in the ordinance.
2. Install screening for the outdoor landscaping material(s).

3. Property owner would need to provide a parking plan with an adequate number of parking stalls determined by the Planning Commission or Council. Note: onsite parking spaces shall not be used for storage.
4. All required land use and sign permits would need to be submitted and approved by the city.
5. All fees are paid.

Please note that the highlighted items are still outstanding. This is to inform you that any continued work and/or improvements to the property are strictly limited to site preparation until all said items have been addressed.

Feel free to contact me if you have any questions or concerns. We look forward to completion of the project and welcome your new venture into the City of Jenkins.

Sincerely,

A handwritten signature in blue ink that reads "Krista A. Okerman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Krista A. Okerman, MMC  
City Clerk-Treasurer



## PLANNING AND ZONING ADMINISTRATOR'S REPORT

1. **Permits:** The following permits have been issued since the last meeting:
  - a. Joshua Durham, 3384 Cemetery Rd, land use application for addition and garage.
  - b. James Tucker, 34651 Brown Blvd, driveway access permit. One 12" or 15" culvert required, per Public Works.
  - c. VFW Post 3839, 3341 Veteran St., Special Event Permit Application for 50yr Anniversary Celebration to be held June 20<sup>th</sup>-21<sup>st</sup>, 2024 with outdoor entertainment.
  - d. Ted & Kim Ebnet, Ebnet Development LLC., TBD Half Mile Rd., Rezone Application from A to RR Zoning District, for construction of duplexes. (CUP to follow if Rezone application is approved)-  
**APPLICATION HAS SINCE BEEN WITHDRAWN.**
  
2. **Code Enforcement:** Staff has sent the following correspondence for potential violations: **NONE**
  
3. **Complaints/Concerns:**
  - a. Excessive speeds on 12<sup>th</sup> Ave. Staff corresponded with Chief Davis, requesting extra patrols be completed by Pequot Lakes PD.
  - b. Veteran Street potholes.