

**ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, MARCH 2, 2016
7:00 P.M.**

CALL TO ORDER:

The regular meeting of the Anoka Planning Commission was called to order at 7:00 p.m.

ROLL CALL:

Planning Commissioners present: Chair Don Kjonaas, Peter Rech, Karna Brewer, Borgie Bonthuis, Manley Brahs, and James Cook.

Planning Commissioner absent: Sandy Herrala

Staff present: Associate Planner Darnell

APPROVAL OF MINUTES:

- a. Approval of February 2, 2016 Regular Meeting Minutes

MOTION WAS MADE BY COMMISSIONER BREWER, SECONDED BY COMMISSIONER BONTHUIS, TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 2, 2016

5 ayes – 0 nays – 1 abstain (Brahs). Motion carried.

- b. Approval of February 16, 2016 Work Session Minutes

MOTION WAS MADE BY COMMISSIONER RECH, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE WORK SESSION MINUTES OF FEBRUARY 16, 2016

6 ayes – 0 nays. Motion carried.

NEW BUSINESS:

None.

OLD BUSINESS:

- a. **A2016, Conditional Use Permit, 1030 McKinley Street**

Associate Planner Darnell reported the applicant, Peak Physique, owned by Tim Moes, is requesting a conditional use permit to operate a personal training studio at 1030 McKinley Street. The Planning Commission considered this application and held a public hearing during the regular meeting on February 2, 2016. At that meeting, the Planning Commission decided to postpone their recommendation in order for staff to complete further research on the covenants and restrictions associated with the property, as well as determine whether the Anoka Enterprise Park Architectural Review Board should have a role in reviewing or approving the establishment of this use on an Anoka Enterprise Park property.

Associate Planner Darnell reported staff completed additional research on the property restrictions as well as determine whether the Anoka Enterprise Park Architectural Review Board should have a role in reviewing or approving the establishment of this use on the property. All property in the Anoka Enterprise Park is subject to the Declaration of Covenant, Conditions, and Restrictions dated May 15, 1995 and filed with Anoka County as a document number 11660504. This Declaration of Covenants, Conditions, and Restrictions does restrict some uses, included in Section 2, and reads as follows:

2.2 Use. No Lot may be used for the following purposed: auto salvage yard; used material yard, exposed sales or storage; any use that would create an excess amount of sewage or runoff, or quality of sewage or runoff that would cause a disposal problem; unscreened outdoor storage of material; or the manufacture, storage or sale of explosives or similar dangerous products.

Based on this language, the proposed use is not restricted by the Anoka Enterprise Park covenants, but the warranty deed would restrict the use unless the City of Anoka provides written approval. The granting of a conditional use permit would serve as this written approval, and the proposed use would be allowed upon written approval from the City of Anoka.

Associate Planner Darnell reported the role Anoka Enterprise Architectural Review Board is to review constructions and alteration of improvements on property in the Anoka Enterprise Park. Because the conditional use permit application as proposed would not include any exterior changes to the building or suite, the Architectural Review Board would not have a role in reviewing or approving this planning application. Section 3.2 (a) states:

...no Improvement and no alteration which is visible from a Street or abutting Lot shall be constructed, erected, or maintained on a Lot unless and until the plans and specifications showing the nature, kind, shape, height, color, materials, and locations of the Improvement or alteration shall have been approved in writing by the Architectural Review Board.

Planning Commission Meeting Minutes

March 2, 2016

Page 3 of 7

Associate Planner Darnell stated the use that is being proposed is not restricted based on the Declaration of Covenants, Conditions, and Restrictions, but that the warranty deed for the property does restrict the use unless the City provides writing approval of the use.

Staff recommends approval of the conditional use permit at 1030 McKinley Street, which would satisfy the requirement of written approval of this type of use in the property's warranty deed, with the following conditions:

- 1) The personal training studio will operate in Suite 1036, which is located in the existing building on the east side of the property.
- 2) Any new signage must comply with the standards of M-1 Light Industrial District.
- 3) All parking stalls shall be maintained according to the originally approved site plan and standards set forth in the City Code. All vehicles on the lot shall be located in a designated parking stall.
- 4) If the fourth suite in the eastern building is leased out in the future, the property owner will allow the City to determine whether the proof of parking area will need to be utilized or whether the site can accommodate all of the users through joint parking.

Commissioner Brewer stated the conditions for approval do not have anything to do with the use of the building and asked how many conditions would have to be found unmet in order to deny the application. Associate Planner Darnell stated the conditions are solidifying what was proposed in the application and what is being proposed for the use itself.

Commissioner Brahs stated he could not find 1030 McKinley street and it may be on the west side of the building. Associate Planner Darnell stated the entire property at 1030 McKinley contains two buildings and the applicant would be in the building on the east in Suite 1036.

Commissioner Cook referred to page two of this application in the staff report and read "The property is intended to be used for office, warehouse, manufacturing and distribution purposes. No part of the property shall be used for an "adult use" business, as defined in Chapter 36 of the Anoka City Code. No part of the property shall be used for a retail or service business without prior written approval." He asked why the City of Anoka would provide a written letter of approval for a property that was never its intended use. The warranty deed does restrict the use and there is a conflict of interest. The City wants something for its stated purpose and then it appears they are requesting a letter so that the City can go against what the stated purpose for the property is.

Associate Planner Darnell stated this language was included in the warranty deed itself and may have been added there to provide for some flexibility with the City to allow another type of business and is consistent with the City code in that it has a conditional use listed as retail and service business which would require approval of a conditional use. The Planning Commission and City Council need to decide if the use being proposed meets the definition of complimentary to the permitted uses in the district.

Commissioner Cook stated it is not a complimentary use. A complimentary use would be a retail store that sells parts that help the businesses in the industrial park. Chair Kjonaas stated he agrees, but it is not clear in the covenants and rules of the association. This proposed use is allowable under City Code and within the rules of the industrial park.

Commissioner Bonthuis referred to the line in the warranty deed that stated the property shall not be used for an “adult use” business and stated that is what this application is. Commissioner Brewer stated that was in the deed to keep out adult bookstores.

Commissioner Brewer asked if the owner of the building is aware of the discussion. Associate Planner Darnell stated he has spoken to the owner and is supportive of the use. The suite has been vacant for four years.

Commissioner Brahs stated he spoke with one of the business owners in the industrial park who stated they are encouraging a wellness program for their employees and was excited to have this application go through.

Commissioner Rech stated he agrees with Commissioner Cook, but the space has been empty for four years and this may be the best use for the space.

MOTION WAS MADE BY COMMISSIONER BRAHS, SECONDED BY COMMISSIONER RECH, TO APPROVE THE APPLICATION A2016-1 CONDITIONAL USE PERMIT, 1030 MCKINLEY STREET, WITH THE FOLLOWING CONDITIONS:

- 1) The personal training studio will operate in Suite 1036, which is located in the existing building on the east side of the property.
- 2) Any new signage must comply with the standards of M-1 Light Industrial District.
- 3) All parking stalls shall be maintained according to the originally approved site plan and standards set forth in the City Code. All vehicles on the lot shall be located in a designated parking stall.
- 4) If the fourth suite in the eastern building is leased out in the future, the property owner will allow the City to determine whether the proof of parking area will need to be utilized or whether the site can accommodate all of the users through joint parking.

4 ayes – 2 nays (Brewer and Cook). Motion carried.

PUBLIC HEARINGS ON NEW APPLICATIONS:

- a. A2016-2, Variance, 1803 First Avenue**

Associate Planner Darnell reported the applicants, Jim and Sharon Smith, are requesting a variance to allow for the construction of a new garage and driveway at 1803 First Street, that will result in exceeding the impervious surface coverage of their lot. The property is located on a corner in the lot in the R-4 High Density Residential zoning district.

Associate Planner Darnell reported the applicant has an existing garage on the property that is nonconforming. The current garage is 13 feet by 23 feet (299 square feet), which is smaller than the minimum of 440 square feet required for garages that serve single family dwelling units in the R-4 zoning district. The garage is currently set back only two feet from the side property line and 12 feet from the front property line. Both of these setbacks are less than the minimum setbacks required. The garage is also in poor condition and is not usable for vehicle storage.

Associate Planner Darnell reported the applicant is proposing to demolish the existing garage and construct a new 24 foot by 32 foot (768 square feet) garage that would meet the minimum setback requirements. The applicant would also be replacing the existing gravel driveway, which is nonconforming, with a bituminous or concrete driveway to access the new garage. By relocating the garage, expanding the garage, and extending the driveway to access the new garage, the total impervious surface coverage of the lot increases to 40.1%. This request is to allow the total impervious surface coverage of the lot to be 40.1%.

Associate Planner Darnell reported on the findings for practical difficulty. If the applicant replaced the garage in the same footprint of the old garage, it would maintain several nonconformities and would not resolve the issues of vehicle storage. The relocation of the garage and driveway results in lot coverage of 40.1% that exceeds the maximum of 30% in the R-4 zoning district. However, the R-4 district does not specifically regulate what the impervious surface coverage should be for single-family dwellings. The standard impervious surface coverage maximum for single-family dwelling units in other districts is 35%, which the proposed plan still exceeds. Also, the proposed plans include a 24-foot wide driveway to access the garage that is also 24 feet wide. If this variance request is approved, staff would recommend the driveway width be reduced to 16 feet, to reduce the impervious surface coverage.

Associate Planner Darnell reported on several physical circumstances unique to the property. Given the existing garage size, the existing impervious surface coverage, and the unique size and location of the corner lot, staff believes there are physical circumstances unique to the lot not created by the land owner that result in the need of a variance. The garage will be an improvement to the property and neighborhood and not alter the essential character of the neighborhood.

Associate Planner Darnell stated staff believes the request meets the criteria required to grant a variance based on the findings in the staff report and there is a practical difficulty present. Staff is also supportive of removing the nonconformities associated with the size and location of the existing garage. Staff recommends approval of the variance with the following conditions:

Planning Commission Meeting Minutes

March 2, 2016

Page 6 of 7

- 1) The driveway shall be constructed at 16 feet wide to reduce the impervious surface coverage of the lot to 37.6%.
- 2) The applicant shall apply for a building permit and driveway permit.
- 3) The exterior materials of the new garage shall be compatible with the principal building.

Chair Kjonaas thanked the property owners for their work on improving the house and supports reducing the driveway to 16 feet.

Commissioner Brahs stated the homes in Anoka are old and supports young families that move into the City and improve the properties. Because of this, variances should be supported.

Commissioner Rech asked if any trees will be removed to build the propose garage. Associate Planner Darnell stated there may be one that will be removed. The tree replacement ratio for residential lots is 1:1 ratio for significant trees measuring eight inches in diameter and four and a half feet above the ground. The replacement of significant trees could be added as a condition of approval.

Chair Kjonaas opened the public hearing at 7:54 p.m.

Mr. Jeremy Smith, property owner of 1803 First Avenue, stated he is requesting this variance to have a functional garage and for it to maintain the value of his home. It would be difficult to resell the home with a one-stall garage. The lot has many mature trees and the tree in question would need to be removed.

Commissioner Brahs asked Mr. Smith about the proposed 24 foot width of the driveway and if he would be okay with a 16 foot width. Mr. Smith replied he would be fine with a 16-foot wide driveway and it would need to reduce down to 12 feet wide at the street to meet the curb cut out. This reduction could result in a lower impervious surface.

Mrs. Sharon Smith, owner of 1803 First Avenue, stated they are requesting a larger garage to store things to avoid building a shed on the property. Chair Kjonaas stated once this garage is built, they will not be able to build anything else on the property.

Chair Kjonaas asked about the fence on the property. Mrs. Smith stated the fence will come down and eventually be replaced.

Chair Kjonaas closed the public hearing at 8:02 p.m.

MOTION WAS MADE BY COMMISSIONER COOK, SECONDED BY COMMISSIONER BRAHS, TO APPROVE THE APPLICATION A2016-2 VARIANCE, 1803 FIRST AVENUE, WITH THE FOLLOWING CONDITIONS:

- 1) The driveway shall be constructed at 16 feet wide to reduce the impervious surface coverage of the lot to 37.6%.
- 2) The applicant shall apply for a building permit and driveway permit.
- 3) The exterior materials of the new garage shall be compatible with the principal building.

Associate Planner Darnell advised this application will be before the City Council on March 21, 2016.

MISCELLANEOUS:

Next work session will be Tuesday, March 15, 2016 at 6:00 p.m. with a meeting at 7:00 p.m. regarding the Anoka Station Park
Meeting with the Park Board on Tuesday, March 15, 2016 at 7:00 p.m.
Next regular meeting will be either be Tuesday, April 5, 2016 at 7:00 p.m.

Commissioner Brewer recommended when the variance request for 1803 First Avenue be presented to the City Council and a diagram shown of how the property will look with the 16-foot reduced driveway tapered down to the curb cut. Associate Planner agreed and stated he will also verify with the Engineering staff if the sewer at the end of the driveway is permanent and unable to be moved.

ADJOURNMENT:

MOTION WAS MADE BY COMMISSIONER BONTHUIS, SECONDED BY COMMISSIONER BREWER, TO ADJOURN THE MEETING.

6 ayes – 0 nays. Motion carried.

Time of adjournment: 8:06 p.m.

Submitted by Chuck Darnell, Associate Planner