

**ANOKA PLANNING COMMISSION
REGULAR MEETING
ANOKA CITY HALL
TUESDAY, MAY 3, 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, and Manley Brahs.

Planning Commissioners absent: Sandy Herrala and James Cook.

Staff present: Associate Planner Darnell

APPROVAL OF MINUTES:

- a. Approval of April 5, 2016 Regular Meeting Minutes

Commissioner Brewer referred to page 17 of the minutes, third paragraph. She clarified the second line should read, "The building is full of classrooms and the people who are using the classrooms and live in the townhomes ~~are~~ cannot have cars on the premises."

Commissioner Brewer referred to page 18 of the minutes, fifth paragraph. It should read, "Commissioner Bonthuis asked ~~if~~ if the site is irrigated."

MOTION WAS MADE BY COMMISSIONER BRAHS, SECONDED BY COMMISSIONER BREWER, TO APPROVE THE REGULAR MEETING MINUTES OF APRIL 5, 2016

5 ayes – 0 nays. Motion carried.

NEW BUSINESS:

None.

OLD BUSINESS:

- a. **A2015-5 Variance Extension, 208 Clay Street**

Planning Commission Meeting Minutes

May 3, 2016

Page 2 of 7

Associate Planner Darnell reported the applicant, Anoka County, has submitted a request for an extension of a previously approved variance at the property at 208 Clay Street. The applicant had previously applied for two variances to construct a new single-family house on the property, and the City of Anoka approved the variances on May 18, 2015. The variances that were approved were to reduce the required front yard setback from 25 feet to 13.5 feet and to increase the amount of impervious surface coverage from 35% to 39.8%.

Associate Planner Darnell reported the applicant has requested an extension of 6 months. The applicant is in need of an extension due to delays in determining how to treat the shared garage that is located along the east side of the property. The existing garage is shared with the neighboring property owner, and the garage is currently located over the property line between the two properties. The applicant has developed new plans for how to treat the garage, which will change the originally approved site plans that were reviewed during the variance review in 2015.

Associate Planner Darnell reported this application was considered at the April 5, 2016 Planning Commission meeting, and was postponed to allow for the applicant to address concerns that the Planning Commission had with the new site plan.

Associate Planner Darnell reported since the April 5, 2016 Planning Commission meeting, the applicant has had conversations with the neighboring property owner. After the applicant shared the details of their structural engineer's report, the neighboring property owner stated that he was content with the plan to split the existing garage and keep his portion of the garage intact. He was generally content with other aspects of the applicant's proposed plans, including the 3-foot distance proposed between the two garages, but still desired to see the new garage setback from the front property line the same distance as the existing garage.

Associate Planner Darnell stated the applicant has adjusted their site plan since the April Planning Commission meeting to address some of the concerns that were raised at that meeting. The applicant has shifted the new garage and driveway to the west, and is proposing to locate the garage as close to the proposed house as possible. City Code requires that a minimum distance of 5 feet be maintained between principle and accessory structures, and this 5-foot distance is now shown on the applicant's updated site plan.

Associate Planner Darnell reported the portion of the existing garage that will remain will actually encroach 2 feet into the property at 208 Clay Street, even though it will remain under ownership of the neighboring property owner. After shifting the proposed new garage to the west as close to the proposed house as possible, the proposed new garage will be setback 5.91 feet from the property line. It will then be 3.91 feet from the existing garage that will remain intact, which is a slight increase from the 3 feet that was proposed between the two garages in the site plan that was reviewed at the April Planning Commission meeting. Staff has verified

Planning Commission Meeting Minutes

May 3, 2016

Page 3 of 7

that there are not building or fire code issues with accessory structures being located 3.91 feet apart.

Associate Planner Darnell stated the variance to increase the impervious surface coverage to 39.8% was previously approved because the additional hard surface that caused the increase was due to the new home construction and not the addition of a larger driveway or paved area. The proposed new garage will necessitate a new driveway. However, the size of the proposed driveway is actually smaller than the existing concrete driveway that would have remained under the originally approved site plan. The existing driveway on the property at 208 Clay Street is 687 square feet. The proposed driveway to access the new garage is 542 square feet. An additional 83 square feet of the existing driveway will remain to provide access to the portion of the existing garage that will be maintained. Therefore, the total amount of paved surface that is proposed on the property is 625 square feet, which is a reduction in paved surface from the originally approved site plan.

Associate Planner Darnell stated staff believes that the original reasons for approving the variances are still valid, even with the proposed changes to the site plan. The same practical difficulties exist at the property. The applicant has demonstrated that the request is still reasonable, that there are physical circumstances unique to the property causing the need for the variances, and that the request will still not alter the essential character of the neighborhood.

Associate Planner Darnell reported staff also believes, based on the new information that the applicant has obtained from a structural engineer, that the condition of their portion of the existing garage necessitates the removal and reconstruction of a new garage. The fact that the partition wall was constructed 2 feet over the shared property line is a unique physical circumstance that was not created by the property owner themselves. This unique circumstance could be considered a practical difficulty, and is resulting in the new garage be located only 3.91 feet from the portion of the existing garage that will remain.

Associate Planner Darnell stated under normal circumstances, each detached garage would have a 5-foot setback from the property line and therefore create a space of 10 feet between the structures. The applicant is meeting their required side yard setback and is proposing to locate the garage as far from the property line as possible, while still meeting the other side yard setback and keeping the required amount of space between the proposed new garage and house. However, they have no control over the encroachment of the neighboring property owner's garage into their property.

Staff recommends approval of the variance extension with the inclusion of the original conditions that still apply and two new conditions:

1. Construction on the site shall be consistent with the site plan dated April 25, 2016.
2. The structure shall be compatible in scale, mass, form and color with adjacent structures and the pattern of the surrounding neighborhood.

Planning Commission Meeting Minutes

May 3, 2016

Page 4 of 7

3. The house building lines, variable rooflines, door and window placement shall minimize blank wall mass and house orientation to the street must present a balanced and pleasing view from all sides.
4. Landscaping shall be consistent with the landscaping plans dated March 23, 2016. The landscaping shall include a minimum of 2 trees and 8 shrubs. One of these trees will serve as the replacement for the existing tree on the northeast corner of the property that will be removed during construction. Trees shall be a minimum 2 1/2 inches in diameter if deciduous, or six (6) feet in height if coniferous, measured at 4.5 feet above ground. Replacement trees shall be balled and burlap. Landscaping must be complete prior to Certificate of Occupancy and have a warranty period of one year from installation.
5. The applicant shall install a French drain or something similar as approved by the City's Engineering Department, on the interior fence line between 208 Clay Street and the property to the west. The applicant shall also submit a drainage plan to address potential run-off from the driveway to the house. This plan shall be approved by the City's engineering department.
6. Exterior materials (siding, soffit, doors and windows) should be maintenance free. Brick, aluminum, vinyl, steel and stucco are preferred.
7. The applicant shall construct an exterior wall on the west side of the portion of the existing garage that will remain to be of similar building materials to the other sides of the existing garage.
8. Façade treatments - The following 7 elements shall be used as design features on the home.
 - Roof overhangs (minimum 12 inches on front, side and rear elevations)
 - Front façade containing no garage doors as garage is a separate structure
 - Decorative front door (minimum 25% glazing)
 - Accent siding, colored shakes on front gable, to match front door
 - Window grids, permanent, on front four windows only.
 - Gable accent or decorative gable vents
 - Change in elevation of roof ridge

Commissioner Brewer commented there is a law that states if a structure is destroyed by more than 50%, it can be rebuilt on its existing footprint. She discussed with Associate Planner Darnell the encroachment of the existing garage onto the neighboring property and what would happen if the existing garage was destroyed. She requested language be added that states the existing garage would not be rebuilt on the neighboring property.

Associate Planner Darnell stated the City attorney is still doing some research on this. If the garage was damaged enough to be replaced, the applicant would need to submit building permits. At that point the City attorney would need to determine the final action on how it should be treated.

Planning Commission Meeting Minutes

May 3, 2016

Page 5 of 7

Chair Kjonaas inquired if it could be added as a condition. Associate Planner Darnell stated he was not comfortable making it a condition based on the attorney not knowing whether the nonconforming language would allow him to place the structure two feet into the property. The nonconforming language might trump a condition of approval.

Commissioner Bonthuis asked why the garage is not being taken down beyond the partition so the garage does not encroach on the property. Associate Planner Darnell stated the agreement stated the party wall between the two garages must be maintained. The garage owner owns the structure that is encroaching on the county's land, not the land.

Ms. Karen Skepper, Director of Community and Government Relations for Anoka County, stated the County's attorneys have determined the shared party wall does encroach on the County's property by a couple of feet. The County is consenting to the continued use of the garage as long as it remains there under this agreement. The property line is diagonal, so it only deals with the garage portion of the property and not two feet all the way down the property line.

Commissioner Rech asked if the County anticipates any difficulty in selling the newly constructed home due to the encroachment of the neighbor's garage. Ms. Skepper stated party wall agreements exist for this type of issue. The market for this type of home is high and they do not anticipate it to be an issue. The agreement will be clearly explained and put in writing, and they will suggest to future homebuyers they do the same.

Associate Planner Darnell commented the City attorney has determined that if the City approves the removal of the garage and construction of a new garage, any damage that might occur to the existing garage is between the two property owners and the City is not liable.

MOTION WAS MADE BY COMMISSIONER BRAHS, SECONDED BY COMMISSIONER BONTHUIS, TO APPROVE THE APPLICATION A2016-5 VARIANCE EXTENSION, 208 CLAY STREET, WITH THE FOLLOWING CONDITIONS:

1. Construction on the site shall be consistent with the site plan dated April 25, 2016.
2. The structure shall be compatible in scale, mass, form and color with adjacent structures and the pattern of the surrounding neighborhood.
3. The house building lines, variable rooflines, door and window placement shall minimize blank wall mass and house orientation to the street must present a balanced and pleasing view from all sides.
4. Landscaping shall be consistent with the landscaping plans dated March 23, 2016. The landscaping shall include a minimum of 2 trees and 8 shrubs. One of these trees will serve as the replacement for the existing tree on the northeast corner of the property that will be removed during construction. Trees shall be a minimum 2 1/2 inches in diameter if deciduous, or six (6) feet in height if coniferous, measured at 4.5

- feet above ground. Replacement trees shall be balled and burlap. Landscaping must be complete prior to Certificate of Occupancy and have a warranty period of one year from installation.
5. The applicant shall install a French drain or something similar as approved by the City's Engineering Department, on the interior fence line between 208 Clay Street and the property to the west. The applicant shall also submit a drainage plan to address potential run-off from the driveway to the house. This plan shall be approved by the City's engineering department.
 6. Exterior materials (siding, soffit, doors and windows) should be maintenance free. Brick, aluminum, vinyl, steel and stucco are preferred.
 7. The applicant shall construct an exterior wall on the west side of the portion of the existing garage that will remain to be of similar building materials to the other sides of the existing garage.
 8. Façade treatments - The following 7 elements shall be used as design features on the home.
 - Roof overhangs (minimum 12 inches on front, side and rear elevations)
 - Front façade containing no garage doors as garage is a separate structure
 - Decorative front door (minimum 25% glazing)
 - Accent siding, colored shakes on front gable, to match front door
 - Window grids, permanent, on front four windows only.
 - Gable accent or decorative gable vents
 - Change in elevation of roof ridge

Commissioner Brewer stated she is proud of the applicant and neighboring homeowner for coming to an agreement so the application can move forward.

5 ayes – 0 nays. Motion carried.

PUBLIC HEARINGS ON NEW APPLICATIONS:

None.

MISCELLANEOUS:

Next work session will be Tuesday, May 17, 2016 at 6:00 p.m.
Next regular meeting will be Tuesday, June 7, 2016 at 7:00 p.m.

Associate Planner Darnell advised on the work session agenda, there may be a discussion about home occupations and there has been one application received for the regular meeting.

Commissioner Brewer stated she will not be at the work session meeting.

Planning Commission Meeting Minutes

May 3, 2016

Page 7 of 7

ADJOURNMENT:

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

5 ayes – 0 nays. Motion carried.

Time of adjournment: 7:22 p.m.

Submitted by Chuck Darnell, Associate Planner